



**Colac Otway**  
SHIRE

**ORDINARY COUNCIL MEETING**

**AGENDA**

**Wednesday 24 March 2021**

**at 4:00 PM**

**COPACC**

**95 - 97 Gellibrand Street, Colac**

**Next Council Meeting: 28 April 2021**



# COLAC OTWAY SHIRE COUNCIL MEETING

Wednesday 24 March 2021

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## COLAC OTWAY SHIRE COUNCIL MEETING

NOTICE is hereby given that the next **COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL** will be held at COPACC on Wednesday 24 March 2021 at 4:00 PM.

### AGENDA

#### **1 DECLARATION OF OPENING OF MEETING**

##### **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 AND LEAVES OF ABSENCE**

#### **4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY**

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

##### **RECORDING AND PUBLICATION OF MEETINGS**

Please note: All Council and Committee meetings will be live streamed and recorded (where it is practicably possible to do so), and the meeting location has the required equipment and internet capability. This includes the public participation sections of the meetings. However, matters identified as confidential items in the Agenda will not be live streamed or recorded.

By participating in open Council meetings, individuals consent to the use and disclosure of the information they share at the meeting (including any personal and/or sensitive information).

As soon as practicable following each open Council meeting, the live stream recording will be accessible on Council's website. Audio recordings are also taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy. Live stream and audio recordings will be retained by Council for a period of four years.

As stated in the Governance Rules, other than an official Council recording, no video or audio recording of proceedings of Council Meetings will be permitted without specific approval by resolution of the relevant Council Meeting.

A registration system will be in place for the March Council meeting to allow members of the public to attend this meeting. To ensure COVID-19 restrictions are adhered to, the number of people allowed to attend will be capped according to the room size, therefore any person who wishes to attend the meeting must register by contacting the shire before 5:00pm on Tuesday 23 March 2021.

## **5 QUESTION TIME**

A maximum of 30 minutes is allowed for question time. To ensure that each member of the gallery has the opportunity to ask questions, it may be necessary to allow a maximum of two questions from each person in the first instance. 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. Question time 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.

## **6 TABLING OF RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETING**

These responses will not be read out but will be included in the minutes of this meeting.

## **7 PETITIONS / JOINT LETTERS**

Nil

## **8 DECLARATIONS OF INTEREST**

A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.

## **9 CONFIRMATION OF MINUTES**

- **Ordinary Council Meeting held on 24 February 2021.**

### **Recommendation**

***That Council confirm the minutes of the Ordinary Council Meeting held on 24 February 2021.***

Item: 10.1

## Petition - Traffic Management in Old Coach Road Skenes Creek

<b>OFFICER</b>	Timothy Brain, Maddy Bisits
<b>GENERAL MANAGER</b>	Tony McGann
<b>DIVISION</b>	Environment & Infrastructure
<b>ATTACHMENTS</b>	1. Public Responses - Old Coach Road - Traffic Proposal Sept Oct 2020 [10.1.1 - 6 pages]
<b>PURPOSE</b>	To present a response to the Old Coach Road traffic management petition, following the completion of community consultation.

### 1. EXECUTIVE SUMMARY

In March 2020, Council received a petition from 84 people, including 20 residents of Skenes Creek, requesting improvements to the traffic management of Old Coach Road.

Officers initially worked with petition organisers and other stakeholders to explore options to address concerns of speeding and increased traffic currently using the road as an alternative route to the main road. Site investigations confirmed that speeding vehicles and an increased volume of traffic were causing amenity and potential safety issues for residents and pedestrians using the road.

A potential solution was presented at the August 2020 Ordinary Council Meeting (OCM), including;

- Changing of the GPS classification to redirect motorists to Skenes Creek Road;
- Improved signage; and
- Installation of two locked gates with controlled access only at the northern end of Old Coach Road to control through traffic.

Council resolved to place the proposal on public exhibition for a period of 6 weeks from 31 August until 12 October 2020.

167 submissions were received with 88 supporting the proposal, 41 somewhat in support of aspects of the proposal, 37 not supporting the proposal and 1 wanting more information.

The key concern raised by those not in support of the proposal was blocking of emergency access. The proposal has been discussed with the CFA and DELWP who have indicated that “the support from the fire response agencies and the MFMPC (Municipal Fire Management Planning Committee) (is) conditional on the gate not being locked, however a self-closing gate would be acceptable.”

The updated proposal to have self-closing gates on the back of the above advice was run past Ambulance Victoria and Victoria Police (previously against the proposal). Ambulance Victoria stated they were “happy with the proposed changes” and Victoria Police stated that they are “agreeable that the gate system you have suggested as a trial is a suitable option”.

Based on the community and emergency services responses, the officer recommendation has been updated to:

- Changing of the GPS information to direct motorists down Skenes Creek Road;
- Improved signage, including warning signage for pedestrians, cyclists and vehicles traversing the road;
- A one-year trial of self-closing, unlocked gates and associated signage at two locations;
- Advocating to Regional Roads Victoria (RRV) for further signage encouraging the use of Skenes Creek Road;
- Apply to RRV for a speed reduction in the 100km/h section of Old Coach Road and a review of signage on arterial roads encouraging use of Skenes Creek Road; and
- Installation of speed humps at the southern, sealed section of Old Coach Road if required following the one-year trial of the gates.

The proposal is to implement these changes over the coming months within existing budgets.

## 2. RECOMMENDATION

### *That Council:*

- 1. Advise the petition organiser, all Skenes Creek residents, landowners on Old Coach Road, and emergency service providers in writing of Council’s decision and upcoming changes;**
- 2. Remove existing 4WD signage;**
- 3. Install two unlocked, self-closing gates with affixed signage (e.g: slow down – automatic gate) at 93-115 Old Coach Road (just south of the Barwon Water tanks) and 160 Old Coach Road (southern end of the Council Depot area) for a period of one year as a trial;**
- 4. Monitor and assess the trial, including installation of traffic counters;**
- 5. Report the results of the trial to a Council Meeting, following the conclusion of the trial;**
- 6. Prepare a signage plan with new warning signage for pedestrians, cyclists and vehicles;**
- 7. Following the completion of the 12-month trial of the gates, as part of the report to Council, consider the installation of speed humps and associated signage in the sealed section of Old Coach Road to deter and slow through traffic;**
- 8. Contact relevant providers to request changes to the GPS system to redirect motorists down Skenes Creek Road;**
- 9. Apply to Regional Roads Victoria for a speed reduction on Old Coach Road from 100km/h to 50km/h; and**

10. Advocate to Regional Roads Victoria for the installation of further signage on arterial roads encouraging the use of Skenes Creek Road.

### 3. KEY INFORMATION

#### Site context

Old Coach Road is a 40 km/hour urban/rural minor road that runs between Skenes Creek Road from the south to 90 Old Coach Road where it then becomes a 100 km/hour rural minor road from 90 Old Coach Road to Skenes Creek Road to the north. The road is unsealed with steep topography and sharp bends on the northern section, there are also narrow verges on the road, which limit access and view lines for walkers on the road.

Old Coach Road is 1.9 kilometres long in comparison with the alternative section of Skenes Creek Road which is 4.2 kilometres long and, although it is steep, windy and unsealed, provides a slightly faster alternative route (refer to the location map below).



Location Map: Old Coach Road (shown in blue)

67 residential properties are located at the southern end of the road. A Barwon Water potable water storage facility is located half way along the road (90 Old Coach Road), which also houses an NBN tower. Seven rural properties are located at the northern end of the road. At the northern end of the road, north-west of 160 Old Coach Road, there is a Council 'depot' area where Colac Otway Shire stores crushed rock material.



The road forms part of an informal walking trail used by locals and visitors. Mountain bike riders are also reported to use the road. Walkers and cyclists currently traverse steep sections of narrow road with limited space on the verge to avoid passing cars.

### **Background**

In the past, residents had requested action to address speeding on Old Coach Road and in response Council had installed 'No 4WD' signage. In response to concerns about dust, Council had increased maintenance and grading of the road surface.

This didn't have the desired effects and in March 2020 a petition was submitted to Council requesting a meeting between Council and residents to discuss improvements to traffic conditions on Old Coach Road, Skenes Creek. The petition was signed by 84 people, 20 of whom were residents of Skenes Creek. This petition is included in the confidential attachment. The petition stated that prior interventions were having the unintended effect of encouraging 4WD's and speeding.

The main concerns identified in the petition were:

1. a perceived increase in the volume of traffic, presumably caused in part by tourists being directed down Old Coach Road by their GPS systems and in part by the use of the road as a short cut by locals and others; and
2. motorists observed speeding, particularly 4WD vehicles, causing dusty and dangerous conditions particularly for residents and walkers using the road.

The petition was tabled at the April 2020 Ordinary Council Meeting (OCM) and deferred to a future meeting at a time "when the COVID-19 pandemic has eased and the restrictions on the movement of people have been withdrawn by the State Government".

At the June 2020 OCM an update was provided in the agenda and a recommendation to bring a response to the petition to the August 2020 OCM, to allow time for traffic counts and further stakeholder consultation to be undertaken.

Between May and August 2020, Council officers undertook site inspections and traffic observations, discussions with the petition organisers, other residents and other stakeholders such as Barwon Water, installed traffic counters on site and took speed readings. Findings from these investigations are summarised below.

### **Findings from investigations**

From a joint site visit conducted with six residents on the 19 May 2020, it was observed that people were walking on the road with no alternative access available and that 4WD vehicles were speeding, which was causing safety issues and dust.

Traffic and speed counts were undertaken between 11 July and 26 July 2020. Counters were only installed at this time, as officers were waiting for Coronavirus restrictions to ease in order to obtain a sample of traffic movements that was representative of pre-COVID conditions.

When the counters were installed, some domestic visitation was occurring in the area, so whilst conditions were not typical, they provided an indication of road usage. The counters showed an average of 72 vehicles using the road per day. It is assumed, under normal circumstances, the traffic counts could be between 50-150 vehicles per day. This is a high count for a minor road, indicating that the road is being used as a 'shortcut'. It is noted that use of Old Coach Road as a short-cut was

somewhat exacerbated by the recently completed roadworks on Skenes Creek Road which commenced in May 2020 following the submission of the petition.

Heavy vehicles were not considered as a part of the assessment as they only made up a small proportion (0.34%) of the traffic counts.

9.2 % of the vehicles were recorded travelling above 50km/h, which is concerning for a road with steep topography and potential for pedestrian interaction.

### **Initial proposal**

At the August 2020 OCM, based on investigations and preliminary consultation, council officers proposed a combination of changes including:

- changing of the GPS classification to redirect motorists onto Skenes Creek Road;
- improved signage; and
- installation of locked, controlled access gates at two locations to control through traffic.

The below alternative motion was resolved by Council.

### ***That Council:***

- 1. endorses a six-week public consultation period on the proposal to re-classify the northern section of Old Coach Road as a 'controlled access road', including the installation of two gates, signage and associated treatments.***
- 2. requires that public consultation include; all residents and landowners on Old Coach Road and surrounding streets, emergency services, Ericsson, Barwon Water and a public notice in accordance with the requirements of the Road Management Act 2004.***
- 3. determines that a proposal be presented to a future Ordinary Council meeting of the next Council for consideration, including any recommended changes arising from the feedback received from the community and other stakeholders.***

### **Feedback from public exhibition period**

167 submissions were received with 88 supporting all aspects of the current proposal, 41 supporting some aspects of the current proposal, 37 not supporting the current proposal and 1 wanting more information. The summary of submissions is shown at **Attachment 1**.

The method of consultation is further outlined at section 4 of this report.

Although more than half of the submissions were in support of the proposal and 25% supported some aspects, the element mostly not supported (by the 41 people who partially supported the proposal) was the use of gates as summarised below.

<b>Element Supported</b>	<b>Number of Submissions Supporting the Element</b>
Everything but gates: ie: GPS reclassification and signage only	32
GPS reclassification only	8
Installing gates	3
Signage only	2

Element Supported	Number of Submissions Supporting the Element
Any traffic reduction measures	1

Approximately 42% of respondents overall opposed the installation of gates. It is not explicit, but can be derived from some responses, that the reason for the opposition was because the gates were proposed to be locked. Another concern raised was that locking gates would impact emergency services and local service providers within the controlled area, for example; nurses providing home care.

Submitters were encouraged to raise alternative suggestions, these included:

Alternatives Suggested	Number of Submissions Suggesting the Proposed Alternative
Speed Humps	22
Sealing the road	13
Re-adjust signage- No Through Rd, No 4WD, 40km.h speed signs	9
Install automated/easy-to-open gates	5
Speed cameras/police monitoring	4
Stop public access	4
Reduce speed limit	3
Adding pedestrian/bike paths	3
Taking road off Google Maps	2
Adding extra lane	2
Trim back foliage	1
Undertake additional research	1
More traffic volume counts	1

Submitters were also able to provide additional comments. These included:

- Illegal camping not an issue.
- Gates will block mountain bike access.
- Police use road as short cut to decrease response time.
- Emergency access blocked by gates.
- CFA won't be in area to open gates in an emergency.
- Public Road should remain open.
- Fisheries use road for surveillance, would need a key for gates (Victorian Fisheries).
- Gate would affect access to working farm on Old Coach Road.
- Gate would impact regular delivery drivers/nurses coming onto property.
- Useful short cut to Colac and avoids traffic.
- Anything to limit tourist access but keep open to locals.
- Would like safe access for bike riders.
- Gates should not be added.
- Koala colony endangered by traffic.
- Camper vans often get stuck in narrow section.
- 4-wheel drives regularly use road, traffic volume increasing.
- Dust pollution a problem.

- Anything but diverting traffic to Bass Crescent.
- Cars get bogged near the water tower on Old Coach Road.
- Safety of walkers and children a big concern.
- High risk of collision in narrow sections.
- Provided there is still some sort of access from Ozone St.
- Road not designed for large volumes of traffic.
- Put in more Apollo Bay signs before Skenes Creek turnoff.

### **Discussion**

The responses to the proposal represent a range of varied views and opinions about the current issues and the best way in which to address them.

What has been established through preliminary investigations and feedback is:

1. speeding is concern, primarily as it exacerbates amenity issues (dust) and presents safety concerns for walkers/cyclists using Old Coach Road.
2. through traffic volumes are fairly high for a minor road.

### **Speeding**

To address speeding on an unsealed road, traffic signage alone will not be effective and a combination of physical treatments, signage and potentially enforcement are required.

Speed humps cannot be installed on an unsealed road, as they present complications for maintenance and drainage of the road.

Current volumes of traffic are not high enough to warrant sealing the road and would likely have the adverse effect of encouraging more traffic and enable cars to travel at higher speeds. Sealing of the road is considered cost-prohibitive and would rely on a special charge scheme if it were to be supported.

Dust is present when vehicles travel on dry, unsealed roads and is exacerbated when cars speed. Council is currently investigating the use of alternative gravel materials and construction methods to reduce dust amenity issues. When the results of these investigations are known, alternative treatments may be applied in Old Coach Road.

Police enforcement may also assist in reducing speeding on Old Coach Road.

In some situations, creation of 'Shared Zone' can assist with slowing vehicles and creating a safer pedestrian environment. Shared Zones involve reducing speed limits and installing signage to give pedestrians priority in the roadway. Approval from RRV is required and must meet a series of criteria, including demonstration that high numbers of pedestrians are using the road. Shared Zones require a degree of enforcement which is difficult to implement in a rural location and current observations indicate that pedestrian volume criteria will not be met.

Signage can be installed as an alternative to a Shared Zone to help raise awareness for motorists of the presence of walkers and cyclists using the road. Council can also advocate to RRV for a speed limit reduction.

Limited space within the road reserve and proximity of native vegetation limit the feasibility of installing separate walking and cycling paths. Permits would be required for vegetation removal and erosion control and the overall cost of implementing the paths is unlikely to be warranted given the low volumes of walkers and cyclists. Costs are likely to be in excess of \$500,000.

Gates are considered to be an option to physically prevent motorists from speeding. In order to be effective, they would need to be installed at either end of the road. Given the feedback from emergency services and the community, the gates would need to be unlocked and self-closing.

Self-closing gates are not a common installation on public roads however we believe the below option could be trialled at both sites:

1. Solar powered automatic boom gates (refer image 1 below) that incorporate a sensor to open and close the gate.



Image 1: An example of a solar powered boom gate

This option is fairly inexpensive to install, however it is unknown if it will be effective or withstand acts of vandalism or damage from prolonged use. The option is not considered to be visually sympathetic to the local environment, however this may be considered acceptable by the community if it is effective in achieving the aim of deterring and slowing vehicles.

Unlocked gates that rely on road users to manually close them are not considered to be an option as it is unlikely people will do this. Although locals who signed the petition have stated a willingness to close the gates, this is not considered to be a reliable system.

Bump gates have been considered inappropriate due to their main use being on private farms due to the potential for vandalism by road users.

With any gate installed, adequate space will be left to the side of the gate for the free movement of cyclists and pedestrians.

### **High volumes of through traffic**

Based on feedback, it is noted that a proportion of through traffic is not just visitors, rather locals and services, so GPS re-routing may only have a marginal effect on the reduction of traffic volumes.

To deter through traffic, a combination of treatments may be effective, but would need to be trialled. These include:

- installation of self-closing gates to reduce overall travel times and make the route less desirable as a short-cut;
- GPS re-routing;
- signage stating: 'Local Traffic Only';
- installation of speed humps at the southern, sealed end of Old Coach Road; and
- speed limit reduction from 100km/h to 40 or 60km/ h in conjunction with enforcement.

### **Recommended Treatments**

Based on the considerations outlined in the discussion section of this report, the following treatments are proposed:

#### **Signage**

1. remove 4WD only signage in recognition that it may be encouraging 4WD use;
2. install warning signage for pedestrians, cyclists and vehicles traversing the road to advise of sharp bends and steep, rough conditions;
3. install signage warning motorists that pedestrians and cyclists are using the road;
4. install signage on self-closing gates eg: 'Slow Down – Self-closing or automatic gate'; and
5. speed limit signage, subject to approval of a speed reduction by RRV.

#### **Gate Trial**

Implement a one-year trial of unlocked gates including:

1. installation of a solar powered boom gate at the northern and southern end of the road (refer image two and three below);
2. installation of traffic counters prior to gate installation for a period of four weeks to capture pre-trial condition data on traffic volumes and speeds; and
3. assessment of gates throughout and at the end of the period to identify any signs of damage, mis-use or vandalism.



Image 2: Proposed Southern Gate Location

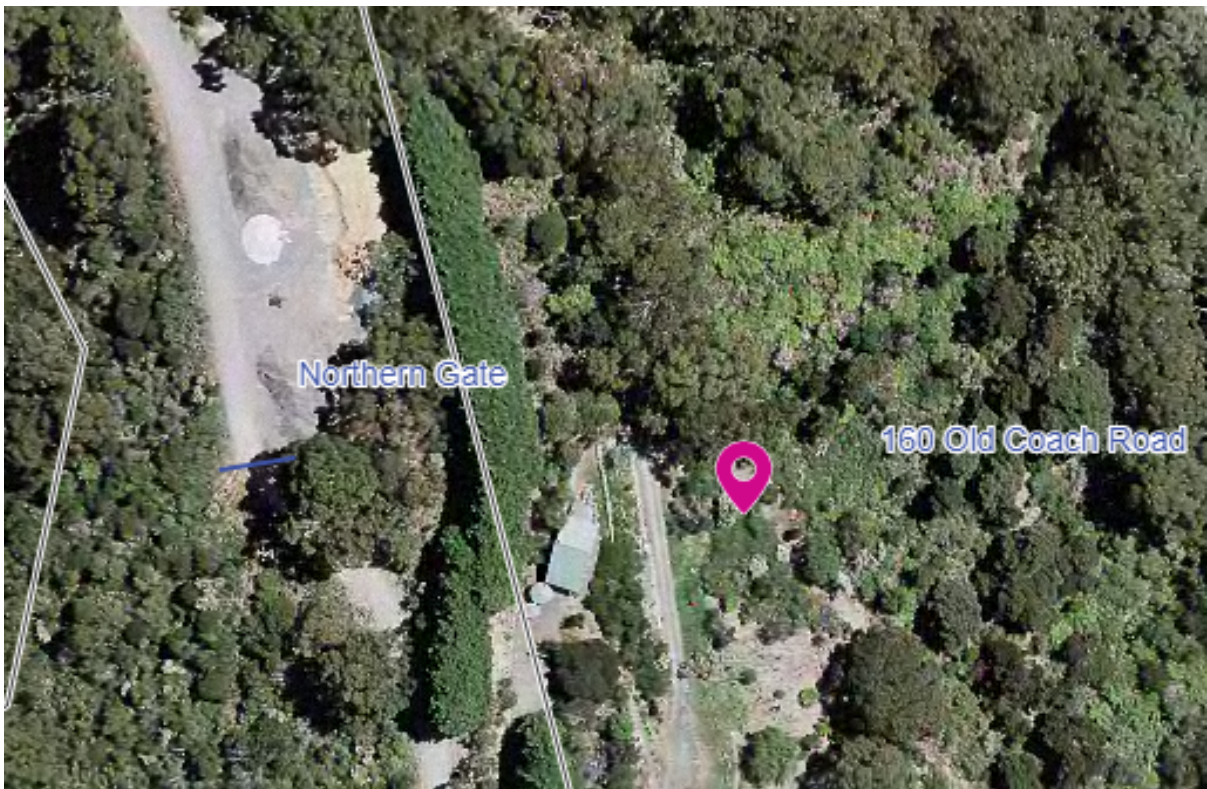


Image 3: Proposed Northern Gate Location

### **Speed limit reduction and RRV Signage**

1. Advocate to Regional Roads Victoria for further signage encouraging the use of Skenes Creek Road placed near the northern entry to Old Coach Road and southern end on the Great Ocean Road and intersection of Old Coach Road and Skenes Creek Road.
2. Submit a formal application to RRV for a reduced speed limit on Old Coach Road in the current 100 km/h section.
3. Following a one-year trial, advocate to Victoria Police for increased monitoring and enforcement and/or speed camera usage of other, physical treatments have not been successful.

### **Speed Humps**

1. Following the 12-month trial of the gates consider the installation of removable speed humps and associated signage in the southern section of Old Coach Road. These speed humps would only be required if the gates are not increasing the travel time of the road users enough to discourage the use of the road as a shortcut. Community consultation with local residents would also be required if installation was to occur.

## **4. COMMUNITY CONSULTATION & ENGAGEMENT**

Following the submission of the petition in March 2020, Council officers began discussions with the petition organisers, which included a joint site inspection on the 19th of May 2020. Council then agreed on a proposed scope with the petition organisers, which was represented in the August 2020 OCM report.

Barwon Water were contacted regarding the proposal to install locked gates and regarding gate locations and had supported this proposal.

Ericsson, the client of the NBN tower, were also contacted but did not respond.

Whilst the preliminary consultation with petition organisers and other key stakeholders had been favourable, further community consultation was undertaken with all residents of Skenes Creek and emergency services during the period of 31<sup>st</sup> of August 2020 until November 2020.

It was a requirement of the *Road Management Act 2004* to undertake public consultation on the proposed reclassification of the northern section of the road as a 'controlled access road'. This is no longer a requirement under the current proposal, which retains public access to all sections of the roadway.

The proposal was presented on Council's website, in the Colac Herald, Apollo Bay News, and in a letter sent to all residents and landholders on Old Coach Road and in the Skenes Creek township for their feedback. Emergency services were contacted directly via phone and email and options for gates and other treatments was tabled and discussed at the Colac Otway MFMPC meeting on the 12<sup>th</sup> of November 2020.



## 5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

Alignment to Council Plan 2017-2021:

Theme 3 - Our Community

1. Increase social connection opportunities and community safety.
4. Provision of resources to support physical activity by the community.

Theme 4 - Our Leadership & Management

2. Openness and accountability in decision making.
5. Communicate regularly with our community and involve them in decision-making.

## 6. CONSIDERATIONS

### ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

Environmentally, fewer vehicles, travelling at lower speeds is a positive result for wildlife in the area.

Socially and culturally, there will be benefits as the road will be able to be used as a walking and mountain bike riding track if vehicle speeds and volumes are reduced on the road.

Whilst visitors to the area are proposed to be deterred from this route, this is not anticipated to have a negative effect on tourism in the area.

### LEGAL & RISK

Risk will be decreased for vehicles due to further warning signage on the steepest section of the road, and gates will cause lower speeds and less vehicles which is anticipated to improve pedestrian safety.

### FINANCIAL & BUDGETARY

Total costs for implementation of all initial treatments (signage, gates) are estimated to be between \$10,000 - \$15,000:

- Supply and install of 2 gates - \$8-10,000;
- Signage (New) - \$2-5,000;
- Signage – remove – within existing operational budgets; and
- Vandalism costs – within existing operational budgets, unless full replacement is required.

Proposed treatments can be implemented from existing budgets.

## 7. IMPLEMENTATION STRATEGY

### COMMUNICATION

Emergency services, local residents, landowners (including Barwon Water and Ericsson) and petition organisers will be informed by mail and email of Council's decision following adoption of the recommendations. Information will also be presented on Council's website advising of upcoming changes and timeframes.

Council will notify and apply to the Australian Government Mapping Branch to redirect traffic to Skenes Creek Road.

### **Signage**

A signage plan will be prepared identifying all types and locations for signage proposed. The plan will be submitted to RRV for their review and approval along with an application for speed reduction and request for a review of RRV signage on Skenes Creek and Great Ocean Roads.

Speed reduction signage will be ordered and installed subject to RRV approval.

All other signage will be ordered and installed and is not subject to approval by RRV.

### **Gates**

Gates will be ordered and installed by Council's Services and Operations Department or the supplier.

### **Speed Humps**

At the end of the trial period and following further community consultation if the speed humps are deemed to be required, four speed humps will be ordered and installed along with the required signage.

### **TIMELINE**

All actions outlined above will be implemented within the following timeframes, following Council adoption of the recommendations. Note: Traffic counters will be installed for a period of three weeks over the easter holidays (following a Council resolution) to collect data during a known peak time.

<b>Action</b>	<b>Timeframe</b>
Communications	4 weeks
Signage removal	3 weeks
New signage	2-3 months
Speed humps	14-15 months (if deemed to be required these will take 2-3 months following the review)
Gates	2-4 months depending on supply lead times
Commencement of trial	Upon installation of gates and signage for a period of 12 months
GPS changes	6 weeks once verified by the Australian Government Mapping Branch

## **8. OFFICER DIRECT OR INDIRECT INTEREST**

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

## Public Responses- Old Coach Road Traffic Proposal- Sept/Oct 2020

Resident/Property Owner Old Coach Road	Resident/Property Owner Skenes Creek	Other	Supporting Current Proposal	Elements Supported	Alternatives Suggested	Additional Comments
	Yes		No			Illegal camping not an issue. Gates will block Mountain bike access
	Yes		No		Allow police to conduct speed reduction operation	Police use road to as short cut to decrease response time
	Yes		No		Asking for track to be taken off Google maps to decrease traffic	
	Yes		No		Cut back bushes on lower part of road to aid visibility/ add paths	
	Yes		No		Install speed cameras, speed limit signs to slow traffic	
Yes			No		Install speed cameras, speed limit signs to slow traffic	
	Yes		No		Local residents' opinions surveyed in more detail	
	Yes		No		Local Traffic only. Passing lanes. No 4WD signage	Who will have keys if gates are installed?
	Yes		No		No thru Road signs. Sealing road.	Emergency Access blocked by gates
	Yes		No		No Thru Road, residents pay for road sealing	
		CFA	No		Pedestrian footpaths, speed humps	CFA won't be in area to open gates in an emergency.
	Yes		No		Public Road should remain open	Public Road should remain open
	Yes		No		Sealing the road and add an extra lane	
Yes			No		Sealing the road	Emergency Access blocked by gates
	Yes		No		Sealing the road	
	Yes		No		Sealing the road	
	Yes		No		Sealing the road. Speed limit signs to slow traffic	
	Yes		No		Slow traffic, prevent erosion, discourage walkers	
	Yes		No		Speed humps or chicanes to slow traffic	
	Yes		No		Speed humps or chicanes to slow traffic	
	Yes		No		Speed humps or chicanes to slow traffic	
Yes			No		Speed humps/self locking gate	
	Yes		No		Speed limit signs	
		Dept of Fisheries	No			Fisheries use road for surveillance, would need a key for gates
	Yes		No			
	Yes		No			
Yes			No			
Yes			No			
	Yes		No			
	Yes		No			

Resident/Property Owner Old Coach Road	Resident/Property Owner Skenes Creek	Other	Supporting Current Proposal	Elements Supported	Alternatives Suggested	Additional Comments
	Yes		No			
	Yes		No			
	Yes		No			
	Yes		No			Emergency Access blocked by gates
	Yes		No	GPS Reclassification		
			No			
Yes			No			
	Yes		No	GPS Reclassification	Local Traffic Only signage	
Yes			No			Emergency and farm access an issue
Yes			No		Seal the road. Speed humps or chicaines to slow traffic	Emergency and farm access an issue
	Yes		No			Useful short cut to Colac and avoids traffic
Yes			More info needed			
	Yes		Some	Everything but gates		Anything to limit tourist access but keep open to locals
Yes			Some	Everything but gates	Bike path put in from Apollo Bay to Skenes Creek. Speed humps	Who will have keys if gates are installed? Is interested in traffic count data.
	Yes		Some	GPS Reclassification, signage	Automated gates- activated from cars	Will gate access be for all residents?
	Yes		Some	GPS Reclassification	No through Road/Local traffic only signs	
	Yes		Some		No Thru Rd Sign Ozone St. South gate/turnaround north of tower	
	Yes		Some	GPS Reclassification	Request track taken off Google Maps, speed signage	
	Yes		Some	GPS Reclassification	Seal road and add speed humps	
	Yes		Some	GPS Reclassification, signage	Seal road and add speed humps	
Yes			Some	Signage	Sealing the road	
Yes			Some	GPS Reclassification	Sealing the road and adding signage	
	Yes		Some	Everything but gates	Speed humps and speed cameras	
	Yes		Some		Speed humps between water tower and Ozone Street	
	Yes		Some	GPS Reclassification	Speed humps or chicanes to slow traffic	
Yes			Some	GPS Reclassification	Speed humps or chicanes to slow traffic	
	Yes		Some	GPS Reclassification, signage	Speed humps or chicanes to slow traffic	
Yes			Some	Everything but gates	Speed humps or chicanes to slow traffic	Emergency Access blocked by gates
Yes			Some	Everything but gates	Speed humps or chicanes to slow traffic, sealing road	Emergency Access blocked by gates
Yes			Some	Everything but gates		
	Yes		Some	Everything but gates		

Resident/Property Owner Old Coach Road	Resident/Property Owner Skenes Creek	Other	Supporting Current Proposal	Elements Supported	Alternatives Suggested	Additional Comments
	Yes		Some	Everything but gates		Emergency Access blocked by gates
	Yes		Some	Everything but gates		
	Yes		Some	Everything but gates		
	Yes		Some	Everything but gates		
	Yes		Some	Everything but gates		Emergency Access blocked by gates
	Yes		Some	GPS Reclassification, signage		
	Yes		Some	GPS Reclassification, signage		
Yes			Some	Everything but gates		
Yes			Some	GPS re-classification and signage		
	Yes		Some	Everything but gates		
	Yes		Some	Everything but gates		
Yes			Some	Signage		Would like safe access for bike riders
	Yes		Some	GPS Reclassification, signage		Gates should not be added
	Yes		Some	GPS Reclassification, signage		Gates should not be added
	Yes		Some	GPS Reclassification, signage		Gates should not be added
	Yes		Some	GPS Reclassification, signage		Gates should not be added
	Yes		Some	Everything but gates	Slow traffic pull-in at Gentle Annie Lookout.	Emergency Access blocked by gates
	Yes		Some	GPS Reclassification, signage		Gates should not be added
Yes			Yes		40 KPH Blanket Speed limit	Koala colony endangered by traffic
Yes			Yes		Prevent public access	
	Yes		Yes		Adding designated paths for foot traffic	
Yes			Yes			Traffic volume a problem. Drivers ignore signage. Council policy stops public use. The steep parts of the road were resurfaced and graded on 24 September. Within a short time, the surface had become noticeably eroded by weather and traffic. The attached photos show the surface on 24 September, and later on 28 September and 5 October.
Yes			Yes		Speed-humps or Chicanes	Research drainage based speed humps
	Yes		Yes	Installing Gates	Leave gates unlocked some of the time for access	
	Yes		Yes		Local traffic only. Paths for foot traffic.	
Yes			Yes		No Thru Road	Camper vans often get stuck in narrow section

Resident/Property Owner Old Coach Road	Resident/Property Owner Skenes Creek	Other	Supporting Current Proposal	Elements Supported	Alternatives Suggested	Additional Comments
	Yes		Yes		Install gates on part of road only- residents to have keys	CFA won't be in area to open gates in an emergency
	Yes		Yes		Seal the road	Potentially improve roads in Skenes Creek area to stop dust and noise pollution
Yes			Yes		Seal the road and add a self-closing gate to one end of road only	
Yes			Yes		Speed humps from gravel section to tower	
	Yes		Yes		Speed humps from gravel section to tower	
	Yes		Yes	GPS Reclassification, signage	Speed humps or chicanes to slow traffic	
Yes			Yes		Speed humps or chicanes to slow traffic	4 Wheel drives regularly use road, traffic volume increasing
Yes			Yes		Speed humps or chicanes to slow traffic	
Yes			Yes		Speed Reduction without stopping public access	Dust pollution a problem
	Yes		Yes		Speed Reduction without stopping public access	Dust pollution a problem
	Yes		Yes		Traffic Volume Counts	Anything but diverting traffic to Bass Cres
Yes			Yes			
Yes			Yes	Installing Gates		Road is hazardous for walkers
Yes			Yes	Installing Gates		Cars get bogged near the water tower on Old Coach Road
Yes			Yes			
Yes			Yes			Safety of walkers and children a big concern
Yes			Yes			
	Yes		Yes			Safety of walkers and children a big concern
Yes			Yes			
Yes			Yes			High risk of collision in narrow sections
Yes			Yes			
Yes			Yes			
Yes			Yes			Further consultation needed, a gate may stop emergency access
	Yes		Yes			
	Yes		Yes			
	Yes		Yes			
	Yes		Yes			
Yes			Yes			
Yes			Yes			

Resident/Property Owner Old Coach Road	Resident/Property Owner Skenes Creek	Other	Supporting Current Proposal	Elements Supported	Alternatives Suggested	Additional Comments
	Yes		Yes			Provided there is still some sort of access from Ozone St
	Yes		Yes			
Yes			Yes			
Yes			Yes			
	Yes		Yes			
Yes			Yes	GPS Reclassification, signage		Road not designed for large volumes of traffic
	Yes		Yes	Everything but gates		
	Yes		Yes			
Yes			Yes			
	Yes		Yes			
	Yes		Yes			Keys to gates/emergency access a concern
	Yes		Yes			
	Yes		Yes			Pedestrian access around gates needed
	Yes		Yes			Pedestrian access around gates needed
No	No		Yes			
Yes			Yes			
Yes			Yes			
Yes			Yes			
Yes			Yes			Clear signage, gates should not have locks
	Yes		Yes			
	Yes		Yes			
	Yes		Yes			
Yes			Yes			
	Yes		Yes			
Yes			Yes	Any traffic reduction measures		
	Yes		Yes			
Yes			Yes			4WDs frequently use upper section of road- they speed and endanger pedestrians
	Yes		Yes			
Yes			Yes			Provided gates have adequate pedestrian access.
	Yes		Yes			Leave section open for pedestrians and cyclists.
	Yes		Yes			
Yes			Yes			

Resident/Property Owner Old Coach Road	Resident/Property Owner Skenes Creek	Other	Supporting Current Proposal	Elements Supported	Alternatives Suggested	Additional Comments
	Yes		Yes		Remove 4WD Signs. Change placement of No Thru Rd Signage	Put in more Apollo Bay signs before Skenes Creek turnoff
	Yes		Yes			Unregistered traffic/machinery use Old Coach Road, causing noise and disturbance
	Yes		Yes			Pedestrian gate- Skenes Crk rd to Forrest-Skenes Creek Rd for enjoyment of walkers
Yes			Yes			Speeding on road in a liability at present
	Yes		Yes	Everything but gates		
	Yes		Yes			
	Yes		Yes			
	Yes		Yes			
	Yes		Yes			
	Yes		Yes			
Yes			Yes			Commend Council for investigating issue- proposal should be implemented ASAP
	Yes		Yes	Everything but gates		
Yes			Yes			Speeding on road is a liability at present
	Yes		Yes			Emergency Access blocked by gates
	Yes		Yes			Excellent Idea
		Regional Roads Victoria	Yes			Turnaround before gates required- COS to assess. COS signage plan to be approved by DoT

**SUPPORT OF PROPOSAL**

YES 88  
 NO 41  
 SOME 37  
 MORE INFO 1

**ELEMENTS SUPPORTED**

Everything but gates 18  
 GPS reclassification 14  
 GPS Reclassification 8  
 Installing gates 3  
 Signage 2  
 Traffic reduction 1

**ALTERNATIVES SUGGESTED**

Speed Humps or Chicaines 22  
 Sealing the road 13  
 Readjust signage- No Thru Rd, No 4WD, 40KM 9  
 Install automated/easy-to-open gates 5  
 Speed cameras/police monitoring 4  
 Stop public access 4  
 Reduce speed limit 3  
 Adding Pedestrian/bike paths 3  
 Taking road off Google Maps 2  
 Adding extra lane 2  
 Trim back foliage 1  
 Undertake Additional research 1  
 More Traffic Volume Counts 1



## Item: 10.2

### Petition to Erect Bollards Surf Avenue, Skenes Creek

<b>OFFICER</b>	Timothy Brain, Maddy Bisits
<b>GENERAL MANAGER</b>	Tony McGann
<b>DIVISION</b>	Environment & Infrastructure Services
<b>ATTACHMENTS</b>	Nil
<b>PURPOSE</b>	To respond to the petition tabled at the February 2021 Council Meeting requesting Council consider the erection of bollards at the north/west end of Surf Avenue, Skenes Creek.

## 1. EXECUTIVE SUMMARY

A petition was tabled at the 24 February 2021 Ordinary Council Meeting requesting consideration of the installation of bollards at the north/west end of Surf Avenue, Skenes Creek where the road ends. The petition can be found in the confidential attachment.

The petition requests that Council:

*".. erect bollards at the north/west end of Surf Avenue, Skenes Creek as the action to remedy, the issues, for the following reasons:*

- 1. A public safety hazard, caused by the gates being left open regularly and the cattle escaping onto Surf Avenue.*
- 2. The people that exit and enter the farm, at the end of Surf Ave, driving at high speeds, create a danger and safety hazard to pedestrians on Surf Ave, Bass Cress, Ozone street and Old Coach road.*
- 3. Ongoing heavy vehicles and machinery entering and exiting the gate. This activity creates a safety hazard to parked cars and pedestrians in Surf Avenue.*
- 4. Constant and prolonged blasting of horns as vehicles exit and enter the gate, spoiling the quiet enjoyment of our street and neighbourhood.*

A petition regarding this matter and other concerns was previously tabled at the 25 July 2018 Council Meeting, where Council resolved to not erect bollards as it would not be appropriate to restrict access for the residents at 61 Great Ocean Road, Skenes Creek.

As the property owner at 61 Great Ocean Road has a legal right to access their property from Surf Avenue, and circumstances have not changed since the matter was first considered by Council, officers recommend that the original resolution is upheld.

The underlying concerns of petition signatories relate to noise and disruption caused by farm operations and machinery in a predominantly residential area. Council does not have any mechanism by which it can address these concerns on behalf of residents, with the exception of livestock escaping onto a public road, which is in breach of Local Law 3 - Livestock.

## 2. RECOMMENDATION

***That Council write to the petition organiser and advise that bollards will not be installed at the north/west end of Surf Avenue, Skenes Creek.***

## 3. KEY INFORMATION



**Image 1 (above) - 61 Great Ocean Road, Surf Avenue gate access**

### BACKGROUND

A petition was tabled at Council on 24 February 2021 for consideration of the installation of bollards at the north/west end of Surf Avenue, Skenes Creek where the road ends.

The petition requests Council:

*To erect bollards at the north/west end of Surf Avenue, Skenes Creek as the action to remedy, the issues, for the following reasons:*

1. *A public safety hazard, caused by the gates being left open regularly and the cattle escaping onto Surf Avenue.*

2. *The people that exit and enter the farm, at the end of Surf Ave, driving at high speeds, create a danger and safety hazard to pedestrians on Surf Ave, Bass Cress, Ozone street and Old Coach road.*
3. *Ongoing heavy vehicles and machinery entering and exiting the gate. This activity creates a safety hazard to parked cars and pedestrians in Surf Avenue.*
4. *Constant and prolonged blasting of horns as vehicles exit and enter the gate, spoiling the quiet enjoyment of our street and neighbourhood.*

The petition was submitted on two forms and contained a total of 76 signatures, representing 58 individuals. Two (2) statements have been included and a presentation of history, a summary of these are included below.

The petitioners included a scanned copy of the first petition, which was tabled at the June 2018 Council Meeting and included the request:

*To erect bollards at the end of Surf Avenue, Skenes Creek to maintain the quiet enjoyment of the street.*

There are two (2) statements of support that accompany the petition tabled in February 2021, these statements have been summarised below. A presentation of history has been included with the petition and a summary has been included.

13 February, 2021 – A gate has been installed and subsequently allowed access from the adjacent farmland on Surf Avenue, as a consequence farm machinery, such as tractors, quad bikes etc. have regularly used Surf Ave. This has been unsettling and of concern to the residents of the area.

14 February, 2021 – A few years ago a gate was installed on this fence line at the end of Surf Avenue. Since then, the vehicular traffic has increased along Surf Avenue to enter and exit this farming property. I believe it is inappropriate to have a gate allowing through traffic from this farming property directly onto a residential street.

Presentation of history of north end of Surf Avenue. Summary of the key issues raised in this presentation are; legality of the access, safety relating to stray livestock; regular use of Surf Avenue via heavy vehicles at all time of day and night; quiet enjoyment of the street and neighbourhood.

#### **KEY INFORMATION**

##### **Responses to the points raised in the petition and the history presentation are presented below:**

**A public safety hazard, caused by the gates being left open regularly and the cattle escaping onto Surf Avenue.**

Cattle escaping onto the road or 'failure to contain stock' is a breach of Local Law No 3 – Livestock.

**The people that exit and enter the farm, at the end of Surf Ave, driving at high speeds, create a danger and safety hazard to pedestrians of Surf Ave, Bass Cress, Ozone Street and Old Coach Road.**

Speeding issues should be raised directly with Victoria Police so that speed enforcement can occur.

**Ongoing heavy vehicles and machinery entering and exiting the gate. This activity creates a safety hazard to parked cars and pedestrians in Surf Avenue. And is the Avenue a suitable road type to have this infrastructure?**

Surf Avenue is currently classified as a Minor Road in Council’s Road Management Plan, and by its definition is considered a residential street. The land to the east of the township zone area of Skenes Creek is Rural Conservation zone and for the most part, made up of large properties, where it would be reasonable to assume that farming or agricultural activities would be carried out. There are many instances throughout the shire where farm machinery is required to use minor roads (residential or rural) to access farming properties and there is no law prohibiting them from using these roads.

Generally, it would be considered preferable for farm machinery to use Minor Roads, rather than arterial roads to avoid conflicts due to differing vehicle classes and speeds. Subject to being appropriately registered for road use and driven by appropriately licensed operators, it is considered that this is an acceptable use of Council’s road network.

**Constant and prolonged blasting of horns as vehicles exit and enter the gate, spoiling the quiet enjoyment of our street and neighbourhood.**

Unnecessary use of horns is a breach of the Road Safety Road Rules 2017 V.10 specifically Division 3 – Section 224 which states:

*A driver must not use, or allow to be used, a horn, or similar warning device, fitted to or in the driver's vehicle unless—*

- (a) it is necessary to use the horn, or warning device, to warn other road users or animals of the approach or position of the vehicle; or*
- (b) the horn, or warning device, is being used as part of an anti-theft device, or an alcohol interlock fitted to the vehicle.*

Victoria Police are responsible for enforcement of Road Safety legislation with the exception of some parking matters that are dealt with by Council.

**Does the access have a legal crossover?**

By definition, a minor road in Council’s Road Management Plan is a road whose primary purpose is to provide property access.

In accordance with Section 9 (1) of the Road Management Act 2004, an owner or occupier of any land which adjoins a road is entitled as of right to access the road from that land. In addition, the property owner may have ‘existing use rights’.

While the property owners at 61 Great Ocean Road currently have legal access rights to their property at this location, the date of installation of the gate is currently unknown. If it was installed prior to 2004, a retrospective application would not be applicable. If the owner were to apply for a permit at this stage, Council would have no reason to reject the application, subject to conditions relating to construction standards.

**Is the north end of Surf Avenue a dead-end as part of the original subdivision?**

Surf Avenue is a ‘No Through Road’ and was designated as such as part of the original subdivision. This would not change unless further development occurred to the north in future. The designation of a road as a “No Through Road” does not restrict properties from accessing the road where they have frontage.

**What is the original title for this access?**

Access is not typically shown on a title or plan of subdivision.

## 4. COMMUNITY CONSULTATION & ENGAGEMENT

Community members have signed a petition and presented a petition to Council for the erection of bollards at the end of Surf Avenue Skenes Creek.

There has been no further consultation undertaken in response to the petition. No further consultation is proposed other than the proposed correspondence outlined in the recommendation.

## 5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

Alignment to Council Plan 2017-2021:

Theme 2 - Our Places

1. Assets and infrastructure meet community needs.

## 6. CONSIDERATIONS

### ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

Not applicable

### LEGAL & RISK

Council's provision of public roads and public highways and the right to access them is mandated by legislation, specifically the Road Management Act, 2004. Decisions to vary rights of access could lead to counter claims from affected parties.

### FINANCIAL & BUDGETARY

There is no budget implication arising from this matter.

## 7. IMPLEMENTATION STRATEGY

No change to road access is proposed.

### COMMUNICATION

Correspondence will be sent to the petitioners and the resident of 61 Great Ocean Road, Skenes Creek advising of the resolution of Council.

### TIMELINE

Correspondence to be sent within 2 weeks of the Council resolution communicating Council's position.

## 8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

## Item: 10.3

# Deliberative Community Engagement

<b>OFFICER</b>	Tamzin McLennan
<b>GENERAL MANAGER</b>	Ian Seuren
<b>DIVISION</b>	Development & Community Services
<b>ATTACHMENTS</b>	1. Attachment 1: IAP2 Spectrum [ <b>10.3.1</b> - 1 page]
<b>PURPOSE</b>	To obtain Council's feedback on options for a deliberative community engagement process

## 1. EXECUTIVE SUMMARY

The new *Local Government Act 2020* (the *Act*) has introduced considerable changes to the way in which all Victorian Councils are expected to engage with their communities.

Under the new *Act*, Councils need to develop and adopt a new Community Engagement Policy which includes deliberative engagement practices that can be applied to the development of a Community Vision, Council Plan, Financial Plan and Asset Plan. Council adopted its new Community Engagement Policy at its February 2021 meeting, which guides how Council's community engagement activities will be undertaken so that they comply with the *Act*.

By 31 October 2021, Council must adopt:

- a Community Vision which covers a period of at least 10 years;
- its four-year Council Plan and a four-year Municipal Health and Wellbeing Plan (MHWBP).

The purpose of this report is to seek Council's endorsement of a deliberative community engagement program for the development of the Community Vision, Council Plan and MHWBP. This process will also inform the 10-year Asset Plan and Financial Plan, in line with the *Act*.

## 2. RECOMMENDATION

### RECOMMENDATION 1

*That Council:*

- 1. Proceeds with a deliberative community engagement process as outlined in Option B of this report for the purposes of informing a Community Vision, Council Plan and Municipal Health and Wellbeing Plan.*
- 2. Acknowledges that the deliberative process will also inform the development of Council's 10-year Financial Plan and Asset Plan.*
- 3. Supports the establishment of a deliberative panel of 24 people engaged via an independent recruitment company using phone recruitment, and that the panel meet for 18 hours as outlined in Option B of this report, as a combination of online and in-person meetings.*
- 4. Acknowledges that in the event of a further COVID lockdown or increase in restrictions, necessary amendments will take place to the engagement program to enable the panel to have some or all of its deliberations online.*
- 5. Pays panel members a stipend equivalent to \$16 per hour, in recognition of the time and travel commitments involved in participation.*

### RECOMMENDATION 2

*That Council:*

- 1. Recruits a 24-person deliberative community panel for the purposes of informing a Community Vision, Council Plan and Municipal Health and Wellbeing Plan, according to the following stratification goals:*
  - a. 12 panel members shall be drawn from the Colac/Elliminyt geographic area of the Colac Otway Shire.*
  - b. Three panel members shall be drawn from the rural north geographic area of the Colac Otway Shire.*
  - c. Three panel members shall be drawn from the rural south geographic area of the Colac Otway Shire.*
  - d. Six people shall be drawn from the coastal geographic area of the Colac Otway Shire.*
- 2. In addition to the geographic spread outlined in this resolution, Council also aims to achieve a representative sample according to the following demographic goals:*
  - a. Age range (18 up).*
  - b. Gender.*
  - c. Education level.*
  - d. Household type.*
  - e. Job type/employment status.*
  - f. Cultural background.*
  - g. Disability.*
  - h. Renters/homeowners/non-resident ratepayers.*
  - i. Traditional owners.*
  - j. Able to attend online and face-to-face meetings.*

## 3. KEY INFORMATION

### Legislative context

Section 55 of the *Local Government Act 2020* (Act) prescribes that Councils must apply deliberative community engagement practices to the development of a Community Vision, Council Plan, Financial Plan and Asset Plan. Under the *Public Health and Wellbeing Act 2008* (section 27) Councils may incorporate their MHWBP into the Council Plan, which is an approach that all G21 Councils including Colac Otway have indicated is their intention to do. This being the case, it is suggested that any deliberative processes undertaken by Colac Otway should also be applied to the MHWBP. This report proposes a deliberative community engagement program that will inform the suite of strategic plans, in line with the Act's expectations.

The requirement to undertake deliberative community engagement is a key difference in the new Act. The Act does not prescribe what deliberative community engagement is, but provides five principles that are broadly based on the International Association of Public Participation's (IAP2) core values, being:

- A community engagement process must have a clearly defined objective and scope.
- Participants in community engagement must have access to objective, relevant and timely information to inform their participation.
- Participants in community engagement must be representative of the persons and groups affected by the matter that is the subject of the community engagement.
- Participants in community engagement are entitled to reasonable support to enable meaningful and informed engagement.
- Participants in community engagement are informed of the ways in which the community engagement process will influence Council decision making.

To further explain, deliberative community engagement differs from standard community engagement, in that it typically involves using an independent facilitator to bring together a representative group of people to discuss an issue in depth. The deliberating group is given adequate time, information and support to debate, weigh competing viewpoints, make trade-offs and generate a recommendation to inform public decision making.

### Proposed approach

Officers have designed a comprehensive community engagement program that aligns with the requirements of the Act and aims to provide multiple ways in which our community can get involved in Council's strategic planning. This program is outlined in more detail below.

#### Phase 1: Planning and scoping

Phase 1 of the project includes data collection, trends analysis, and a review of current Council policies and strategies that will inform our upcoming strategic planning process.

In late January, workshops took place as part of the planning and scoping phase of the project. Activities included:

- A workshop with Council officers and managers to understand:
  - What their needs are for community engagement including opportunities and challenges?
  - What kind of information do they need from our community to complete their strategic planning?



- What have they already heard from our community that can inform our planning?
- What involvement does our community want in the future planning of their work and priorities?
- A workshop with Councillors and senior management to understand:
  - The preferred timeframe for the Council Vision (2050 was chosen to align the Vision with the Colac 2050 Growth Plan and give a sufficient timespan for strategic, long-term thinking).
  - To seek feedback on draft engagement plan design including the deliberative elements.
  - To seek feedback on stratification goals for the potential engagement of a community panel.
  - To provide a brainstorming space for Councillors and staff to start thinking more deeply about the Community Vision.

## **Phase 2: Broad participatory engagement**

Phase 2 of Council's community engagement program began in late January. It involves seeking a broad range of community views that can inform our strategic planning. Activities include:

- An online community survey (that is also available in hard copy).
- Council's Regional Roadshow of community drop-in sessions to generate broad conversation as well as gather town-specific feedback. Roadshow sessions have taken place at:
  - Beeac
  - Lavers Hill
  - Cressy
  - Gellibrand
  - Apollo Bay (two sessions)
  - Birregurra
  - Cororooke
  - Forrest
  - Colac
  - Elliminyt
  - Wye River
  - Online sessions.
- Key stakeholder interviews with interest groups and partners in our community. In-depth interviews have taken/will take place with:
  - Eastern Maar Aboriginal Cooperative (date to be determined).
  - Large industry representatives.
  - The Colac and Apollo Bay Chambers of Commerce.
  - Tourism representatives.
  - Climate/environment action groups.
  - Creative and arts community groups.
  - Farming representatives.
  - Social/disadvantage advocates.
  - Local Neighbourhood Houses (x 3).

- Health providers (Colac Area Health, Great Ocean Road Health, the Primary Health Network).
- Older persons/U3A.
- Multicultural partners.
- A separate project is taking place concurrently to engage young people in our strategic planning processes, funded by VicHealth.

### Phase 3: Deliberative phase of engagement

The purpose of this report is to seek Council’s endorsement on a preferred approach for the deliberative element of our community engagement program. The objective of a deliberative process would be to distil the information gathered during the broad participatory phase into a range of recommendations for Council’s consideration as part of its strategic planning. This will include high level priorities and direction for the Community Vision, Council Plan and MHWBP, which have been considered in the context of Council’s financial and staff capacity; community feedback received; analysis of trends, data and current Council strategies; and external pressures such as changes at higher level of government (eg: policy direction) or major events such as bushfires etc.

Council’s Community Engagement Policy requires that ahead of undertaking deliberative engagement, Council should determine the level of influence that the deliberating group will have. Under the IAP2 spectrum, five levels of public participation are identified and defined, being **Inform**, **Consult**, **Involve**, **Collaborate** and **Empower**. The IAP2’s Public Participation Spectrum is included in this report’s attachments for information (Attachment 1). Deliberative community engagement processes are generally considered ‘Collaboration’, in that they involve Council partnering with the public in each aspect of its decision including the development of alternatives and the identification of preferred solutions.

In response to feedback received from Councillors, three options for deliberative community engagement have been prepared for Council’s consideration.

#### Option A

**In-depth deliberative engagement: \$52,800 plus travel costs for facilitators**

#### Involves:

- A panel of 24 people, randomly selected via phone recruitment using an independent company.
- The panel will be divided into three groups for the purposes of small group workshops.
- 26 hours of deliberation including:
  - 1 x 2-hour meeting with whole group online.
  - 3 x 2-hour small group meetings online.
  - 3 x 6-hour meetings of the whole group in person, in Colac (COVID permitting).

#### IAP2 level: Collaborate

Under Option A, Council would commit to partnering with the panel in the development of the Community Vision, Council Plan and MHWBP, including the development of alternatives and the identification of preferred solutions. In this option, Council is the final decision maker, and commits to considering the panel’s advice and recommendations into its decision making to the maximum extent possible.

### **Option B**

**Base-level deliberative engagement: \$27,500 plus travel costs for facilitators**

**Involves:**

- A panel of 24 people, randomly selected via phone recruitment using an independent company.
- The panel will be divided into three groups for the purposes of small group workshops.
- 18 hours of deliberation including:
  - 6 x 2-hour placed-based and theme-based small group meetings online.
  - 1 x 6-hour meeting of the whole group in person, in Colac (COVID permitting).

**IAP2 level: Involve with some collaborative elements**

Under Option B, Council would partner with a panel in the development of the Community Vision, Council Plan and MHWBP to ensure that community concerns and aspirations were consistently understood and considered. This option may not provide enough time for the development and debate on alternatives and trade-offs, but would provide direction to Council on its high-level priorities. Council remains the final decision maker, and still makes a commitment to incorporating the panel's advice and recommendations into its decision making to the maximum extent possible.

### **Option C**

**Council itself assume primary responsibility for deliberation: approximately \$6,600 plus travel costs for facilitators**

**Involves:**

Council is operating in a financially-constrained environment, and deliberative community engagement is costly. Under this option, Councillors would assume the role of the 'deliberative panel', and as a group distil feedback gathered during the participatory phase of community engagement into a Community Vision, Council Plan and MHWBP.

If Councillors wished to pursue this option, officers suggest that Councillors set aside an additional 18 hours of workshop time together (3 x 6 hours) and use an external consultant to facilitate discussion.

**IAP2 level: Consult, with some involve elements**

Under Option C, Councillors would take the lead in distilling feedback gathered during the participatory phase of community engagement into its strategic plans. It would include elements such as listening to the public and acknowledging the concerns and aspirations expressed during the previous phases of engagement. Under IAP2's public participation spectrum, this occupies the 'Consult' space, with some 'Involve' elements.

Whilst this option would represent a more affordable way of developing Council's core strategies, officers believe it will not achieve the Act's directions around representative community involvement in deliberative engagement.

It is worthwhile also noting that in any deliberative process, Councillors still occupy the role of final decision maker.

#### **Phase 4: Report development and feedback loops**

Depending on which option Councillors adopt, Phase 4 will involve either:

- a deliberative Panel providing its recommendations to Council with the support of the facilitators.

Or

- Councillors preparing recommendations.

Officers will use those recommendations as the core structure of the Community Vision, Council Plan and MHWBP, and complete the report writing.

The report will go through several feedback loops with Councillors, before being presented to an ordinary meeting of Council as a draft requiring endorsement for a formal phase of community consultation.

The final draft, incorporating community feedback, will be presented to the October 2021 Council meeting seeking adoption. Evaluation will be built into whichever engagement process Council adopts.

#### **Additional direction required for engagement process**

There are several other matters officers require direction from Councillors on, in order to undertake the next phase of community engagement. This includes agreement on panel stratification goals (if a panel proceeds), and stipends for participants.

## Panel stratification

Figure 1

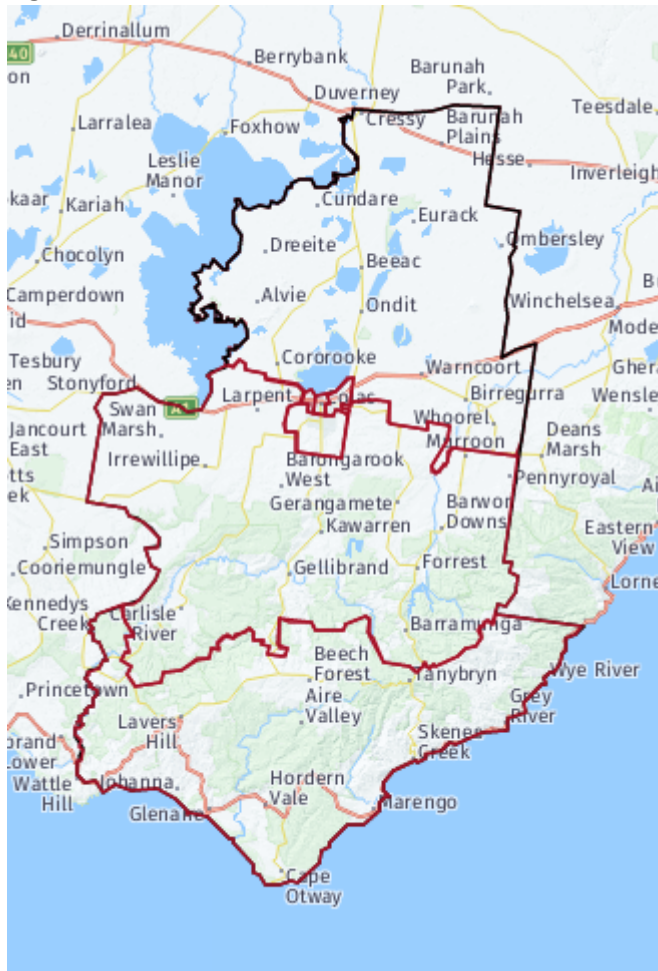


Figure 1 above is sourced from Council's ID profile, which outlines the geographic spread of our population according to 2016 Census data. According to the 2016 Census:

- 3,285 people live in the rural north portion of our shire.
- 2,904 people live in the rural south portion of our shire (middle section as outlined below).
- 2,831 people live in the Otways and coastal portion of our shire.
- The balance of 12,544 live in Colac and Elliminyt.
- There are 3,846 non-resident ratepayers, about 2,800 of whom own property in the Otways and coastal portion of our shire which if added to the Otways and coastal portion of our shire brings that geographic population up to approximately 5,600.

This population data provides a framework when seeking to achieve a representative geographic spread of participants as part of a panel.

In order for a panel to be representative, there are other demographic and thematic considerations that should be made. Other considerations include:

- Age range (18 up).
- Gender.
- Education level.

- Household type.
- Job type/employment status.
- Cultural background.
- Disability.
- Renters/homeowners/non-resident ratepayers.
- Traditional owners.
- Able to attend online and face-to-face meetings.

Based on a panel of 24 participants, two alternative geographic breakdowns are proposed for Council's consideration.

<b>OPTION 1 (recommended option): 24 people</b>	<b>OPTION 2: 24 people</b>
Colac: 12 North: 3 South rural: 3 Coast: 6	Colac: 10 North: 3 South rural: 3 Coast: 8

### **Stipend**

It is common practice to pay panellists in a deliberative engagement process a stipend, or honorarium, in recognition of their contribution to the process, and to cover costs such as travel. It is recommended that Council pays panel members \$16 per hour.

Panellists are only paid the honorarium for the hours they attend. Assuming that all panellists attended all sessions, indicative costs are outlined below:

<b>Option A: Panel of 24 members attend for 26 hours</b>	<b>Option B: Panel of 24 members attend for 18 hours</b>
\$9,984	\$6,912

## **4. COMMUNITY CONSULTATION & ENGAGEMENT**

The previous section of this report outlines planned Council's community engagement activities.

## **5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES**

Alignment to Council Plan 2017-2021:

Theme 3 - Our Community

5. Foster an inclusive community.
6. Community planning informs provision of Council services and social infrastructure.

Theme 4 - Our Leadership & Management

2. Openness and accountability in decision making.
3. Organisational development and legislative compliance.
5. Communicate regularly with our community and involve them in decision-making.

At its February 2021 Council meeting, Council adopted a new Community Engagement Policy to guide its community engagement activities.

## 6. CONSIDERATIONS

### ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

Citizens increasingly want a stronger voice in shaping their community's future. Reflecting this, the new *Local Government Act 2020* includes a responsibility to enable participatory democracy, which is also known as deliberative community engagement practices.

This report outlines options to enable deliberative community engagement for the development of the Community Vision, Council Plan and Municipal Health and Wellbeing Plan. When designing Colac Otway's proposed deliberative community engagement process, officers aimed to support a meaningful conversation, so that Council would have a high degree of confidence that a representative sample of our community had considered our challenges in depth, and made recommendations Council can rely on to inform and support its decision making during the next four years.

### LEGAL & RISK

Officers believe that both Option A and Option B processes fit the *Act's* requirements for deliberative community engagement, although Option A allows for a more detailed deliberation on the complexities of Council's future challenges and opportunities.

Option C, whereby Councillors assume the role of a Councillor panel for the purposes of deliberation, is not recommended because despite it being more cost effective, officers do not believe that this will meet the requirements of the *Act*.

### FINANCIAL & BUDGETARY

A total of \$155,000 was set aside in the 2020/2021 budget for the development of the Community Vision, Council Plan and Municipal Health and Wellbeing Plan.

A consultant has been engaged to assist with the development of Council's strategic plans and the design and implementation of the community engagement program. Exclusive of the deliberative engagement elements of the project as outlined in this report, consultants will cost approximately \$56,000 (which will reduce slightly if Option B is selected). This is for work including key stakeholder interviews, assistance with engagement design, staff training, development of engagement kits and conversation guides for a panel process, collation and analysis of data from engagement processes undertaken by consultants, assessment of key supporting documents and data to feed into deliberative engagement process, and drafting an 8-12 page plan which provides the high level objectives for the Community Vision, Council Plan and MHWBP including two revisions.

Other costs involved in this project include:

- Data gathering and analysis to support the evidence base for the Municipal Health and Wellbeing Plan.
- Marketing and advertising costs.
- IT support (e.g. Zoom subscription)
- Room hire and catering for panel (if adopted).
- Payment of guest speakers to panel if required.
- Panel recruitment.
- Stipends.

## 7. IMPLEMENTATION STRATEGY

### COMMUNICATION

Immediately following Council's decision, a media release will be prepared informing our community of the chosen way forward for community engagement relating to Council's strategic planning.

### TIMELINE

Assuming Council proceeds with a deliberative engagement process, an indicative timeline is outlined below. If Council does not proceed with a deliberative process, the Councillor deliberations will be moved forward and expanded upon, in the calendar.

Milestone	Date
Adoption of the Community Engagement Policy	Adopted at the February Ordinary Council meeting.
Recruitment of community panel	End of March/early April 2021
Completion of participatory (broad) community engagement process	31 March 2021
Collation of survey and community responses Collation of data collected from multiple sources to inform deliberation	April 2021 April 2021
Community panel deliberations commence	Late April and into May 2021
Panel hands down report to Council	End of May/early June 2021
Reports drafted and workshopped with Councillors	June 2021
Council considers releasing reports for exhibition	July 2021 Ordinary Council meeting
Community feedback loops on draft plans	July and August 2021
Feedback incorporated into plans	August and September 2021
Final plan presented to Council with recommendation for adoption	October 2021 Ordinary Council meeting


## 8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.



# IAP2 Spectrum of Public Participation

IAP2's Spectrum of Public Participation was designed to assist with the selection of the level of participation that defines the public's role in any public participation process. The Spectrum is used internationally, and it is found in public participation plans around the world.

INCREASING IMPACT ON THE DECISION 					
	<b>INFORM</b>	<b>CONSULT</b>	<b>INVOLVE</b>	<b>COLLABORATE</b>	<b>EMPOWER</b>
<b>PUBLIC PARTICIPATION GOAL</b>	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
<b>PROMISE TO THE PUBLIC</b>	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

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## Item: 10.4

### 36-52 Bruce Street Colac - Land Sale Options

<b>OFFICER</b>	Simon Clarke
<b>GENERAL MANAGER</b>	Ian Seuren
<b>DIVISION</b>	Development & Community Services
<b>ATTACHMENTS</b>	1. Affordable Housing Presentation [10.4.1 - 18 pages]
<b>PURPOSE</b>	To present Council with options regarding the potential disposal of Council-owned land at 36-52 Bruce Street, Colac.

## 1. EXECUTIVE SUMMARY

Council has indicated its desire to consider the sale of 36-52 Bruce Street, Colac for many years, and in September 2020 resolved that officers prepare a report for Council consideration.

Given the site's location adjoining a former landfill, and known development constraints arising from this former use, Council had commissioned an Environmental Auditor (EHS Support) to undertake an environmental audit of the site. In 2020, the Auditor issued a section 53X Audit for the land which states the land may be used for residential purposes, subject to certain conditions being met prior to development of the land. In particular, one condition requires an underground Bentonite Barrier to be constructed in a strip of open space along the northern boundary of the land. This barrier would be constructed at the subdivision stage should the land be disposed of for development.

Furthermore, Council sought independent advice to analyse the impacts of current and future operations of neighbouring industrial uses on 36-52 Bruce Street and any implications for the future use of the land. The advice further supports the findings and recommendations of the Environmental Audit and concludes that the land is suitable for residential use.

Council is now in a position to consider future options for the land, including its disposal, for purposes permitted by the General Residential Zone.

In addition, the Victorian Planning Authority (VPA) has been working with Councils across South West Victoria to examine means to increase the supply of low to high-end rental accommodation and ownership accommodation for permanent and seasonal key workers from a range of industries across the Great South Coast and Barwon Regions. The report includes eight actions specific to Colac Otway Shire, while also providing Bruce Street as a case study model. Council is also working with G21

Councils to prepare a Social Housing Plan that aims to increase the level of social housing in the Shire over time.

Given the challenges of housing availability for key workers in Colac and high social housing need, this site represents a significant opportunity for Council to assist in meeting future housing needs for its key industries, possibly through a 'build to rent' scheme incorporated into any sale of the land. Officers have been exploring potential options before finalising formal advice to Council for a decision on whether to dispose of the land.

## 2. RECOMMENDATION

***That Council:***

- 1. Agrees in principle that it will seek to sell its land at 36-52 Bruce Street, Colac for residential development.***
- 2. Notes its intention to achieve an affordable housing outcome as part of the sale.***
- 3. Notes that officers will further investigate the desired affordable housing outcome and quantify the preferred development/sale model (including proportion of dwellings, price-point and impact on sale return).***
- 4. Will consider a final report on the preferred sale/development model prior to commencing a statutory process under the Local Government Act 2020 for sale of the land.***

## 3. KEY INFORMATION

### **Background**

The former Bruce Street landfill is located at 2-34 Bruce Street and 2-22 McGonigal Street, Colac. The adjacent 4.3ha parcel of land to the south at 36-52 Bruce Street, is the primary subject of this report. All parcels are in Council ownership.

The land at 36-52 Bruce Street is included within the General Residential Zone (GRZ1). The southern portion of the 2-34 Bruce Street is also zoned GRZ1 with the northern portion zoned Public Park and Recreation Zone (PPRZ).



**Zoning map of the Bruce St Landfill and 36-52 Bruce Street (subject site). Bruce St Landfill (red dashed lines) and 36-52 Bruce Street (yellow dashed lines).**

The Bruce Street landfill (2-34 Bruce Street Colac) operated as a municipal landfill from 1974 – 1997. During this period, it received solid inert waste, solid putrescible waste and domestic garbage. At some point, waste was spread along and over the boundary of the landfill site into the abutting vacant Council land to the south at 36-52 Bruce Street.

### **Environmental Audit**

In 2017, Council engaged an Environmental Auditor (EHS Support) to undertake a s53X audit of 36-52 Bruce Street to investigate whether the site is affected by any contamination, and if so, the nature, extent and required remediation measures to ensure the safe use of the land for potential residential development.

A s53X Audit is used by the planning system to verify that potentially contaminated land can be used for a specific use. From a s53X audit comes either a certificate or statement of environmental audit. The intention of the s53X Audit at 36-52 Bruce Street is to demonstrate that the land may be used, at least in part, for residential purposes subject to conditions.

The s53X Audit was completed in 2020 and this informs the associated Statement of Environmental Audit pursuant to the provisions of the *Environment Protection Act 1970*. The Statement was informed by a Soil Validation Report, prepared by SMEC in May 2020.

The Statement concludes that the site is suitable for the beneficial uses associated with the following land uses:

- Residential use (low density, medium density, high density);
- Recreation/Open Space use; and
- Commercial and/or Industrial use.

There are eight (8) conditions that attach to the Statement of Environmental Audit. The most notable of these are:

- Installation of the bentonite gas barrier along the northern boundary of the land. The barrier will need to be contained within an easement of at least 5.1 metres width.
- Council will be required to maintain and monitor the barrier.
- 15 metres must be maintained between any future buildings on the property and the northern boundary of the site.
- Basements are not to be constructed in future buildings on the land.

Council can rely on the Audit when making decisions about the sale of the land.

## **Other actions**

### ***Buffer Study***

Council commissioned Tract Consulting to provide independent advice regarding the impacts of current and future operations of nearby industrial uses on 36-52 Bruce Street. To satisfy any concerns of prospective purchasers, the assessment was required to cover:

- Existing town planning regulations applicable to the site;
- Buffer requirements for the site, with particular reference to EPA requirements;
- Noise, odour and amenity concerns for the site from nearby industrial operations; and
- Any recommendations for future development of the site in light of the assessment.

The report concludes that emissions from the ALC abattoir and the AKD sawmill should not reasonably constrain the development of the site for residential purposes. The report also finds that there is strong policy support for future development on the site and that future development on the site can respond to any environmental matters that may affect the site. Whilst the site is within buffers to the ALC abattoir and AKD, the site is already zoned Residential, and it is considered that new residential development would not adversely be impacted by those industries.

### ***Valuation***

Preston Rowe Paterson, International Property Consultants and Valuers, have provided a report indicating a market value of the land, with the amount provided to Councillors separately. This assessment has been made on the basis of the known outcomes of the Environmental Audit and its requirements, including the potential cost of the underground barrier. Given recent upwards movements in local real estate values post COVID-19 the value would likely have increased since it was prepared.

### ***Key and Essential Worker Housing Supply Action Plan***

The Victorian Planning Authority (VPA) has been working with Councils across South West Victoria (Glenelg, Moyne, Surf Coast, Corangamite, Colac Otway and Southern Grampians) to examine means to increase the supply of low to high-end rental accommodation and ownership accommodation for permanent and seasonal key workers from a range of industries across the Great South Coast and Barwon Regions. A report was completed in 2020 and includes actions specific to Colac Otway Shire which may assist over time to increase availability of affordable housing. The Bruce Street site was noted as a case study.

In the case study, Echelon Planning/UrbanXchange examined two distinct groups of workers, one being workers within the key manufacturing industries in Colac and the other for professionals within the town. Council requested that Echelon Planning/UrbanXchange explore both purchase models and rental models for these two groups.

The first scenario explored by Echelon Planning/UrbanXchange is the development of houses on subdivided lots. The second scenario is the development of small apartment buildings on standard house lots on the basis that the apartments can be rented out.

On the basis of the models run by Echelon Planning/UrbanXchange, 'build to rent' individual houses and social housing in apartments are the most likely to succeed. In this light, 'build to rent' needs a greater return on investment and therefore becomes more favourable. However, none of the options would meet the financial requirements without a subsidy or grant. It should be noted that most 'build to rent' proposals for affordable housing require a subsidy, regardless of location.

Council does not own significant parcels of land that might be suitable for sale for residential development. The Bruce Street site is a unique opportunity for Council to play an active role in facilitating affordable housing through a sale process to a developer, should it choose to do so.

## Options

Now that Council is in receipt of the Statement of Environmental Audit, it is in a position to consider its options for the future of the land.

A subdivision layout was previously prepared for the site in the early 2000's. This layout depicts 76 lots and provides an idea of how the land may be developed as a housing estate. It should be noted that this lot yield will reduce given the boundary realignment that reduced the area of the allotment, the need to install the gas barrier along the northern boundary of the land and the 15-metre building setback requirement. However, the lot yield isn't likely to diminish significantly with a clever redesign.

Council has the following options:

**1. Keep the land and use it as open space to complement open space to the north.**

Council could consider retaining the land as open space. However, it would appear that there is little need for additional open space in this part of Colac given 9.4 hectares of open space immediately to the north, the bird sanctuary and the showgrounds to the south. The Colac Otway Public Open Space Strategy prepared in 2011 highlights that the area is well-catered for in terms of access to public open space. The land has been mooted previously as providing an opportunity for active recreation eg: sports field/s. Council's focus for a regional sporting facility should continue to be the former Colac High School site. Therefore, it is considered unnecessary to retain any or part of the land for open space use.

**2. Sell the land to a developer for subdivision (without a permit).**

Council could sell the land as-is. This would be the simplest option to pursue. However, Council does lose a certain amount of control over the development outcome despite the need for any future developer to obtain a permit. Council has sufficient documentation to provide to any prospective purchaser with enough certainty that a development outcome can be achieved.

**3. Sell the land to a developer for subdivision (with a permit).**

Council has the option of applying for a planning permit for subdivision of the site prior to any sale. Council would incur some additional costs of preparing a planning application and subdivision plans, however this could enhance the value of the site, and the ultimate price realised by the sale.

**4. Sell the land (either with or without a permit) and implement recommendations mentioned in the Key Worker Accommodation Study (Bruce Street Case Study) to achieve affordable accommodation.**

Council could require any prospective purchaser to allocate some land within the development to be used for the purposes of providing key and essential worker housing. As noted earlier in this report, building to rent individual houses represents the most favourable model. However, any such proposal would require subsidisation. If Council was of the mind to follow this social outcome, it would need to either accept that a lower value would be obtained for the land (reflecting that the developer would pay for construction of the housing (i.e. a land subsidy), or source funding first from State or Federal government, or from the key worker industries in the town (i.e. AKD, ALC, Bulla or Colac Area Health).

Given the challenges of housing availability for key workers in Colac, and the unmet demand for social housing, this site represents a significant opportunity for Council to assist in meeting future housing needs for its community and/or key industries, and it would be unfortunate if this opportunity was lost via decisions to sell the site without first exploring this potential further.

**5. Council may elect to develop the land**

Council has the option to develop the land itself, obtaining the planning permits and engaging contractors to construct the subdivision and then selling individual lots for profit. It is not unheard of for Councils to act as a land developer. However, Council may need to borrow money up front to develop the land (or allocate funds from the budget) and there is some inherent risk to Council if individual lots do not sell quickly.

**6. Any hybrid combination of the above options.**

Council could implement any combination of the above options as it sees fit.

## **Current Work**

Given the potential for Council to proactively address housing availability for key workers in Colac through its consideration of sale of the land, officers engaged UrbanXchange to provide specific guidance as to how Council could achieve this outcome (essentially taking the Echelon Planning/UrbanXchange analysis and firming up costs/benefits), which could assist a Council decision on whether to pursue this option.

Attached to this report (Attachment 1) is a power point presentation prepared by UrbanXchange that comprehensively runs through the types of affordable housing models and the target income groups, ranging from:

- Affordable by Design
- Affordable Purchase
- Shared Equity
- Rent to Buy
- Build to Rent
- Social Housing

The presentation also sets out the commercial options for development:

- Straight sale to market
- Deliberative development

- Development agreement
- Community land trust
- Council acting as developer

Each of the commercial options has varying impacts on the delivery of each of the housing models. The document sets out an assessment of the effectiveness of the different development types by outcomes, and also sets out an assessment of the effectiveness of different development types by governance.

If the objective for the Bruce Street land is to increase long-term affordable rentals for low to moderate-income earners, UrbanXchange recommend a deliberative development sale process, involving either:

- Sale to a Housing Association who engages a developer partner to achieve a proportion of affordable housing on the site; or sale with a developer who enters into partnership with a Housing Association; or
- A Build to Rent scenario where the land is sold to a developer with a requirement that a proportion of the housing be held for rental to people on eligible incomes who pay no more than 75 of the market rent, and the houses are held by a third party.

If Council wishes to proceed further, the next steps involve:

- Identifying the desired affordable housing outcome.
- Quantifying the need (% of dwellings, price point and impact on land value).
- Determining a process moving forward.
- Investigating what stormwater provisions are required as there are drainage issues downstream on Bruce Street and some flooding at the northern end of the site is modelled to occur
- Investigating what other infrastructure is required as it is noted that there is a lack of footpath infrastructure in the vicinity of the site

If Council has an interest in pursuing an affordable housing outcome, it is recommended that a further report be brought to Council prior to a statutory process being initiated that defines the parameters of the model being suggested.

## 4. COMMUNITY CONSULTATION & ENGAGEMENT

The community has not been engaged as part of the environmental investigation process. If Council seeks to develop the site in the future, consultation will be undertaken with surrounding landowners as part of any planning process. The land disposal process would also require public notice under the Local Government Act.

## 5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

Alignment to Council Plan 2017-2021:

### Theme 1 - Our Prosperity

Plan infrastructure, assets and land use with a long-term vision for economic growth.



## **Theme 2 - Places**

Our places are managed for long-term sustainability.

## **Theme 3 - Our Community**

Where we 'plan our assets and services to meet community need and to foster a culture of good service and partnership with others.

## **Theme 4 - Our Leadership and Management**

Where we 'will work together with our community to create a sustainable future'.

Council's planning policy contained within the Colac Otway Planning Scheme is to encourage infill development where possible.

# **6. CONSIDERATIONS**

## **ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC**

Council, as the landowner, has a legal obligation to ensure that any land contamination does not negatively impact on surrounding land. Council has a responsibility to maintain and monitor the venting barrier after it is built. The barrier will be constructed within an open space strip (15 m wide) along the northern boundary to ensure that it is not damaged through future works on the land.

As noted earlier in the report, there is an opportunity for Council to facilitate a positive housing outcome for the Colac community by considering a sale process that would result in affordable housing being established.

There are known shortages of residential land availability in Colac which is impacting the growth of the town and in part the ability of Colac's key industries to attract workers. The Bruce Street site provides a great opportunity to increase land availability in Colac. However, it should be noted that with any of options to be pursued by Council (sell or develop itself), it would be quite some time before land would be available to build on.

## **LEGAL & RISK**

The completed Environmental Audit and other studies undertaken ensure that Council is doing all due diligence necessary to demonstrate whether residential development of 36-52 Bruce Street is appropriate, and if so, under what conditions this can occur.

The Environmental Audit process has raised the on-going need, should the land be developed, to maintain a gas venting barrier along the northern boundary of 36-52 Bruce Street for as long as the risk remains.

Once issued with a Statement of Environmental Audit, Council must provide a copy of the statement to any person who proposes to purchase, move onto or otherwise occupy the site.

## **FINANCIAL & BUDGETARY**

The Environmental Audit was, in part, funded by a \$50,000 grant from the Victorian Planning Authority and in part from the Council budget. Any further work is unbudgeted but would be undertaken on the basis of cost recovery through a land disposal process.

A valuation of the land was completed in late 2020, which indicates that the land would provide a significant return to Council should it be sold. With rising land values over recent months with increasing demand for housing in Colac, there is potential that a final sale price could be higher. A fresh valuation would be sought as part of the statutory process of a land sale.

If Council chooses to pursue affordable housing on the site, a reduced return would be achieved, equating to approximately 10-15% less based on 10% of the site being developed for affordable housing. A lesser return would accordingly result if the proportion of affordable housing buildings in a development was to be higher.

## 7. IMPLEMENTATION STRATEGY

Should Council support this recommendation, officers will continue to work with UrbanXchange to develop a detailed model for sale of the land with affordable housing as a key component, for Council consideration before initiating a formal statutory land sale process.

### COMMUNICATION

The outcome of Council's decision will be communicated in the media.

### TIMELINE

There is no specific timeline that Council must abide by in considering its options with the land. Officers will act on the resolution as required.

## 8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

**URBANXCHANGE**

Residential, Commercial - Development & project management

# Social and Affordable Housing

URBANXCHANGE

# Introduction

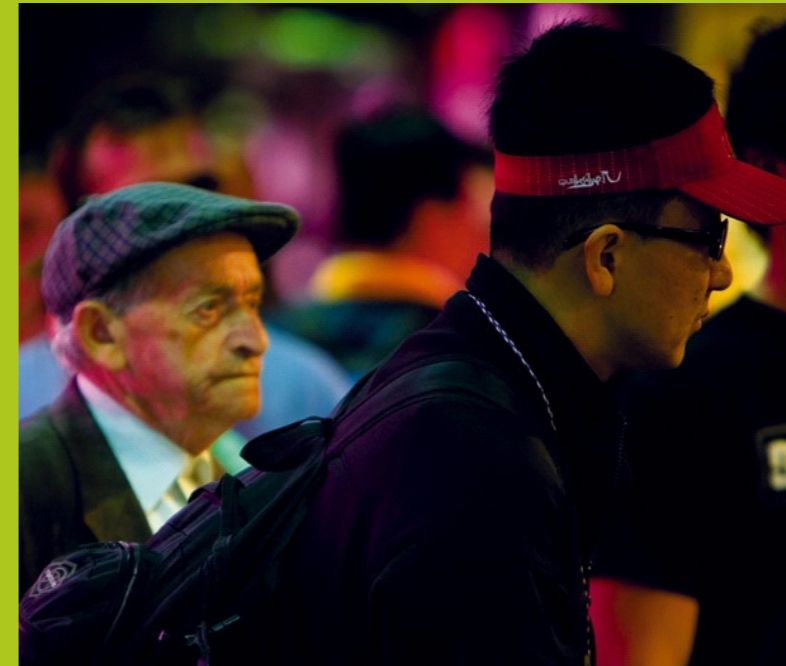
- Purpose
- Definition and Policy
- Types of affordable housing
- Commercial options for development
- Impact of affordable housing
- Affordable housing adapting to development and governance
- Next Steps



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## Purpose

The purpose of this presentation is to provide Council with the options as to how to incorporate affordable housing into the development/disposal of 36 – 52 Bruce Street, Colac.



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# Affordable Housing Definition

The Victorian Government's *Homes for Victorians* provides a clear definition of Affordable Housing, being:

*Affordable Housing is housing that is appropriate for the needs of a range of very low to moderate income households, and priced (whether mortgage repayments or rent) so these households are able to meet their other essential basic living costs.*

It goes further to define:

## Public Housing

*Housing owned and managed by the Director of Housing. The Government provides public housing to eligible disadvantaged Victorians including those unemployed, on low incomes, with a disability, with a mental illness or at risk of homelessness.*

## Community Housing

*Housing owned or managed by community housing agencies for low income people, including those eligible for public housing. Community housing agencies are regulated by the Government.*

## Social Housing

*Social housing is an umbrella term that includes both public housing and community housing. Its provision usually involves some degree of subsidy.*

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# Affordable Housing Definition

Section 3AA of the *Victorian Planning and Environment Act 1987* contains the following definition of affordable housing:

*(1) For the purposes of this Act, affordable housing is housing, including social housing, that is appropriate for the housing needs of any of the following —*

*(a) very low income households;*

*(b) low income households;*

*(c) moderate income households.*

*(2) For the purposes of determining what is appropriate for the housing needs of very low income households, low income households and moderate income households, regard must be had to the matters specified by the Minister by notice published in the Government Gazette.*



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# Affordable Housing Types

Type	Description
Affordable by Design	compact lots and housing that can be delivered by the market at an affordable price point, and with sustainable design features that result in lower running costs.
Affordable Purchase	price controlled housing that is made available for purchase by those on defined incomes. The key principles are that: <ul style="list-style-type: none"> <li>•The dwelling must be offered for sale at or below the appropriate price</li> <li>•The dwelling must be offered for sale to eligible buyers</li> <li>•The discount for affordable housing for the first purchaser is preserved for future purchasers, either in perpetuity or for a fixed period of time</li> </ul>
Shared Equity	the essential feature of all shared equity models is that the buyer shares the capital cost of purchasing a home with an equity partner, thereby permitting households to buy a home with lower income levels than would otherwise be required.
Rent to buy	the homes are offered at a reduced rent for a minimum of five years and let on assured short-hold tenancies for a fixed term. The model being adapted in Australia is that, after five years of renting, the tenant has first option to purchase the dwelling at price agreed at the commencement of the five years. If the tenants do not want to buy, the landlord can retain the property as rented housing or sell it on the open market.
Build to rent	developers and their financiers build dwellings and, instead of selling them, retain them to let to tenant households. Rents may be set at market rent or, for affordable and social housing, at an appropriate discount to market rents.
Social Housing	this is housing owned by a state government or by a community housing organisation and rented to those on very low incomes.



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# Affordable Housing Types

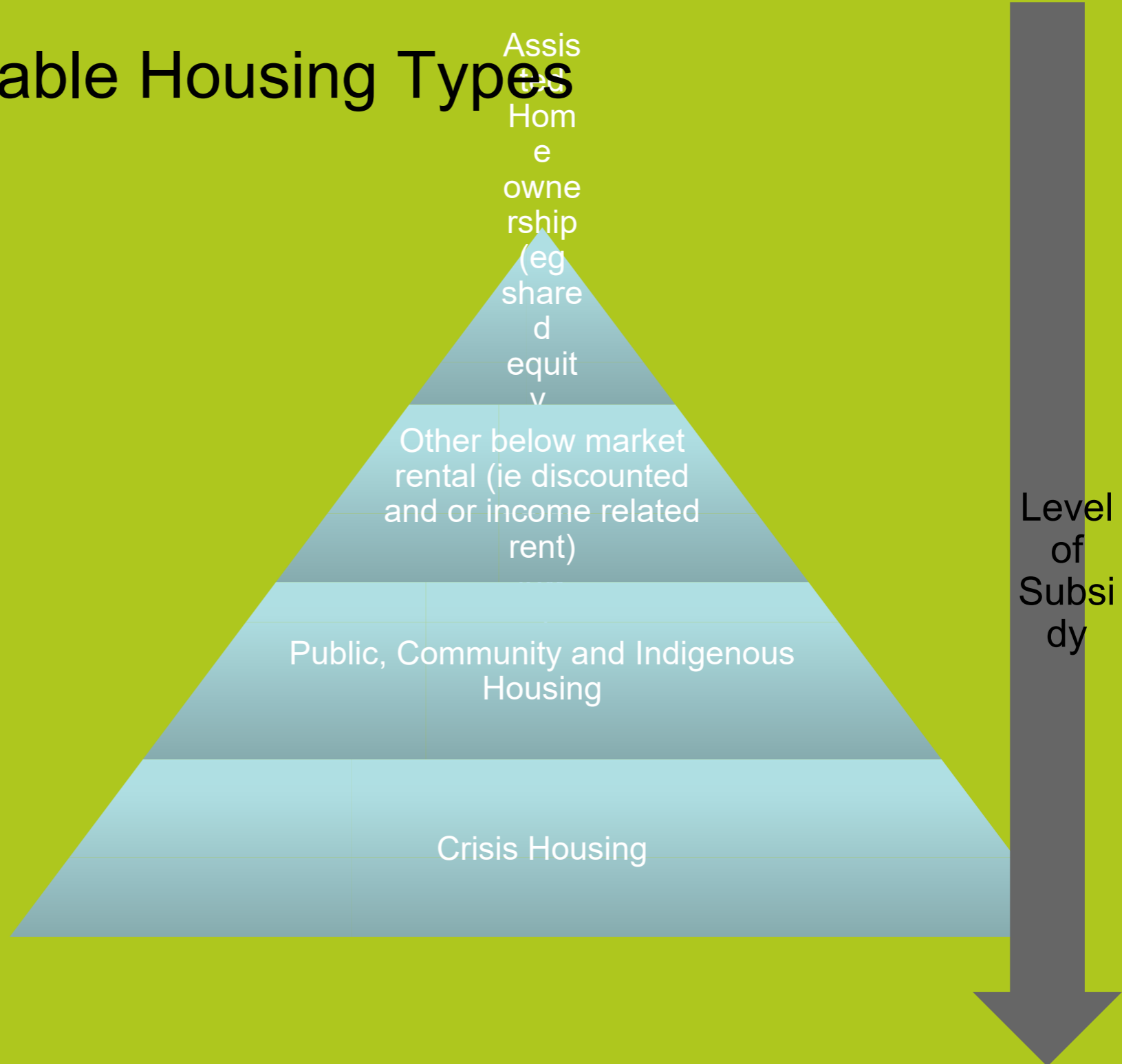
Moderate Income  
(40 - 60% of area  
median income)



Low Income (25 –  
40% of area  
median income)



Very Low Income  
(less than 25% of  
area median  
income)



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# Affordable Housing Models

Category	Model	Target Group	Discount to market price
<b>Affordable by design</b>	<ul style="list-style-type: none"> <li>• Small lots and compact dwelling designs that can be delivered at affordable price points</li> </ul>	<ul style="list-style-type: none"> <li>• Moderate income earners</li> </ul>	<ul style="list-style-type: none"> <li>• Usually 0%</li> </ul>
<b>Assisted home ownership</b>	<ul style="list-style-type: none"> <li>• Shared equity</li> <li>• Rent to buy</li> <li>• Restricted purchase</li> </ul>	<ul style="list-style-type: none"> <li>• Moderate income earners – 25–39 years</li> </ul>	<ul style="list-style-type: none"> <li>• Usually 5 - 10%</li> </ul>
<b>Below market rental</b>	<ul style="list-style-type: none"> <li>• Build to rent (below market)</li> <li>• NDIS/SDA</li> </ul>	<ul style="list-style-type: none"> <li>• Low to Moderate income earners - 25– 45 years</li> <li>• Disability housing</li> </ul>	<ul style="list-style-type: none"> <li>• Usually 10 - 15%</li> </ul>
<b>Public, community or indigenous housing</b>	<ul style="list-style-type: none"> <li>• Public/state housing and associated renewal programmes</li> <li>• Housing Associations, including bond aggregators</li> </ul>	<ul style="list-style-type: none"> <li>• Low to very low income groups – all age groups – particularly the ageing community and those with disabilities</li> </ul>	<ul style="list-style-type: none"> <li>• Usually 25%</li> </ul>

## URBANXCHANGE

# Commercial options for Development

In the broadest possible context there are 5 commercial models Council could consider for the development of the land

Type	Description
Straight sale to market	The property is put to the market by Council seeking the highest value outcomes without any requirements for affordable housing.
Deliberative Development	The deliberative development model, the housing project is driven/influenced by affordable housing outcomes in contrast to speculative development where the design of dwellings is geared to what best suits the highest outcome in the market. This would require Council to establish its desired outcomes and then seek a partner.
Development Agreement	<p>Sale by a landowner to a developer with the landowner maintaining control over what is developed. Typically:</p> <ul style="list-style-type: none"> <li>•the landowner retains the land until it is sold to the ultimate purchaser;</li> <li>•the developer is engaged by the landowner to develop the land;</li> <li>•the developer assumes the development risk;</li> <li>•the developer handles all marketing and receives the sale proceeds as the agent of the landowner; and</li> <li>•the developer accounts to the landowner in relation to the net proceeds.</li> </ul>
Community Land Trust	A Community Land Trust (CLT) is a form of shared ownership of a property, where the land component of a residential property is owned by community based, not for profit legal entity and the actual building is owned (or leased long-term) by an individual household. As CLTs remove land costs from the cost of housing they can make housing much more affordable, particularly in markets where increases in land value outpace income gains for lower income workers.
Council	Council acts as the developer and undertakes the whole development itself

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# Achieving affordable housing

The question arises as to what types of development will deliver affordable housing

	Straight sale to market	Deliberative Development	Development Agreement	Community Land Trust	Council
Affordable by Design	√	√	√	X	√
Affordable Purchase	X	√	√	X	√
Shared Equity	X	X	X	√	√
Rent to buy	X	X	X	X	√
Build to rent	X	√	√	√	√
Social Housing	X	√	√	√	√

## URBANXCHANGE

# Governance

Governance is how you organise to achieve intended value i.e. 'outcomes'. To achieve these policy outcomes a range of generic governance functions are often performed, which can be structured in a number of ways.

In the case of progressing affordable housing:

Outcomes	<ul style="list-style-type: none"> <li>• Grow levels of social and affordable housing in the municipality;</li> <li>• Maintain in perpetuity housing assets within the municipality;</li> <li>• Maximise the leverage of Council resources through co-contribution;</li> <li>• Ensure quality assurance of housing outcomes from investment (development and on-going management) ;</li> <li>• Ensure quality assurance of housing outcomes from investment (development and on-going management);</li> </ul>	
Governance Functions	<ul style="list-style-type: none"> <li>• Policy and strategy development as well as review;</li> <li>• Resource commitment &amp; allocation principles</li> <li>• Resource allocation: land / who/which project and procurement approach;</li> <li>• Management of risk, probity and equity</li> <li>• Development parameters, Quality standards &amp; Quality assurance</li> <li>• Accountability and monitoring</li> </ul>	
Structures	<ul style="list-style-type: none"> <li>• Straight sales</li> <li>• Deliberative Development</li> <li>• Development Agreement</li> <li>• Community Land Trust</li> <li>• Council (retains full control)</li> </ul>	<p>Additional mechanisms / processes that can support policy outcomes:</p> <ul style="list-style-type: none"> <li>• EoI process with associated KPIs and Probity Plan</li> <li>• Site/asset specific mechanisms -               <ul style="list-style-type: none"> <li>- Section 173 Agreements</li> <li>- Caveats</li> <li>- Covenants.</li> </ul> </li> </ul>

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# Assessment

The following table provides an assessment of the effectiveness of the different development types by outcomes:

Outcomes	Development Types				
	Straight sale to market	Deliberative Development	Development Agreement	Community Land Trust	Council
Grow levels of social and affordable housing in the municipality	Opportunities would be very limited and would only get affordable housing by design.	Opportunity to grow known affordable housing in affordable purchase and affordable rentals	Opportunity to grow known affordable housing in affordable purchase and affordable rentals	Council with the Agreement call for EOI to maximise outcomes. Would require Council to participate in maximising growth, but would allow Council oversight.	Council could facilitate all the affordable housing types – however this is a significant risk for council.
Maintain in perpetuity housing assets within the municipality	No opportunity to retain affordability	The company would use: Section 173 Agreements, Covenants on title or Caveats on title	The company would use: Section 173 Agreements, Covenants on title or Caveats on title	Trust Deeds would need to be explicit and require affordability be maintained	The company would use: Section 173 Agreements, Covenants on title or Caveats on title
Maximise the leverage of Council resources through co-contribution	Can Council insist – no.	Developer will deliver affordable housing outcomes from the discount on council land..	Developer can raise debt and leverage assets through applying funds. Can Council insist – no.	New Trust can raise debt and leverage assets through applying funds. Can Council insist – no.	Yes – Council can raise debt and undertake development to achieve desired outcomes
Ensure quality assurance of housing outcomes from investment (development and on-going management)	No opportunity for Council	S173 mechanism could require reporting mechanism on design of new and maintenance	S173 mechanism could require reporting mechanism on design of new and maintenance	S1Trust Deed would state KPIs and require reporting on design of new and maintenance. Once established limited or no opportunity to change in the future.	S173 mechanism could require reporting mechanism on design of new and maintenance
Ensure quality assurance of housing outcomes from investment (development and on-going management)	Company would manage all development risk and management of properties. Reputational risk.	Developer would manage all development risk and management of properties.	Developer manage all development risk and management of properties.	Trust or partners would manage all development risk and management of properties.	Risk for development and management sits with Council.

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# Assessment

The following table provides an assessment of the effectiveness of the different development types by governance function:

Outcomes	Development Types				
	Straight sale to market	Deliberative Development	Development Agreement	Community Land Trust	Council
Policy and strategy development as well as review	No opportunity for Council	Agreement with developer reporting and review can be altered to reflect Council changes in position.	Agreement with developer reporting and review can be altered to reflect Council changes in position.	Limited ability to influence how trust assets are used. KPI's included but once Trust is established opportunities for significant change are very limited.	Council as owner and developer establishes policy and strategy
Resource commitment & allocation principles	Cost of establishing Agreements and reviewing EOI submissions	Cost of establishing Agreements and reviewing EOI submissions	Cost of establishing Agreements and reviewing EOI submissions	Costs involved in establishing new trust	Resource and administrative cost carried by Council
Resource allocation: land / who/which project and procurement approach	All resources allocated to the Agreement via developer and outlined in EOI	All resources allocated to the Agreement via developer and outlined in EOI	All resources allocated to the Agreement via developer and outlined in EOI	All resources allocated to the Trust. Trust uses resources as per charter Council or new Trust can operate	Council allocate or direct allocation of its own outcomes
Management of risk, probity and equity	No opportunity for Council	Removes risk from Council – risk is with developer	Organisation would establish own process to do this and Council may have limited oversight – removes risk from Council – risk is with developer	Trust would establish own process to do this and Council may have limited oversight unless established in initial phase – removes risk from Council as Trust is independent	Council would bear full risk but have oversight of probity and equity
Development parameters, Quality standards & Quality assurance	Council would rely on the planning scheme only	Agreement with developer Council may have limited oversight.	Agreement with developer allocated funds would establish own process to do this and Council may have limited oversight.	Trust would establish own process to do this and Council may have limited detailed oversight	Council would have complete control of development parameters but needs to accept all risk
Accountability and monitoring	No opportunity for Council	Council can set overview and accountability in Agreement	Council can set overview and accountability in Agreement	Annual reports to Council on KPI's.	Full overview and accountability

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# Affordable Housing Outcomes

The Key Worker Housing Action Plan outlines that Colac Otway Shire has:

- A lower percentage of dwellings for rental 22% (compared to 29% across the state)
- Long term rentals have been reduced due to short term rentals
- High rents for dwellings available
- An identified shortage of affordable housing for low to moderate income earners

Objective for Council at Bruce Street:

*To increase long term affordable rentals for low to moderate income earners*

How to achieve this outcome:

- Sale to a Housing Association who engages a developer partner to achieve a proportion of affordable housing on the site; or sale with a developer who enters into partnership with a Housing Association; OR
- A Build to Rent scenario where the land is sold to a developer with a requirement that a proportion of the housing be held for rental to people on eligible incomes who pay no more than 75% of the market rent, and the houses are held by a third party.



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# Assessment

The following table provides an assessment of the effectiveness of the different development types to deliver affordable housing outcomes:

Development Type	Commentary
<b>Straight sale to market</b>	A straight sale would be undertaken on commercial terms and not provide Council with the opportunity to source affordable housing outcomes.
<b>Deliberative Development</b>	The sale through a deliberative development Council sets the parameters as a part of the sale and secures affordable housing outcomes via a S173 or some other mechanism. Council policy requirements including leverage and affordable housing outcomes is a part of the sale process. No risk to Council. Council would have monitoring role of finished developments with assistance of a S173.
<b>Development Agreement</b>	The establishment of a set of Development Agreements that meets Council policy requirements including leverage and affordable housing outcomes – the Agreement can be development to reflect Council position. Council will transfer risk on development and management to Developer. Council would have accountability and monitoring role of finished developments with assistance of a S173 or other restrictions on title. Flexibility to manage changes in direction. Matters rest with Council.
<b>Community Land Trust</b>	Establishing and maintaining new Trust will be an additional expense and offer no revenue to Council. Advantage is that a Trust can leverage assets and debt and remove any development risk from Council. Council limited capacity for reporting against an established set of KPI's the requirements for periodic reporting would need to be established at the outset and a mechanism of enforcement established. Limited scope for changes for future flexibility.
<b>Council</b>	Council would have full control but also full risk of development and housing. It would require additional resources to allow management. Full compliance with policy and procedure – flexible for future changes.

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# Development Options to include affordable housing

Meeting Councils objective for more affordable housing – what is the best way to achieve the outcome and minimise risk to Council? A **Deliberative Development Sale** process

Options for affordable housing:

- Sale to a Housing Association who engages a developer partner to achieve a proportion of affordable housing on the site; or sale with a developer who enters into partnership with a Housing Association; OR
- A Build to Rent scenario where the land is sold to a developer with a requirement that a proportion of the housing be held for long term rental to people on eligible incomes who pay no more than 75% of the market rent, and the houses are held by a third party.

How much affordable housing? TO have an impact 10% of total dwellings

Possible impact on value of land price? Impact on land value between 10- 15% discount



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## Next Steps

Identifying the affordable housing outcome desired



Quantifying the need (% of dwellings, price point, impact on land value)



Identify development mechanism and council controls



Determining process to move forward



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## Item: 10.5

### Contract 2111 - Memorial Square Playspace

<b>OFFICERS</b>	Nicole Frampton, Madeleine Bisits
<b>GENERAL MANAGERS</b>	Ian Seuren, Tony McGann
<b>DIVISION</b>	Development & Community Services Environment & Infrastructure Services
<b>ATTACHMENTS</b>	1. Contract 2111 - Memorial Square Playspace Construction - Annexure Part D - Landscape Plans [ <b>10.5.1</b> - 15 pages]
<b>PURPOSE</b>	To approve and award Contract 2111 – Memorial Square Playspace Construction tender.

## 1. EXECUTIVE SUMMARY

The construction of a new playspace at Memorial Square is a high priority of the Memorial Square Master Plan 2017, and is a priority project of Council. The project has received both state and federal government funding and Council had planned to contribute \$50,000. The total project budget is \$600,000 and the construction budget is \$510,000.

Six tender submissions were recently received for **Contract 2111 – Memorial Square Playspace Construction**. All tenders received were above the available construction budget following a 'best and final offer' process.

Works to be completed under RFT Contract 2111 include:

- Supply and installation of playground equipment including:
  - bespoke 'poppy' main play structure including slides and climbing elements
  - swings including toddler and regular seats and basket/nest swing
  - flying fox
  - accessible carousel
  - play activities/games on the rubber softfall including hopscotch and twister
  - mini trampolines
  - toddler mound slide and sandpit
  - natural play area
  - musical elements
- Rubber softfall and mulch.

- Concrete path network.
- Installation of park furniture including bench seats (5), picnic settings (2), other seating options (concrete seating walls x 2 and platform bench) and drinking fountain.
- Landscaping including planting, barrier fencing along the southern and western edge, and irrigation.
- Site preparation, drainage, other required civil works and site re-establishment.

Officers have investigated a range of options to complete the project within the available budget, including:

- Reduced scope, involving removing some equipment from the design for installation at a later date. This option was not supported by the funding body and given the extensive consultation undertaken on the design and support for the final design by the funding body, a re-design or reduced scope is not recommended.
- Alternative delivery models, including Council purchasing equipment directly rather than the head contractor. This option would not achieve much of a saving and delay project timelines, potentially compromising external funding commitments.
- Requesting a 'best and final offer' from the preferred tenderer, which resulted in a minor cost reduction.
- Re-tendering the contract in the hope of attracting more competitive tenders. This option will cause delays that may compromise funding commitments, with no assurance that a competitive tender will be received within the available budget.

Following the addition of multiple items requested during community consultation (e.g. fencing and more play equipment), the conservative pre-tender estimate was 12% over budget. Officers proceeded to tender with the understanding that savings were possible in the provision of various items and that competitive tenders were likely based on prior experience. Unfortunately, this was not the case in this instance.

Although a comprehensive cost estimating process was undertaken prior to tender to ensure the design was achievable within the budget, market trends indicate that playspace and civil construction costs have escalated in the order of approximately 20%. This trend has been confirmed by neighbouring Councils and is likely due to the demand caused by recent stimulus funding for infrastructure projects.

Savings have been identified in other 2020/21 capital works programs and it is recommended that these funds be used to cover the additional cost of delivering the project as per the final design and within funding timeframes.

## 2. RECOMMENDATION

### ***That Council:***

- 1. Allocate additional funding of \$160,000 to complete the Memorial Square Playspace project from savings identified in the 2020/21 budget as follows:***
  - a. Sealed Road Major Crack Repair Program, \$90,000***
  - b. Sealed Road Resealing Program, \$70,000***
- 2. Awards Contract 2111 – Memorial Square Playspace Construction to BC Garden Construction Pty Ltd at the lump sum price referred to in the confidentially distributed document pertaining to this contract.***
- 3. Authorises the Chief Executive Officer to sign the contracts following award of Contract 2111 - Memorial Square Playspace Construction.***
- 4. Authorises the Chief Executive Officer to perform all roles of the Principal.***
- 5. Requests that the Chief Executive Officer ensures the contract price is listed on Council's website once steps listed in point 3 have been completed.***

## 3. KEY INFORMATION

### **Background Information**

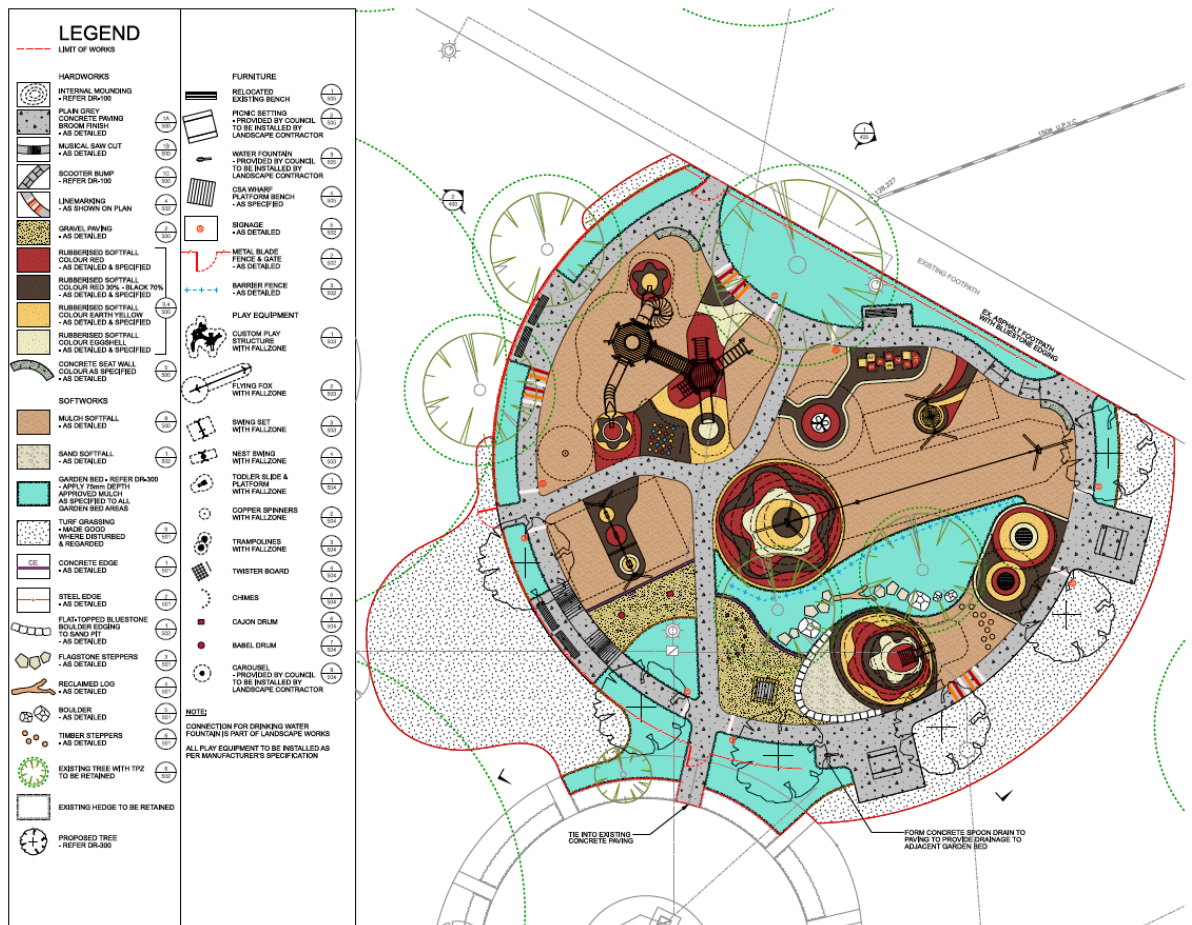
Throughout 2017, Council engaged with the community to develop a master plan for the Colac Memorial Square. An outcome of that consultation and included in the final Memorial Square Master Plan 2017 was an upgraded and expanded regional playspace. As per the endorsed master plan, an upgraded playspace would expand the existing footprint and provide residents and visitors with a high quality playspace, with inclusive and diverse play elements within the regionally significant Memorial Square open space.

The project successfully received \$250,000 in funding from the State Government through the 2019-2020 Community Sports Infrastructure Fund, and \$300,000 from the Federal Government through the Round 3 Building Better Regions Fund (BBRF). Originally, Council was required to contribute \$165,000 towards the project with that amount to be allocated in the 2019/20 Council budget, however with the success of the BBRF grant, Council's contribution was reduced to \$50,000.

In January 2020, Council engaged a design consultant to develop the documentation required for the construction of the playspace (an eligible expense and component of the funded project). Early draft concept options were prepared, with Councillors and the community providing feedback to the draft concepts throughout May and June 2020. Following the public exhibition period, the concept design was updated to reflect the feedback received during the public exhibition period. A number of additional play items (e.g. flying fox and additional swings) and other components including fencing were added to the final design. Whilst this additional equipment meant the conservative pre-tender estimate was 12% over the available construction budget, officers were of the understanding that savings were possible in the provision of various items and that competitive tenders within the available construction budget were likely based on prior experience. The final concept (refer Image 1 and 2) was approved prior to the preparation of the construction documentation for tender.



**Image 1 - Colac Memorial Square Playspace Final Design (Render)**



**Image 2 – Colac Memorial Square Playspace Final Design (playspace layout)**



### **Tender Advertisement**

The Request for Tender (RFT) for Contract 2111 – Memorial Square Playspace Construction was advertised through the Colac Herald, Geelong Advertiser, Facebook and online through e-Procure.

The scope of works includes the construction of the Memorial Square Playspace as per the design and tender documentation for Contract 2111. Provisional works are also included under Contract 2111 to install play equipment pieces as per the design.

Tender submissions for RFT Contract 2111 closed at 2pm on 27 January 2021 with submissions received from six applicants. No non-conforming or late tenders were received.

### **Evaluation of Tenders**

The Tender submissions were evaluated by the Tender Panel in accordance with Council's Procurement Policy and Tenders/Quotations and Purchasing Procedure. The evaluation considered the following weighted selection criteria including:

- Capacity - the availability and experience of key personnel and suitable resources, plant and equipment, and current contractual commitments;
- Capability - the contractor's understanding of project requirements and outcomes to be delivered (including technical requirements, and/or challenges and opportunities to be addressed), previous experience in completing similar projects to the required standard, and the contractor's ability to meet project timelines and milestones;
- Local contribution - the contractor's contribution to the financial, social and environmental wellbeing of the region, in respect to engaging and contracting with local suppliers and sub-contractors;
- Cost - the tendered lump sum (considering the normalised price score formula).

The Tender Evaluation Report can be found in the confidential attachment.

### **Review of the Submitted Tenderers Costs**

With none of the submitted tenderers being within the available construction budget, Council officers conducted a thorough review of the tender costs provided to determine why the costs to deliver the Memorial Square Playspace construction had escalated so much above the estimated construction budget.

After receiving the tenders, officers contacted neighbouring Council's to determine if similar prices were being received for similar type projects. City of Greater Geelong have indicated that they are seeing a 20% increase in cost estimates for similar custom playground projects, which is presumed to be driven by additional government stimulus funding for COVID recovery increasing industry demand.

Overall, price increases (compared to the pre-tender estimate) were observed across all aspects of the project, with the most significant cost increases relating to the following aspects:

- Preliminaries and site establishment
- Site earthworks
- Drainage works
- Concrete seating walls
- Edging

- Relocation of existing park furniture within the new playspace and installation of supplied infrastructure
- Playspace fencing and gates
- Soft landscape including plants, softfall, sand

Particular equipment was specified in the construction documentation, however the tender documentation stated that Council would accept 'approved equivalent equipment selection'. Alternative designs proposed by some tenderers at lower prices (although not lower total tender amounts) significantly deviated from the intention of the design, were lower quality and in some instances did not offer the same diversity of play activities, for example different types of slides.

These elements were carefully integrated into the proposed design to address requests from the community consultation, so removal of specific elements was not supported by the evaluation panel.

Based on this analysis, officers determined that going back out to the market would not provide Council with more cost competitive tenders that could meet the requirements of the project.

### **Review of the Design following tender submissions**

After receiving the tender submissions and completing the cost comparison, officers reviewed the design to determine if the project could possibly be staged and/or play equipment elements could be removed from the design/construction. The intent behind this approach was to avoid the cost and time implications of a re-design i.e.: removing equipment that could be installed at a later date would not require adjustment of footprints, drainage, paths etc.

After reviewing the design, officers sought feedback from the funding bodies as to whether there might be appetite to remove some of the play/infrastructure components to bring the works closer to the available construction budget.

Officers discussed this proposal with Sport and Recreation Victoria (SRV) who had been required to approve the final design for construction as part of the funding agreement. Officers proposed that items such as the additional seating options, musical elements, toddler sandpit and bluestone edging, basket/nest swing and twister game could be considered for removal without changing the intent of the playspace.

SRV representatives have considered this request and have informed officers that the musical elements, toddler sandpit and basket/nest swing cannot be removed from the playspace design as they provide cognitive, imaginative and sensory experiences as well as accessible play options. These elements are considered by SRV to be an important part of the scope of which they've provided funding.

The concrete seating walls (x 2), platform seating bench and twister game could be removed, however additional seating was a strong request from the community, and if approved by the funding body would still require a substantial additional contribution from Council of \$120,000. A formal project scope variation request would be required to approve the removal of these elements.

Since the reduced scope cost saving options available are minimal or unlikely to be supported by the funding body or the community, an additional Council allocation of \$160,000 (including construction contingencies) is proposed to achieve the full implementation of the final design within the funding timeframes.

## 4. COMMUNITY CONSULTATION & ENGAGEMENT

Significant community and key stakeholder engagement was undertaken in the development of the design, including specific input into the equipment selection, seating and general amenity.

The final design has been approved by SRV. If playspace elements are removed/changed/altered, then the department, and likely the Minister, is required to approve those changes.

Summary of consultation undertaken for the Memorial Square Master Plan:

- Significant consultation and feedback provided from the Colac community during the development of the Colac Memorial Square Master Plan in 2017/18. The master plan proposed a larger playspace footprint with zones for the different age groups – toddler, junior and senior children. Whilst a concept plan highlighting possible equipment and structure of the playspace was provided in the master plan report, a detailed design process would be required to finalise the equipment selection.
- In developing the master plan, the master plan report was provided to Colac Otway Shire internal stakeholders including Councillors, Parks and Gardens, Recreation and Open Space, Arts and Leisure, Assets and Property Services, Environment and Community Safety, Capital and Major Projects, Planning, Building and Health, Economic Development and Events (including Tourism), Events Officer and Community Services.
- The development of the master plan also engaged with key external stakeholders including the RSL, DELWP, Custom Car and Bike Show, Colac Lions Club, Carols by Candlelight, Kana, Colac and District Chamber of Commerce, Rotaract, local schools including targeted consultation with Year 8 Trinity College students.
- The broader community were also consulted via social media, survey and requests for feedback through the Colac Herald and local radio.

Community feedback received relating to the playspace:

- August 2017 – Whilst the master plan process didn't seek specific direction around the playspace, the themes from the master plan consultation relevant for the playspace included:
  - Well-designed playground catering to all age groups.
  - Update the playground; bigger, better playground.
  - Large fenced playground for all age groups.
  - Functional playground.
  - Hard slide in kiddie section.
  - Sun protection.
  - Seating and picnic tables.
  - Something for teenagers so that they don't sit on the younger aged play equipment.
  - Wooden and sensory playground, natural playground for exploring.
  - Music equipment – xylophone, pipes, wind chimes, etc.
  - Bike paths for kids to ride around.
  - All abilities.
  - Swing for people with disabilities.
  - Security cameras.

- June 2018 – Using the above themes and other feedback from the community obtained during the master plan process, a preliminary draft concept design was developed to test costs and develop a universal design layer in order to secure funding. This design was provided to local parents of children with a disability for discussion. Feedback received on the preliminary draft concept design included:
  - Provide more sound and tactile elements within the playspace – musical, touch etc.
  - Provide games you can play on the ground – utilise the dead space (not within fall zones).
  - Ensure the space is accessible with paths and shade/shelter.
  - Include fencing/barriers due to the proximity of the space to major roads.
  - Provide increased seating and shade.
  - Provide picnic tables close to equipment.
  - Provide inclusive/all abilities equipment including ground level play elements.
  - Provide a drinking fountain near the playground.
  - Provide accessible ramps.
  - Provide accessible/wide paths.
  - Ensure the surfaces are wheelchair friendly.
  
- March-April 2020 – finalisation of preliminary concept design phase including internal design review and development of final draft design report and cost estimates.
  
- May-June 2020 – Colac Otway Shire internal, Councillor, key stakeholder and public exhibition of final draft design. Equipment requests received during the community and stakeholder consultation on the preliminary concept designs included the following:
  - Ensure there is play for all ages and abilities.
  - Accessible equipment.
  - Include a bike/scooter track for young children.
  - Provide picnic tables and seating, as well as seating within play area (Note: there are seven different seating options from formal seating and picnic settings around the perimeter path, and informal curved seating within play area).
  - Install a drinking fountain with water bottle fill and dog bowl.
  - Provide more swings – include more regular swings.
  - Include monkey bars.
  - Include more slides.
  - Remove the rope climbing area.
  - Install a flying fox.
  - Install mini trampolines.
  - Poppy structure suggestions/considerations:
    - Included a staircase rather than ladder for younger children to access platforms.
    - Include more slides.
    - Utilise the area under the structures – e.g., shop front panels, tunnels etc.
    - Equipment looks too high – need to also include lower climbing equipment for younger ages.

- Toddler area:
  - Design considerations: toddler area appears to be separated from other equipment and appears to be restricted visibility with plants; looks dark and enclosed; how do you supervise children of varying ages.
  - Consider additional features to playhouse: tunnel, balance – low to ground, interactive panels, slide.
  - Sandpit considerations: remove due to hygiene concerns; add other sand equipment diggers.
- Musical and sensory play:
  - Ensure musical instrument selection is vandal proof.
- Concerns with the safety of including boulder steppers and logs.
- Install a fence due to the proximity of the playspace to the roads.

Sport and Recreation Victoria feedback (funding body):

- Toddler House: What play opportunities will toddler house include or is it a relatively simple layout with imaginative play (ensure if it is enclosed that the opening is wide enough for wheelchair and pram/stroller access).
- Sand pit: Include some accessible sand play items e.g. accessible digger here would broaden usage of this space for all.
- Custom play unit: provide some more ground level play items, panels, etc., especially for those who cannot climb the structure due to age and/or ability to make them feel involved and part of this unit. As a key destination point within the new playground, it is likely to attract a range of users, ages and abilities therefore some diversity in its offering especially at ground level would be beneficial, plus as it sits on a rubber surface it will be an easy piece of equipment for all to access. Utilise the void under one of the structures by partially enclosing it to create a quite space underneath along with a servery/section that looks back out to the playground.

All of the above was taken into account in finalising the final design for the Memorial Square Playspace (refer Image 2 and attached ‘*Contract 2111 – Memorial Square Playspace Construction – Annexure Part D - Landscape Plans*’).

## 5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

Alignment to Council Plan 2017-2021:

Theme 2 - Our Places

1. Assets and infrastructure meet community needs.
5. Delivery of our capital works program.

Theme 3 - Our Community

1. Increase social connection opportunities and community safety.
2. Connect people through events and activities.
4. Provision of resources to support physical activity by the community.

Upgrading the Colac Memorial Square Playspace was identified as an action in the endorsed Colac Memorial Square Master Plan 2017 which involved extensive consultation and feedback with the community. The Our Places theme in the Council Plan 2017-2021, states a specific action under the goal of “towns and places are welcoming and attractive” and to “implement the Memorial Square

Master Plan". Implementation of the Colac Memorial Square Master Plan is a Council endorsed priority project. This project aligns to other developed strategic plans which incorporated community engagement and consultation activities such as the Colac Otway Shire Physical Activity Strategy and Colac Otway Shire Public Open Space Strategy's 'standards for open space development'.

## 6. CONSIDERATIONS

### ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

Memorial Square is a significant and important highly valued parcel of open space for the local community and visitors to the region and is recognised for its historical, cultural and recreational significance. Memorial Square is used extensively by locals and visitors as both a site for events and also as open space. Memorial Square is a regular resting point for tourists driving through Colac and the playground experiences high local and visitor usage. The new playspace will provide high quality and attractive facilities which can encourage visitors and tourists to stop in Colac.

Council endorsed the Colac Memorial Square Master Plan 2017 at its January 2018 Ordinary Council meeting. The master plan is a long-term plan which is being used to guide future development and improvements in the park. Consultation with the community and key stakeholders occurred in the preparation of the master plan and provides a vision for the square which reflects the needs and aspirations of the local community. The master plan identifies a range of community infrastructure improvements in accordance with community requirements and expectations. Implementation of the master plan is subject to Council budget considerations and the ability to access State and Federal Government funding.

An upgraded playspace at Memorial Square will provide a significant opportunity for social interaction for our community. Memorial Square is one of Colac's most important and highest profile open spaces centrally located within the Colac CBD. The new playspace has been designed in such a way that it complements the war memorial and the history of Memorial Square. Playgrounds provide amusement and recreation for children, with research confirming that play is an integral part of early development. In addition, recent research has found children from disadvantaged backgrounds benefit the most from public playgrounds. Unstructured and free play allows children to do what comes naturally to them – i.e. making up their own games, developing their own rules and interacting socially with other children. Developing physical skills, learning cooperative play and growing their creativity confirms that play and well-designed playspaces are vital in a child's development. Skills developed in physical education in the early years are just as important for success later in life as intellectual development.

### LEGAL & RISK

The current play equipment was installed in 1995 and has served the community well over the years. The play equipment in particular is ageing and needs upgrading to attract children and families to the space.

Recent independent playground inspection audits have highlighted the equipment is of an age where it is well past its useful life and major components of the equipment require modification or replacement to meet current standards. It is becoming increasingly difficult to purchase replacement components for damaged play equipment components and the play equipment requires significant modifications to meet current playground standards with the current play equipment not compliant to current standards. Some of the hazards identified by the playground auditor include potential head/neck entrapments and finger entrapments. The playground is independently audited twice annually. The most recent playground audit completed in May 2020 identified a number of defects and stated that "due to the age of the equipment and the number of potential hazards, it is impractical

and uneconomical to refurbish this playground". As such, the playground auditors recommend the playground be replaced.

Based on the condition and risk associated with the existing equipment, this project proposes to replace the existing playground equipment within Memorial Square as per the Memorial Square Playspace final design (see attached).

Proceeding with a reduced scope or lower quality equipment alternatives would pose a reputational risk for Council with the community and the funding bodies.

### **Tender Award**

If Council supports providing the additional funding required to complete the project, it is proposed that the preferred tenderer will be awarded to undertake the construction of the Memorial Square Playspace as per Contract 2111 at the March 2021 Ordinary Council Meeting.

If the project is not delivered by 31 December 2021, Council will not meet its funding obligations. Both the SRV and BBRF funding require works to commence prior to 30 June in order to complete the project and acquit the funding by 31 December 2021. The program of works is approximately 5 months so the contract needs to be awarded at the March 2021 Ordinary Council Meeting to ensure contractor appointment by early April at the latest. These timeframes do not allow time for re-tendering of the works.

The successful tenderer is required to provide a CEMP (Construction Environmental Management Plan) that addresses environmental, social, cultural considerations. The CEMP will be actively managed by Council staff throughout the contract term.

The successful tenderer is required to provide adequate documentation for occupational health and safety requirements, including site specific potential hazard assessment and Safe Work Method Statements (SWMS). This documentation will be thoroughly checked by Council staff prior to commencement and measures put in place to ensure it is adhered to throughout the work.

The successful tenderer is required to have the necessary insurance to comply with Council's requirements.

### **FINANCIAL & BUDGETARY**

A construction budget of \$510,000 was allocated towards completing the project. Under the RFT for Contract 2111, no tender submissions were received within the available construction budget.

The tendered lump sums and the recommended tenderer can be seen in the Tender Evaluation Report in the confidential attachment.

Savings have been identified in Council's 2020/21 Sealed Road Major Crack Repair Program and Sealed Road Resealing Program to a total value of \$160,000. It is recommended that these savings are reallocated to the Memorial Square Playspace Project to cover construction costs and construction contingencies.

The savings in the Sealed Road Resealing Program were achieved because not all of the provisional items under the contract were required.

The savings in relation to the Sealed Road Major Crack Repair Program were due to the contracted rates coming in lower than estimated. The savings identified do not result in any works being postponed or not delivered.

## 7. IMPLEMENTATION STRATEGY

Upon Council's consideration of the allocation of the additional funding required to complete the Memorial Square Playspace project, **Contract 2111 – Memorial Square Playspace Construction** can be awarded early April 2021 enabling the construction of the playspace to commence. Onsite construction and project completion is expected by 31 December 2021, in line with funding agreements.

### COMMUNICATION

A letter of acceptance and contracts will be issued to the successful tenderer if Council determines to allocate additional Council budget towards the completion of this project. The contracts shall be signed by both the Contractor and Council prior to the commencement of works.

If the contract is awarded, public notices of works will be circulated/advertised when a commencement date is agreed.

Construction signage will be installed onsite upon the appointment of the tenderer and prior to the works commencing onsite.

Officers will work with Council's PR team to keep our community informed with progress on this project. It is also proposed that signage will be provided onsite to redirect visitors to alternative playgrounds whilst construction is underway.

### TIMELINE

Under the BBRF executed funding agreement, the playspace construction must be completed by 31 December 2021.

Officers are working with SRV representatives to seek an extension to the project completion date, with the new date proposed to be 31 December 2021.

The timeline provided by the preferred tenderer will meet the project completion date of 31 December 2021.

## 8. OFFICER DIRECT OR INDIRECT INTEREST

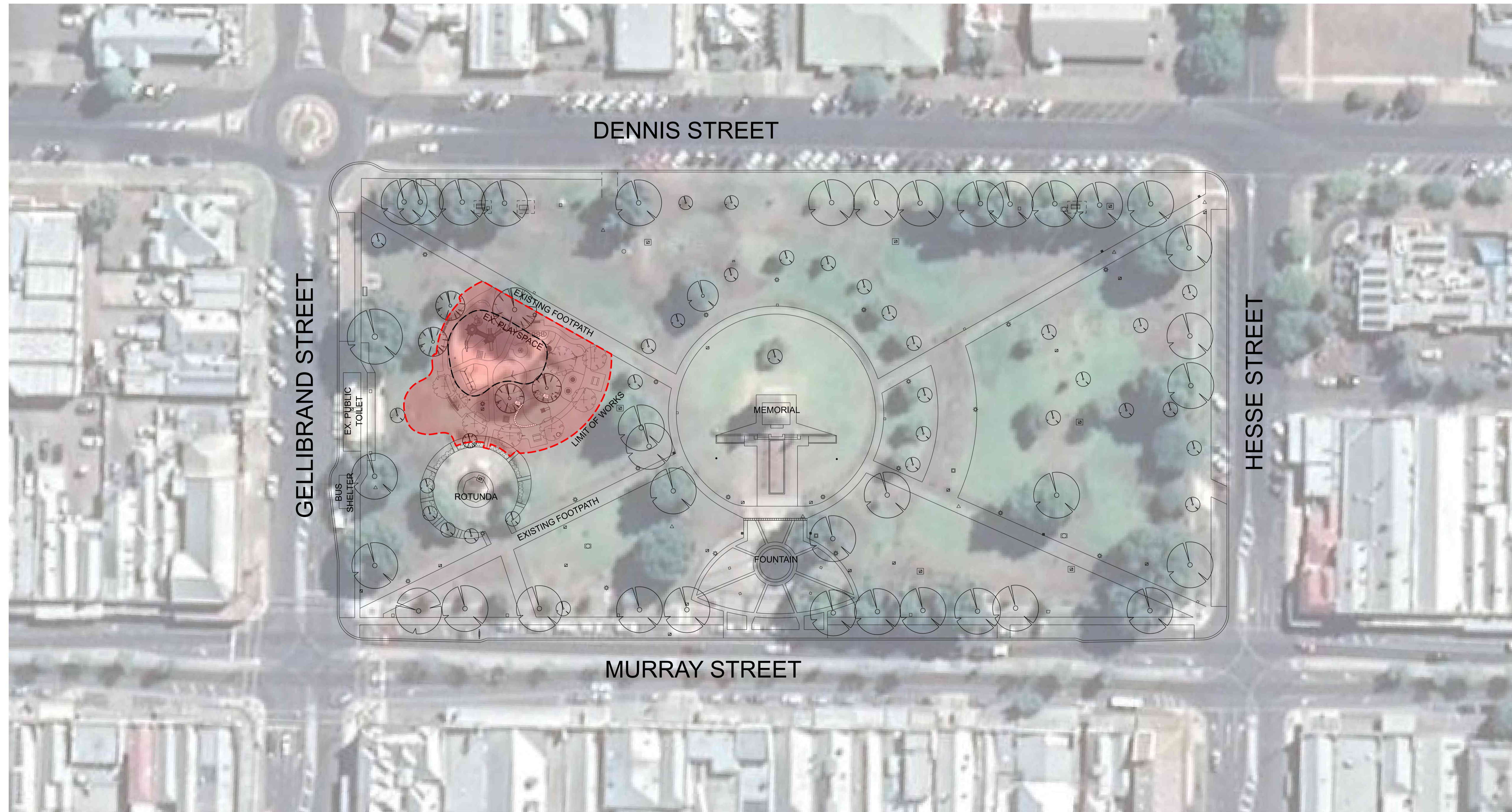
No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.



# MEMORIAL SQUARE PLAYSPACE LANDSCAPE WORKS

DRAWING NUMBER	DRAWING TITLE
0319-0826-00-L-03 DR-000	COVER SHEET, LOCATION PLAN, DRAWING SCHEDULE
0319-0826-00-L-03 DR-001	SPECIFIED ITEMS SCHEDULE
0319-0826-00-L-03 DR-100	DEMOLITION PLAN
0319-0826-00-L-03 DR-101	SET OUT PLAN
0319-0826-00-L-03 DR-102	GRADING PLAN
0319-0826-00-L-03 DR-200	SURFACE TREATMENTS PLAN
0319-0826-00-L-03 DR-300	PLANTING PLAN
0319-0826-00-L-03 DR-301	TEMPORARY FENCING TO GARDEN BEDS
0319-0826-00-L-03 DR-400	LANDSCAPE SECTIONS
0319-0826-00-L-03 DR-500	LANDSCAPE DETAILS 01
0319-0826-00-L-03 DR-501	LANDSCAPE DETAILS 02
0319-0826-00-L-03 DR-502	LANDSCAPE DETAILS 03
0319-0826-00-L-03 DR-503	PLAY EQUIPMENT 01
0319-0826-00-L-03 DR-504	PLAY EQUIPMENT 02
0319-0826-00-L-03 DR-505	FURNITURE

- GENERAL NOTES**
- DO NOT SCALE DRAWINGS. FIGURED DIMENSIONS HAVE PREFERENCE OVER SCALED DIMENSIONS.
  - ANY DISCREPANCIES MUST BE REPORTED IMMEDIATELY TO THE SUPERINTENDENT.
  - THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE DETAILS, SPECIFICATIONS AND ENGINEERING DOCUMENTS.
  - LOCATE AND PROTECT ALL UNDERGROUND SERVICES PRIOR TO ANY EXCAVATION. MAKE GOOD ALL DAMAGE TO EXISTING WORKS CAUSED BY THE ACTIVITY OF THESE WORKS.
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**PROJECT**  
MEMORIAL SQUARE PLAYSACE

**CLIENT**  
COLAC OTWAY SHIRE

**DRAWING TITLE**  
COVER SHEET,  
LOCATION PLAN,  
DRAWING SCHEDULE

DRAWING NUMBER	REVISION
0319-0826-00-L-03 DR-000	5

DRAWN	CHECKED	APPROVED	DATE
SL/MB	MB	DC	21.08.2020

SCALE 1:500 @ A1  
0 5 10 25m

SPECIFICATION OVERVIEW ONLY: REFER LANDSCAPE SPECIFICATION DOCUMENT FOR FULL SPECIFICATION

Paving					
Reference	Item	Description	Product	Finish/colour	Notes
Concrete Paving	Plain Grey Concrete Paving	Portland Grey Cement	-	Fine broom finish, saw cuts and expansion joints as detailed and specified	Refer specification for sample to be provided
Scooter Bump	Scooter Bump Paving	Portland Grey Cement	-	Fine broom finish	Refer specification for sample to be provided
Paving Linemarking	Linemarking to concrete paving	Nutech Pavecoat Coloured linemarking	PaveCoat concrete sealer	colour 1: Burgundy colour 2: Safety Yellow colour 3: White	or approved equivalent. Provide samples for approval
Rubber Sofffall	Rubber Sofffall	Wetpour EPDM rubber granules	-	colour 1: Red colour 2:red 30% black 70% colour 3:Earth Yellow colour 4: eggshell colour 5 (twister game): bright orange colour 6 (twister game): light blue	Provide samples for approval
Sofffall Mulch	Sofffall Mulch	Sofffall bark mulch shall comply with AS 4422 – Soft-fall Standards	-	-	Refer specification for sample to be provided
Gravel Paving	Gravel Paving	3% Cement stabilised granitic gravel	Granitic Sand	gold colour	Refer specification for sample to be provided
Flagstone Steppers	Flagstone stepper paving	30mm x 600mm nom. dia Bluestone organic steppers	-	sawn finish	Refer specification for sample to be provided
Boulder Sandpit edging	Flat topped basalt landscape boulders	300 - 700mm dia. Nom.	blue mudstone OR Colac Flats	Flat faces and squared edges	Refer specification for sample to be provided

Walls & Fences					
Item	Description	Product	Finish	Notes	
Concrete Seat Wall	Integral coloured concrete Seat wall	Portland Grey Cement with ablox 'Midnight Black' 4.1 5%	-	Class 2 finish	Refer specification for sample to be provided
Barrier Fence	Timber Vertical post decorative fence	Painted finish to vertical posts as detailed & specified	Dulux Weathershield Low Sheen	colour 1:Symphony Red colour 2:Bright Delight colour 3: Bilby colour 4:Meerkat	Post holes to be hand dug in tree protection zone and located to avoid tree roots. Refer landscape specification for works within tree protection zones. Supply colour samples for approval.
Perimeter Fence & Gates	Steel pool fence & Gates	As detailed & Specified	-	Powder coat - Satin Black	Provide shop drawings for approval
	Gate hinges	Self closing hinges	Truclose self closing gate hinge for metal gates	Black	
	Gate latch & handles	LokkLatch magnetic gate latch/handle	Pinnacle Black Improved Pattern Gate latch	Black	
Temporary Garden Fence	Star picket and wire fence	star picket with galv wire square knot mesh	-	Black posts	

Furniture					
Item	Description	Product	Supplier	Notes	
Existing Bench Seat (to be relocated)	Council Bench Seat for salvage and relocation	Strip and repaint Finish: Dulux Powder Coatings	Dulux Powder Coatings colour: Charcoal Satin	Site Salvaged	Refer demolition plans
Picnic Setting	Steel Slatted Picnic Setting	Mild Steel slats & support pipes. Finishes: Powdercoat satin Monument	FFSA004019	Furphy Foundry	Picnic Setting supplied by COS. Contractor to install
Platform Bench	Wharf Platform Bench	1500 x 1525 x 378mm galv steel frame, Enviroslat recycled battens, bolt down fixing	TM4529	Commercial Systems Australia	Or approved equivalent
Signage	Mini Stop Signage	1.6mm aluminum Mini Stop sign as detailed and specified	CP3308	National Safety Signs	Or approved equivalent
Proprietary Drinking Fountain	Drinking Fountain	Water bottle refill and drinking fountain with dog bowl attachment	-	Colac Otway Shire (Barwon Water)	Install only, Supplied by COS

Play Equipment Items					
Item	Description	Product	Supplier	Notes	
Custom Play Structure	Custom Mikado Tower	as detailed as specified	Custom	The Suppliers for Play equipment listed in the Tender Documentation are suggested Suppliers only. Tenderers can propose similar approved equivalent play equipment for both proprietary play pieces and the Custom Play Tower from alternative Suppliers Shop drawings to be provided for approval Colour samples to be provided for approval All equipment to be installed to manufacturer specifications	
Flying Fox	Cable Slide	Stainless steel posts and cable	Posts - Charcoal		
Swing Set	3 way Swing Frame	2 swings + 1 toddler swing	Posts - Charcoal		
Nest Swing	Basket Swing	-	Posts - Charcoal		
Mound slide	Toddler Slide	stainless steel slide as detailed and specified	-		
Slide platform	slide platform for toddler mound slide	-	Posts - Charcoal		
Copper Spinner	Copper Lappset spinner	Steel & HPL platform, ground mount	Red RAL 3020		
Trampoline	Round Trampoline	1700mm dia in ground	black		
Twister Board	Lappset Twister Play panel with support post	-	Posts - Charcoal		
Chimes	Tubular Bells	7 x Aluminium tube bells with 1 x pair of beaters (red), ground mount to manufacturers recommendations	-		
Cajon Drum	Cajon' Drum Delux	316 stainless steel with hardwood seat top, ground mount to manufacturers recommendations	-		
Babel Drum	Babel Drum Large	Stainless steel, ground mount to manufacturers recommendations	-		
Reclaimed log	reclaimed hardwood timber log	as detailed as specified	red gum or similar		logs to be approved by landscape architect/client prior to purchase
Timber Steppers	Reclaimed hardwood timber stumps	300mm nom. Dia. As detailed	red gum or similar		
Carousel	Wheelchair Carousel	Gal. Steel Aluminium deck HPL Plates	Handrail: Red RAL 3020 Bench: Charcoal		Supplied by Colac Otway Shire. Contractor to install

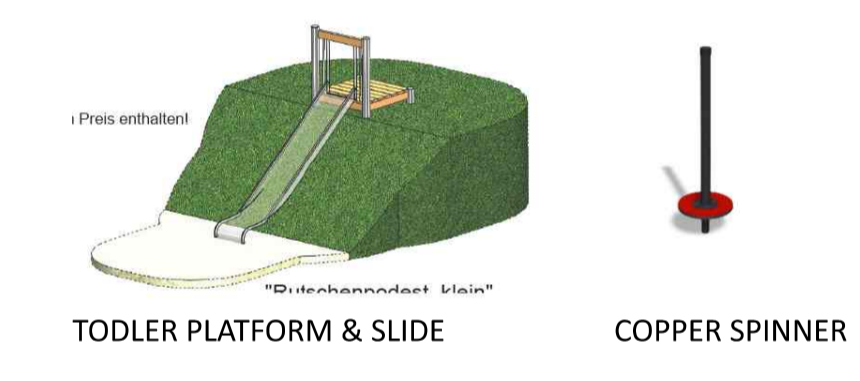
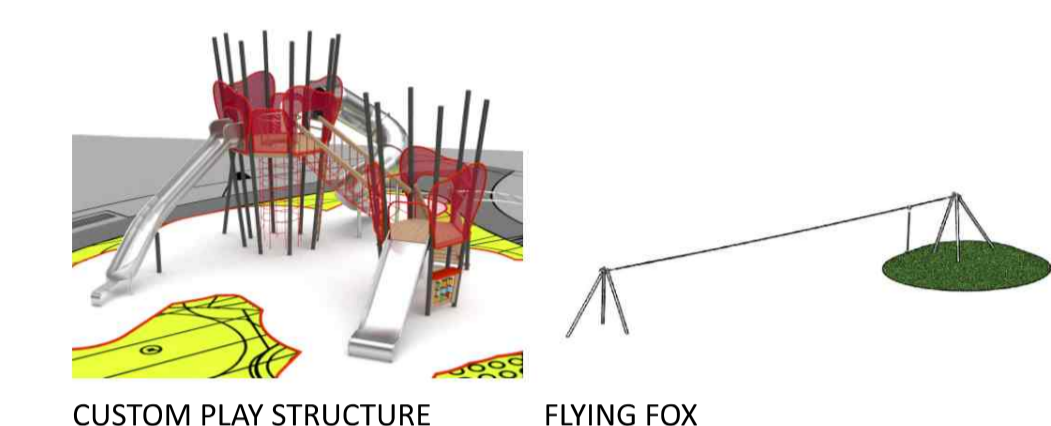
Softworks					
Item	Description	Product/Finish	Supplier	Notes	
Steel Edge	as detailed and specified	mild steel	-		
Concrete flush edge	as detailed and specified	Portland Grey Cement	-	Refer specification for sample to be provided	
Sand Sofffall	Triple washed play sand	-	-		
Boulder	Large basalt rock	600-1000mm dia.	-	logs to be approved by landscape architect/client prior to purchase	

**NOTE:**  
THE SUPPLIERS FOR PLAY EQUIPMENT LISTED IN THE TENDER DOCUMENTATION ARE SUGGESTED SUPPLIERS ONLY. TENDERERS CAN PROPOSE SIMILAR APPROVED EQUIVALENT PLAY EQUIPMENT FOR BOTH PROPRIETARY PLAY PIECES AND THE CUSTOM PLAY TOWER FROM ALTERNATIVE SUPPLIERS.

REFER TO DR-503 TO DR-505 AND SPECIFICATION FOR PLAY EQUIPMENT & FURNITURE DATA

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**PLAY EQUIPMENT IMAGES**  
FOR INDICATIVE ONLY. REFER DR-503 TO DR-505 AND SPECIFICATION FOR MORE DETAILS



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5	FINAL TENDER DOCUMENTATION	10.12.2020	SL	MB

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**PROJECT**  
MEMORIAL SQUARE PLAYSACE

**CLIENT**  
COLAC OTWAY SHIRE





**DRAWING TITLE**  
SPECIFIED ITEMS SCHEDULE

DRAWING NUMBER	REVISION
0319-0826-00-L-03 DR-001	5

DRAWN	CHECKED	APPROVED	DATE
SL/MB	MB	DC	21.08.2020

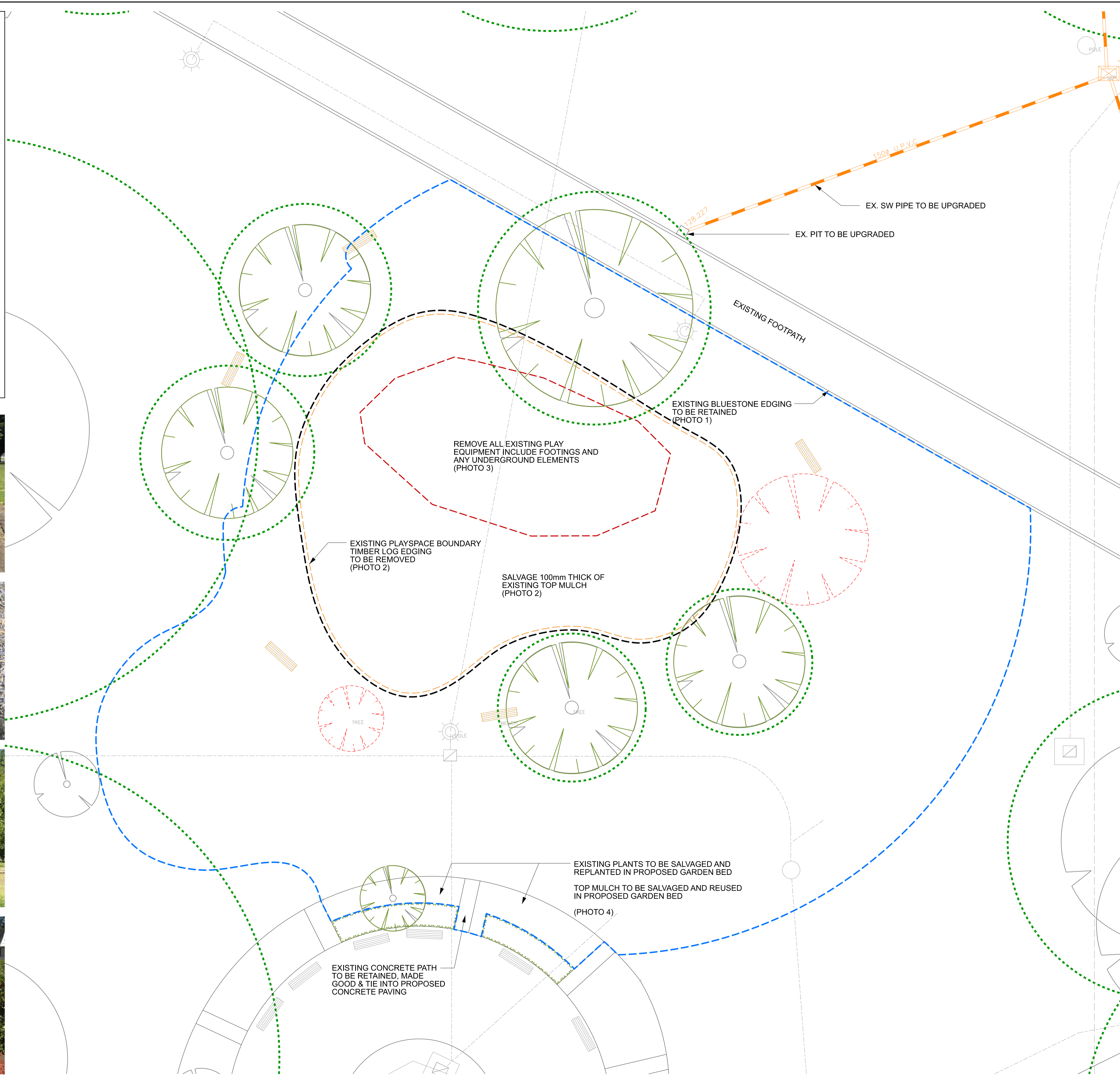
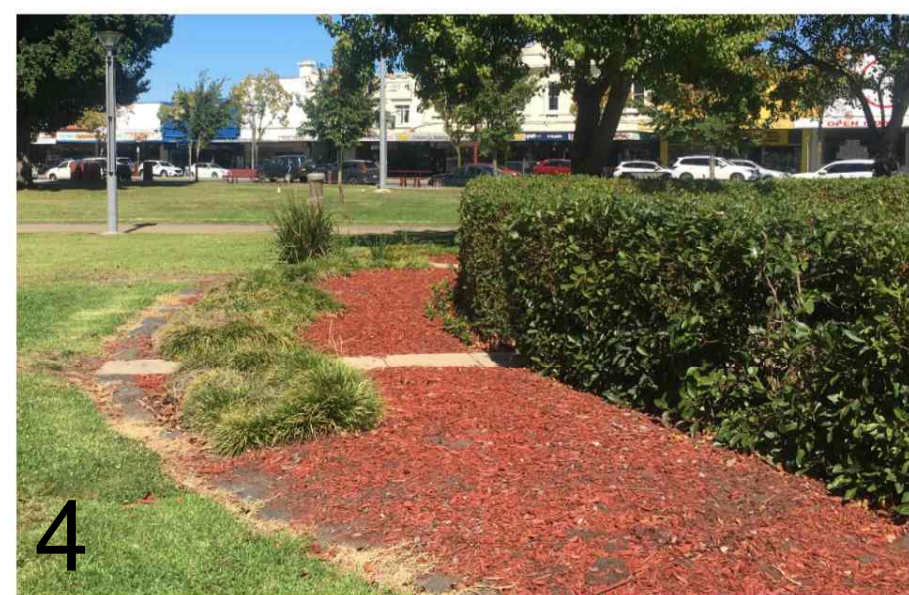
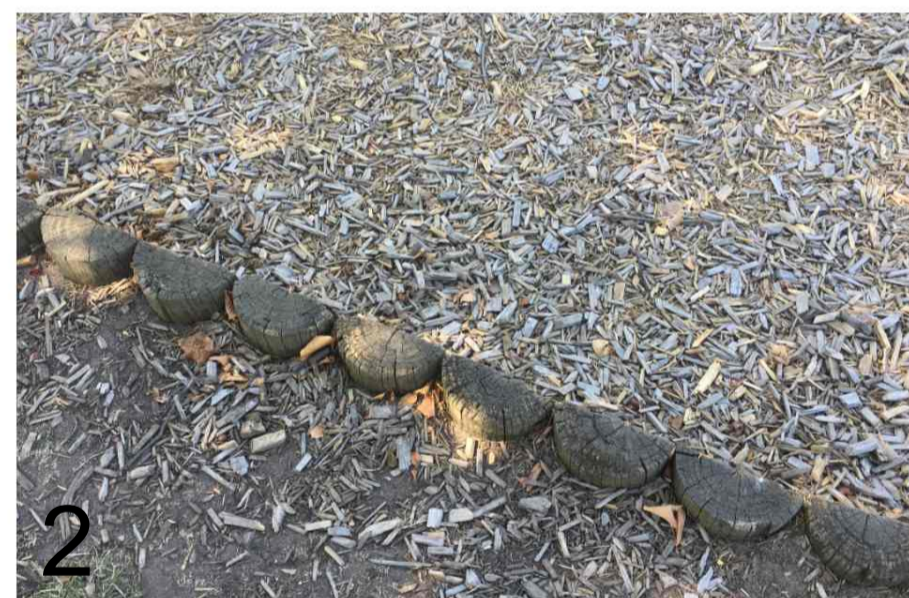
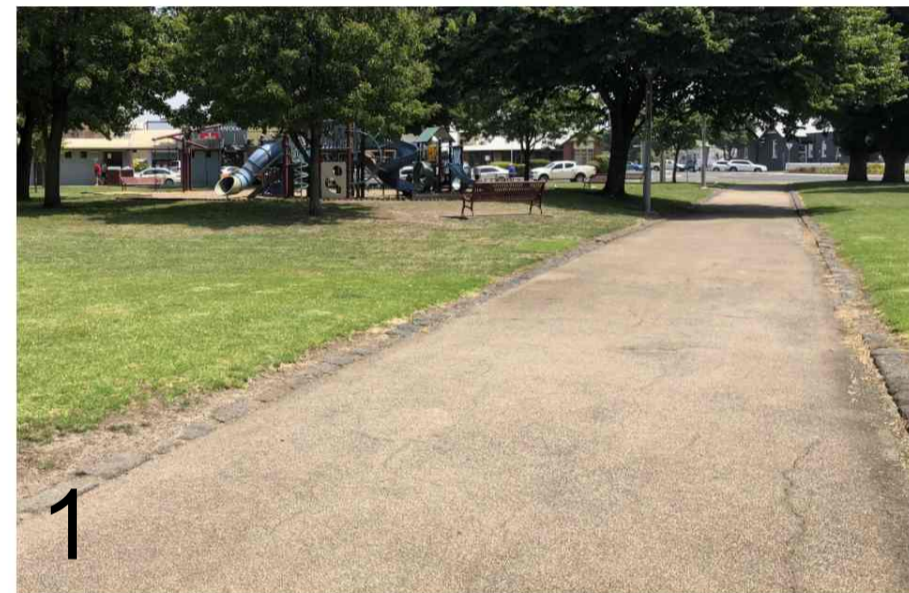
SCALE      A1

# LEGEND

- - - PROPOSED PLAYSPACE BOUNDARY
- - - EXISTING PLAYSPACE BOUNDARY
-  EXISTING TREE WITH TPZ TO BE RETAINED 6  
502
-  EXISTING PLANTING TO BE RETAINED
-  EXISTING TREE TO BE REMOVED
-  EXISTING BENCH TO BE SALVAGE, REPAINT AND RELOCATED REFER DR-200 & SPECIFICATION FOR PAINT COLOURS

**NOTE:**

- TREE PROTECTION ZONES ARE INDICATIVE AND TO BE CONFIRMED BY QUALIFIED ARBORIST PRIOR TO COMMENCEMENT OF WORKS.
- ALL EXISTING PLAY EQUIPMENT TO BE REMOVED, INCLUDES ALL FOOTING AND ANY UNDERGROUND ELEMENTS.
- 100mm THICK OF EXISTING TOP MULCH TO BE SALVAGED AND REUSED IN PROPOSED PLAYSPACE
- SITE CLEARANCES & ESTABLISHMENT AS SPECIFIED



- GENERAL NOTES**
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**PROJECT**  
MEMORIAL SQUARE PLAYSERVICE

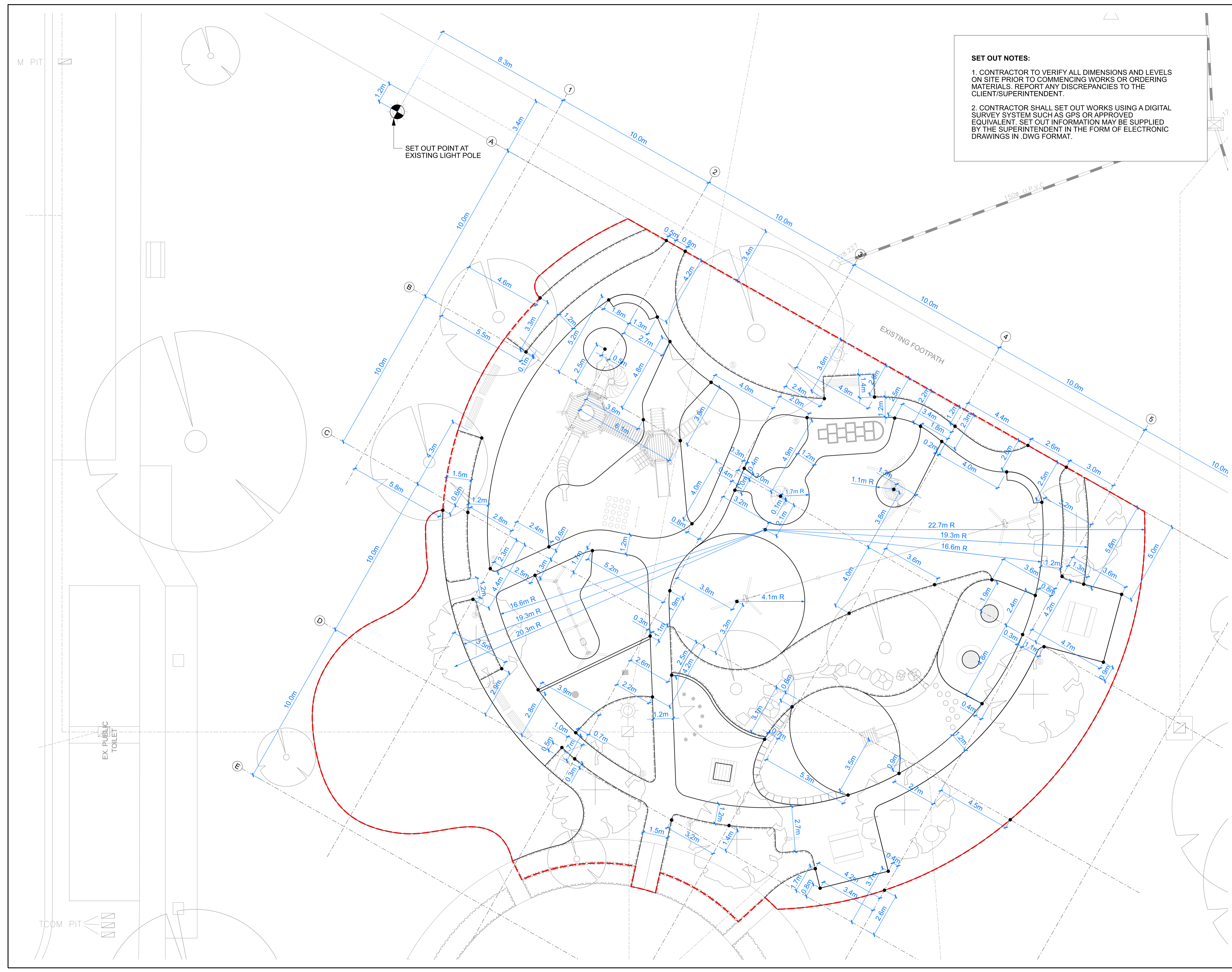
**CLIENT**  
COLAC OTWAY SHIRE

**DRAWING TITLE**  
DEMOLITION PLAN

DRAWING NUMBER	REVISION
0319-0826-00-L-03 DR-100	5

DRAWN	CHECKED	APPROVED	DATE
SL/MB	MB	DC	21.08.2020

SCALE 1:100 @ A1



**SET OUT NOTES:**

- CONTRACTOR TO VERIFY ALL DIMENSIONS AND LEVELS ON SITE PRIOR TO COMMENCING WORKS OR ORDERING MATERIALS. REPORT ANY DISCREPANCIES TO THE CLIENT/SUPERINTENDENT.
- CONTRACTOR SHALL SET OUT WORKS USING A DIGITAL SURVEY SYSTEM SUCH AS GPS OR APPROVED EQUIVALENT. SET OUT INFORMATION MAY BE SUPPLIED BY THE SUPERINTENDENT IN THE FORM OF ELECTRONIC DRAWINGS IN .DWG FORMAT.

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**PROJECT**  
MEMORIAL SQUARE PLAYSACE

**CLIENT**  
COLAC OTWAY SHIRE

**DRAWING TITLE**  
SET OUT PLAN

DRAWING NUMBER	REVISION
0319-0826-00-L-03 DR-101	5

DRAWN	CHECKED	APPROVED	DATE
SL/MB	MB	DC	21.08.2020

SCALE 1:100 @ A1  
0 1 2 5m

# LEGEND

- LIMIT OF WORKS
  
- GRADING**
- EXISTING CONTOURS
- PROPOSED CONTOURS
- 90mm DIA. SLOTTED AGI DRAINAGE PIPE - AS DETAILED & SPECIFIED
- DRAINAGE OUTLET TO STORMWATER 90mm DIA. SOLID DRAINAGE PIPE - AS DETAILED & SPECIFIED
- 300mm DIA. SOLID STORMWATER DRAINAGE PIPE - AS SPECIFIED
- PROPOSED SUB-SURFACE DRAINAGE PIT 300 x 300mm - AS SPECIFIED
- PROPOSED GRATED DRAINAGE PIT 300 x 300mm - AS SPECIFIED
- UNDERGROUND WATER CONNECTION TO DRINKING FOUNTAIN
- ROOT BARRIER - AS SPECIFIED
- DIRECTION OF FALL
- DRINKING FOUNTAIN
- EXISTING SURFACE LEVEL
- FINISHED SURFACE LEVEL
- TOP OF WALL LEVEL
- BOTTOM OF HOLLOW LEVEL
- EXISTING TREE WITH TPZ TO BE RETAINED
- EXISTING TREE TO BE REMOVED

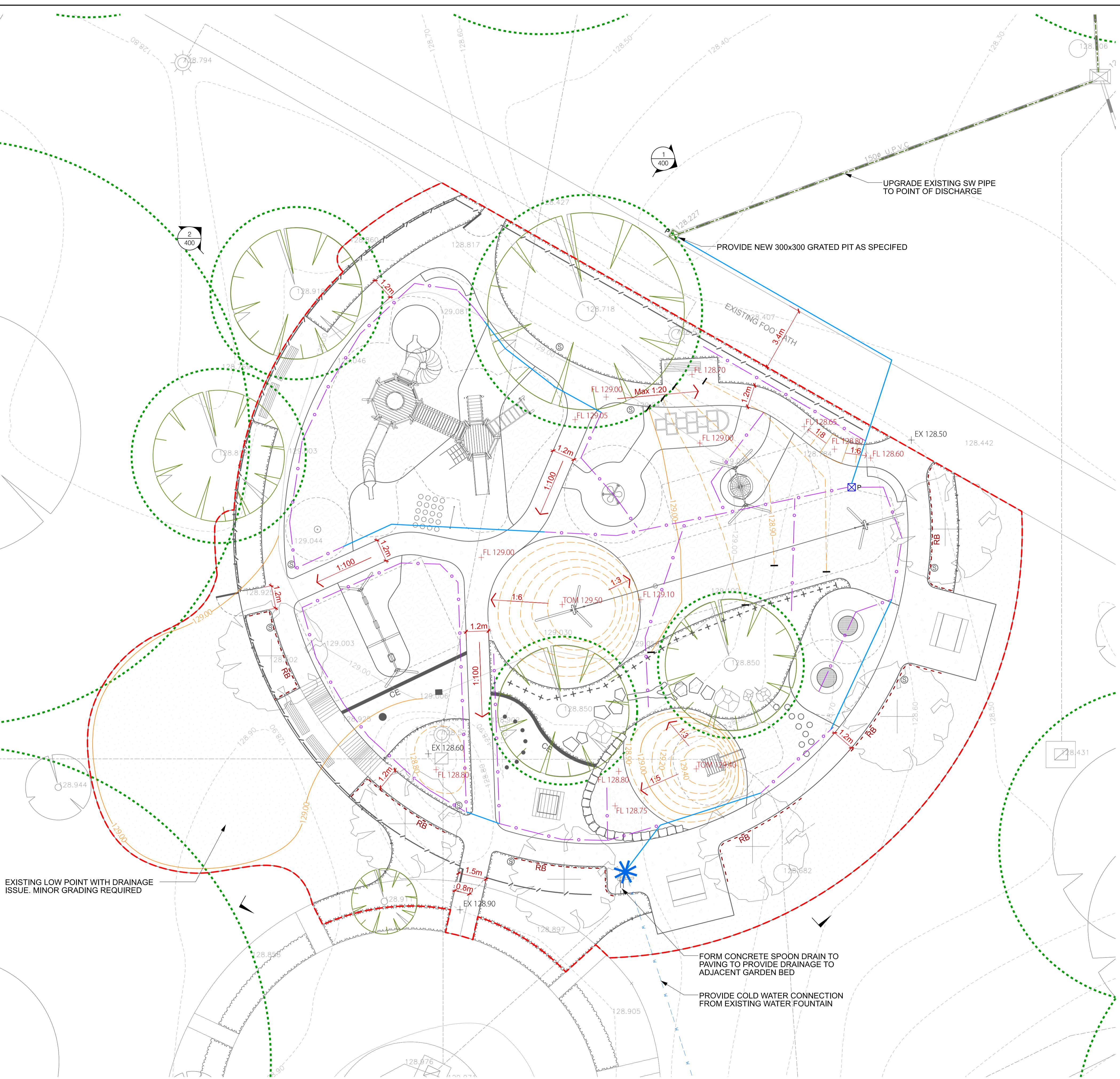
**NOTE:**

**GENERAL NOTES**

- ALL PATH TO HAVE MIN 1.5% CROSS FALL
- GARDEN BEDS MUST NOT EXCEED GRADIENTS OF 1 IN 3
- ALL SUBGRADE EARTHWORK OPERATIONS MUST BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO THE INSTALLATION OF HARD SURFACES CONSTRUCTION PROFILE OR THE SPREADING OF TOPSOIL ON GARDEN BEDS.
- DRAINAGE PIPES SHOWN ARE TO BE CONNECTED INTO EXISTING STORMWATER DRAINAGE SYSTEM

**TPZ NOTES**

- TREE PROTECTION ZONES ARE INDICATIVE AND TO BE CONFIRMED BY QUALIFIED ARBORIST PRIOR TO COMMENCEMENT OF WORKS



- GENERAL NOTES**
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REV	DESCRIPTION	DATE	DRN	CHKD
1	10% DESIGN DEVELOPMENT	25.09.2020	SL	MB
2	DRAFT TENDER DOCUMENTATION	06.11.2020	SL	MB
3	DRAFT TENDER DOCUMENTATION	06.11.2020	SL	MB
4	DRAFT TENDER DOCUMENTATION	03.12.2020	SL	MB
5	FINAL TENDER DOCUMENTATION	10.12.2020	SL	MB

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**PROJECT**  
MEMORIAL SQUARE PLAYSACE

**CLIENT**  
COLAC OTWAY SHIRE

**DRAWING TITLE**  
GRADING PLAN

DRAWING NUMBER	REVISION
0319-0826-00-L-03 DR-102	5

DRAWN	CHECKED	APPROVED	DATE
SL/MB	MB	DC	21.08.2020

SCALE: 1:100 @ A1

# LEGEND

**HARDWORKS**

- INTERNAL MOUNDING - REFER DR-100
- PLAIN GREY CONCRETE PAVING BROOM FINISH - AS DETAILED
- MUSICAL SAW CUT - AS DETAILED
- SCOOTER BUMP - REFER DR-100
- LINEMARKING - AS SHOWN ON PLAN
- GRAVEL PAVING - AS DETAILED
- RUBBERISED SOFTFALL COLOUR RED - AS DETAILED & SPECIFIED
- RUBBERISED SOFTFALL COLOUR RED 30% - BLACK 70% - AS DETAILED & SPECIFIED
- RUBBERISED SOFTFALL COLOUR EARTH YELLOW - AS DETAILED & SPECIFIED
- RUBBERISED SOFTFALL COLOUR EGGSHELL - AS DETAILED & SPECIFIED
- CONCRETE SEAT WALL COLOUR AS SPECIFIED - AS DETAILED

**SOFTWORKS**

- MULCH SOFTFALL - AS DETAILED
- SAND SOFTFALL - AS DETAILED
- GARDEN BED - REFER DR-300 - APPLY 75mm DEPTH APPROVED MULCH AS SPECIFIED TO ALL GARDEN BED AREAS
- TURF GRASSING - MADE GOOD WHERE DISTURBED & REGARDED
- CONCRETE EDGE - AS DETAILED
- STEEL EDGE - AS DETAILED
- FLAT-TOPPED BLUESTONE BOULDER EDGING TO SAND PIT - AS DETAILED
- FLAGSTONE STEPPERS - AS DETAILED
- RECLAIMED LOG - AS DETAILED
- BOULDER - AS DETAILED
- TIMBER STEPPERS - AS DETAILED
- EXISTING TREE WITH TPZ TO BE RETAINED
- EXISTING HEDGE TO BE RETAINED
- PROPOSED TREE - REFER DR-300

**FURNITURE**

- RELOCATED EXISTING BENCH
- PICNIC SETTING - PROVIDED BY COUNCIL TO BE INSTALLED BY LANDSCAPE CONTRACTOR
- WATER FOUNTAIN - PROVIDED BY COUNCIL TO BE INSTALLED BY LANDSCAPE CONTRACTOR
- CSA WHARF PLATFORM BENCH - AS SPECIFIED
- SIGNAGE - AS DETAILED
- METAL BLADE FENCE & GATE - AS DETAILED
- BARRIER FENCE - AS DETAILED

**PLAY EQUIPMENT**

- CUSTOM PLAY STRUCTURE WITH FALLZONE
- FLYING FOX WITH FALLZONE
- SWING SET WITH FALLZONE
- NEST SWING WITH FALLZONE
- TODDLER SLIDE & PLATFORM WITH FALLZONE
- COPPER SPINNERS WITH FALLZONE
- TRAMPOLINES WITH FALLZONE
- TWISTER BOARD
- CHIMES
- CAJON DRUM
- BABEL DRUM
- CAROUSEL - PROVIDED BY COUNCIL TO BE INSTALLED BY LANDSCAPE CONTRACTOR

**NOTE:**  
 CONNECTION FOR DRINKING WATER FOUNTAIN IS PART OF LANDSCAPE WORKS  
 ALL PLAY EQUIPMENT TO BE INSTALLED AS PER MANUFACTURER'S SPECIFICATION



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**Colac Otway**  
SHIRE

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**PROJECT**  
MEMORIAL SQUARE PLAYSACE

**CLIENT**  
COLAC OTWAY SHIRE

**DRAWING TITLE**  
SURFACE TREATMENTS PLAN

DRAWING NUMBER	REVISION
0319-0826-00-L-03 DR-200	5

DRAWN	CHECKED	APPROVED	DATE
SL/MB	MB	DC	21.08.2020

SCALE 1:100 @ A1  
0 1 2 5m

# LEGEND

**LIMIT OF WORKS**

MULCH BED TO EXISTING TREE - AS DETAILED (7/501)

**TREES**

EXISTING TREE WITH TPZ TO BE RETAINED (6/502)

*Pyrus calleryana* 'Bradford' - Bradford Callery Pear (7/501)

**HEDGES**

*Murraya paniculata* - Orange Jessamine (8/501)

*Westringia fruticosa* 'Seaforam Swell' - Coastal Rosemary (8/501)

**GROUNDCOVERS**

*Anigozanthos* 'Amber Velvet' (An) - Kangaroo Paw (8/501)

*Callistemon viminalis* 'Little John' (Ca) - Dwarf Bottlebrush (8/501)

*Chrysocephalum apiculatum* (Chr) - Common Everlaster (8/501)

*Gazania* 'Daybreak Yellow' (Ga) - Daybreak Gazania (8/501)

*Grevillea* 'Fire Cracker' (Gre) - Grevillea Fire Cracker (8/501)

*Juniperus conferta* (Ju) - Shore Juniper (8/501)

*Kniphofia* 'Winter Cheer' (Kni) - Red Hot Poker (8/501)

*Lomandra longifolia* 'Tanika' (Lo) - Lomandra Tanika (8/501)

*Pennisetum alopecuroides* 'Nafay' (Pe) - Swamp Foxtail Grass (8/501)

*Phormium tenax* 'Purpureum' (Pho) - New Zealand Flax (8/501)

*Rhaphtolepis indica* 'Snow Maiden' (Rha) - Snow Maiden Indian Hawthorn (8/501)

**ANNUALS**

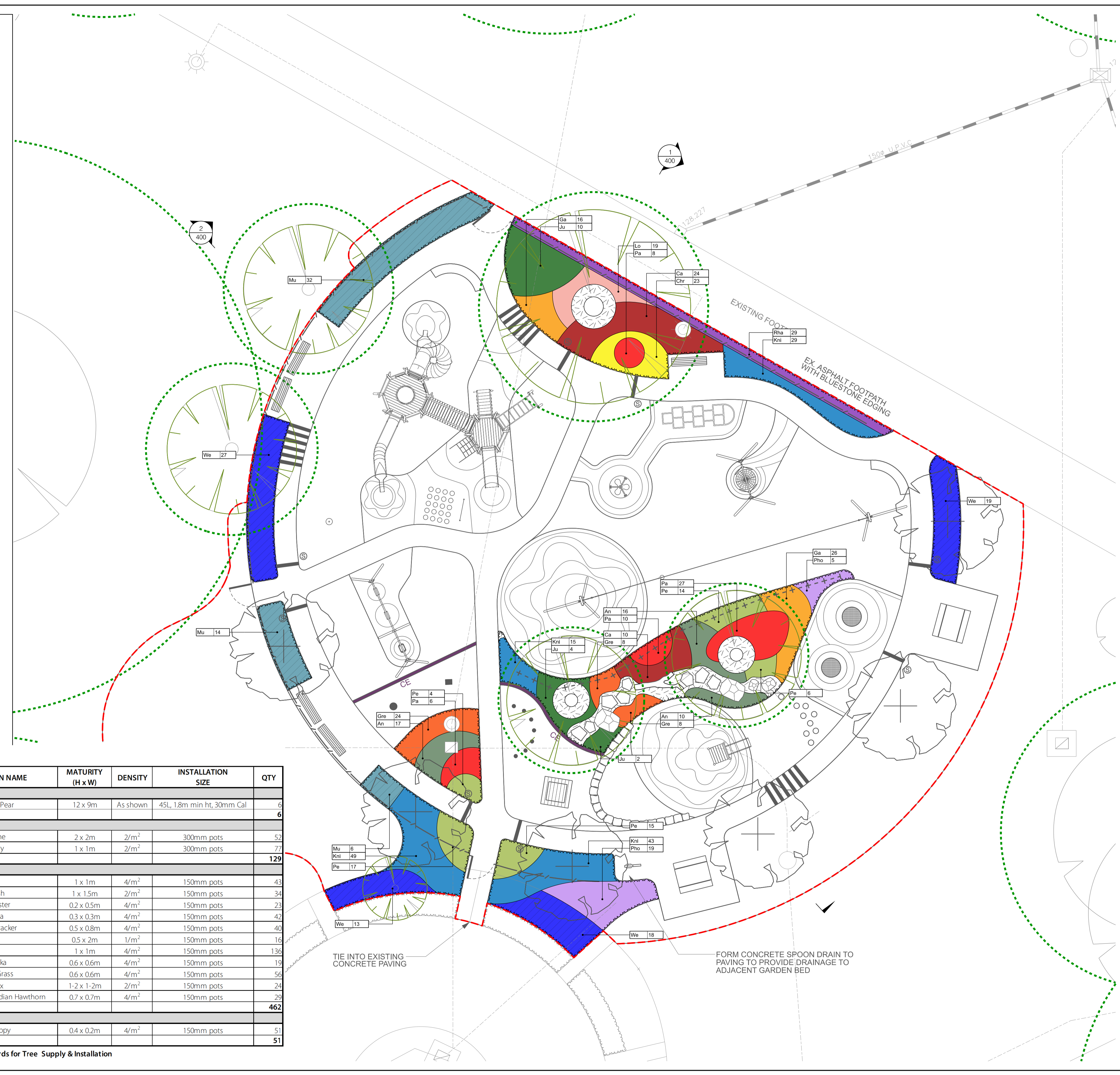
*Papaver rhoeas* 'Flanders Red' (Pa) - Flander Red Poppy (8/501)

**NOTE:**  
APPLY 75mm DEPTH APPROVED MULCH AS SPECIFIED TO ALL GARDEN BED AREAS

**Memorial Square Playspace PLANTINGSCHEDULE**

CODE	BOTANIC NAME	COMMON NAME	MATURITY (H x W)	DENSITY	INSTALLATION SIZE	QTY
<b>TREES</b>						
	<i>Pyrus calleryana</i> 'Bradford'	Bradford Callery Pear	12 x 9m	As shown	45L, 1.8m min ht, 30mm Cal	6
						<b>6</b>
<b>HEDGES</b>						
Mu	<i>Murraya paniculata</i>	Orange Jessamine	2 x 2m	2/m <sup>2</sup>	300mm pots	52
We	<i>Westringia fruticosa</i> 'Seaforam Swell'	Coastal Rosemary	1 x 1m	2/m <sup>2</sup>	300mm pots	77
						<b>129</b>
<b>GROUNDCOVERS</b>						
An	<i>Anigozanthos</i> 'Amber Velvet'	Kangaroo Paw	1 x 1m	4/m <sup>2</sup>	150mm pots	43
Ca	<i>Callistemon viminalis</i> 'Little John'	Dwarf Bottlebrush	1 x 1.5m	2/m <sup>2</sup>	150mm pots	34
Chr	<i>Chrysocephalum apiculatum</i>	Common Everlaster	0.2 x 0.5m	4/m <sup>2</sup>	150mm pots	23
Ga	<i>Gazania</i> 'Daybreak Yellow'	Daybreak Gazania	0.3 x 0.3m	4/m <sup>2</sup>	150mm pots	42
Gre	<i>Grevillea</i> 'Fire Cracker'	Grevillea Fire Cracker	0.5 x 0.8m	4/m <sup>2</sup>	150mm pots	40
Ju	<i>Juniperus conferta</i>	Shore Juniper	0.5 x 2m	1/m <sup>2</sup>	150mm pots	16
Kni	<i>Kniphofia</i> 'Winter Cheer'	Red Hot Poker	1 x 1m	4/m <sup>2</sup>	150mm pots	136
Lo	<i>Lomandra longifolia</i> 'Tanika'	Lomandra Tanika	0.6 x 0.6m	4/m <sup>2</sup>	150mm pots	19
Pe	<i>Pennisetum alopecuroides</i> 'Nafay'	Swamp Foxtail Grass	0.6 x 0.6m	4/m <sup>2</sup>	150mm pots	56
Pho	<i>Phormium tenax</i> 'Purpureum'	New Zealand Flax	1-2 x 1-2m	2/m <sup>2</sup>	150mm pots	24
Rha	<i>Rhaphtolepis indica</i> 'Snow Maiden'	Snow Maiden Indian Hawthorn	0.7 x 0.7m	4/m <sup>2</sup>	150mm pots	29
						<b>462</b>
<b>ANNUALS</b>						
Pa	<i>Papaver rhoeas</i> 'Flanders Red'	Flanders Red Poppy	0.4 x 0.2m	4/m <sup>2</sup>	150mm pots	51
						<b>51</b>

**Note** Ht. x Caliper for 45L tree stock to conform to AS standards for Tree Supply & Installation



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**PROJECT**  
MEMORIAL SQUARE PLAYSACE

**CLIENT**  
COLAC OTWAY SHIRE

**DRAWING TITLE**  
PLANTING PLAN

**DRAWING NUMBER** 0319-0826-00-L-03 DR-300  
**REVISION** 5

**DRAWN** SL/MB  
**CHECKED** MB  
**APPROVED** DC  
**DATE** 21.08.2020

**SCALE** 1:100 @ A1  
0 1 2 5m

# LEGEND

- TEMPORARY PROTECTION FENCING TO GARDEN BED DURING ESTABLISHMENT PERIOD - AS DETAILED
- 7  
502



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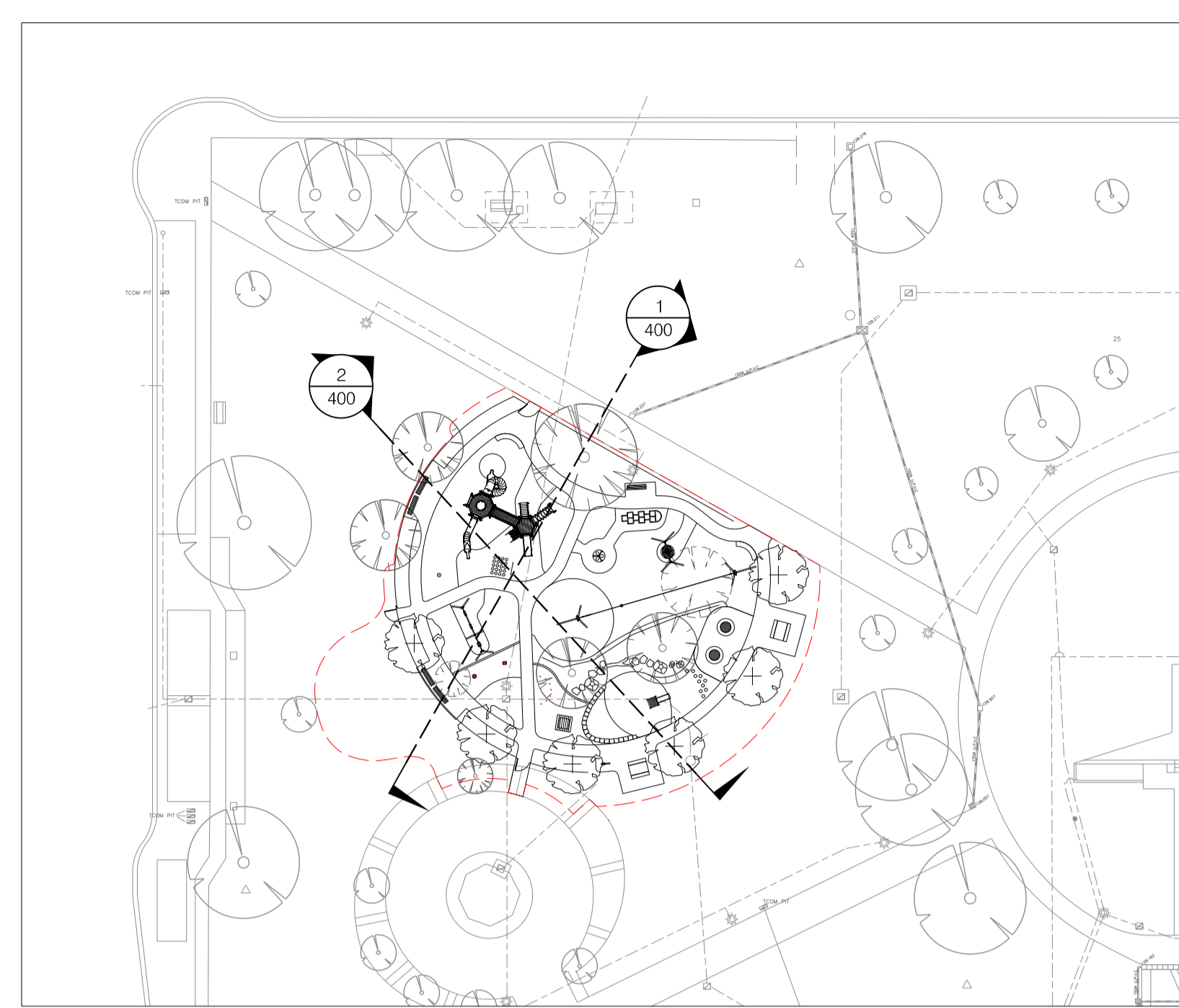
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TEMPORARY FENCING TO GARDEN BEDS

DRAWING NUMBER	REVISION
0319-0826-00-L-03 DR-301	5

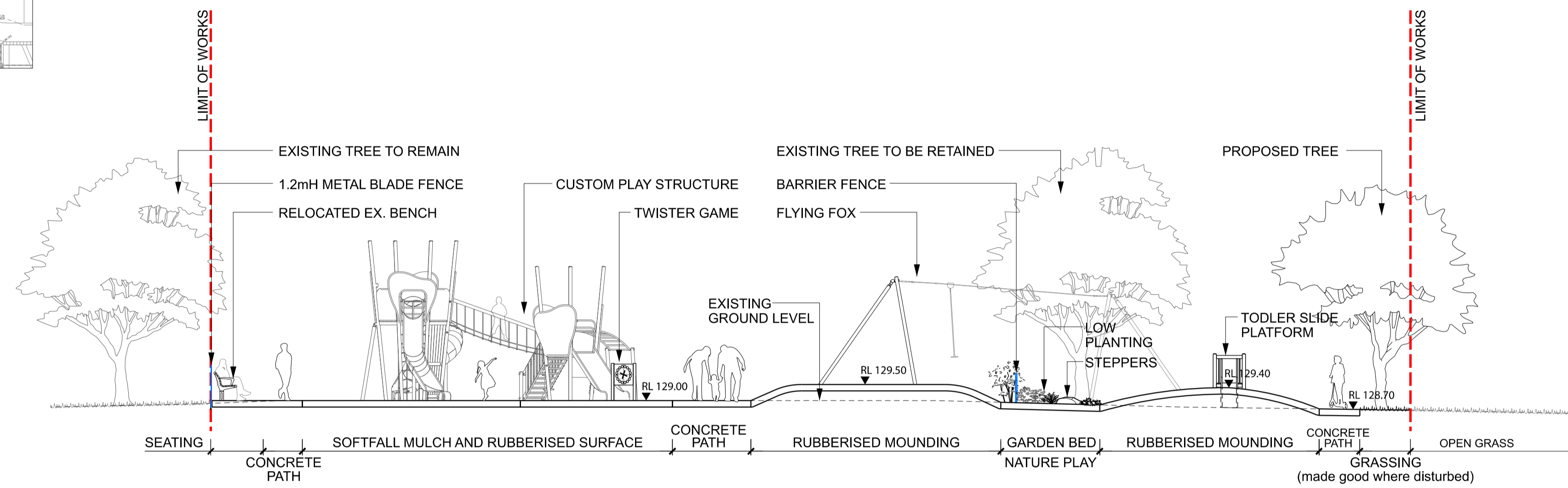
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SL/MB	MB	DC	21.08.2020

SCALE 1:100 @ A1  
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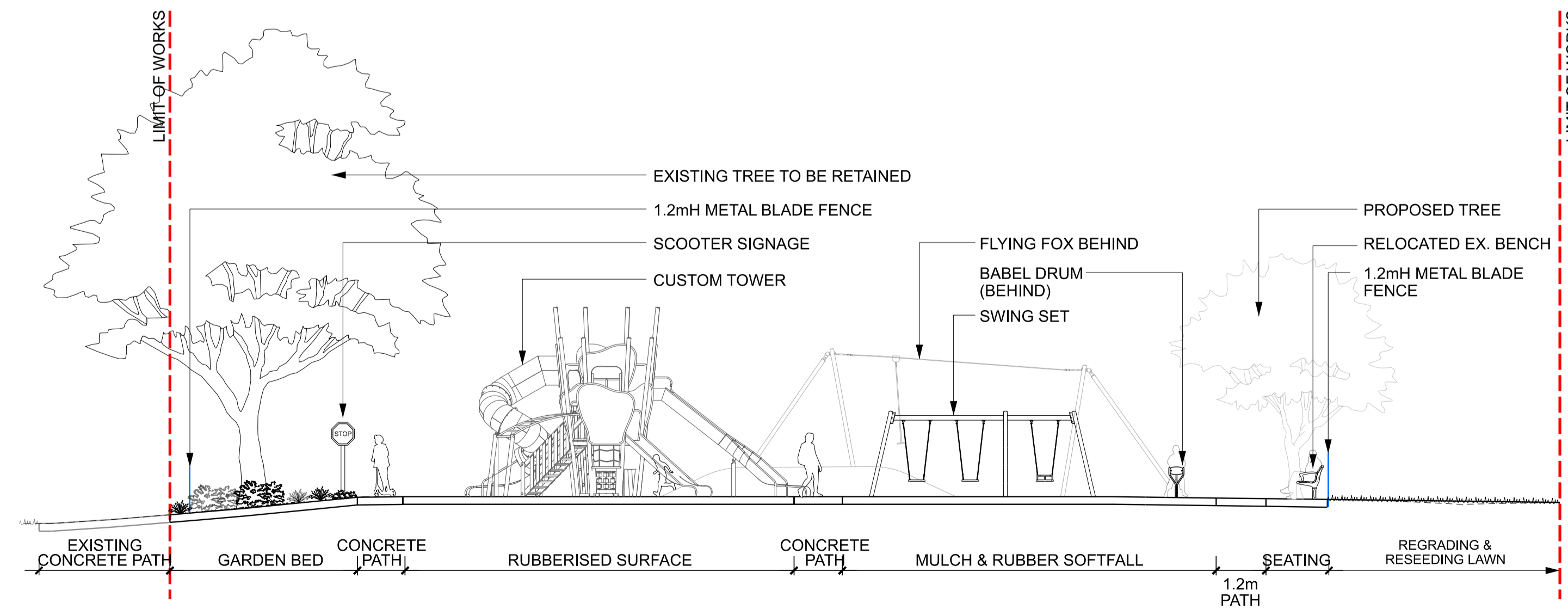




KEY PLAN  
1:500@A1



SECTION 1  
1:100@A1



SECTION 2  
1:100@A1

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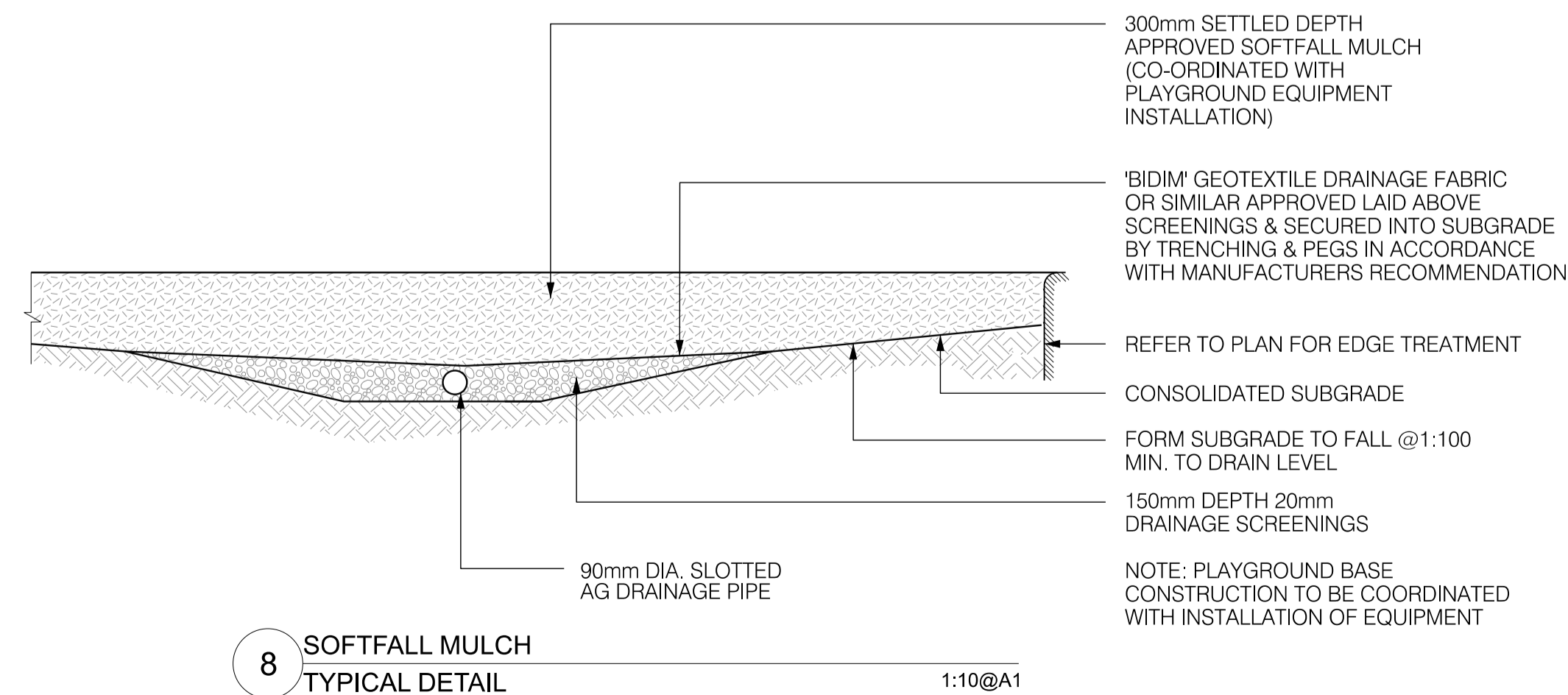
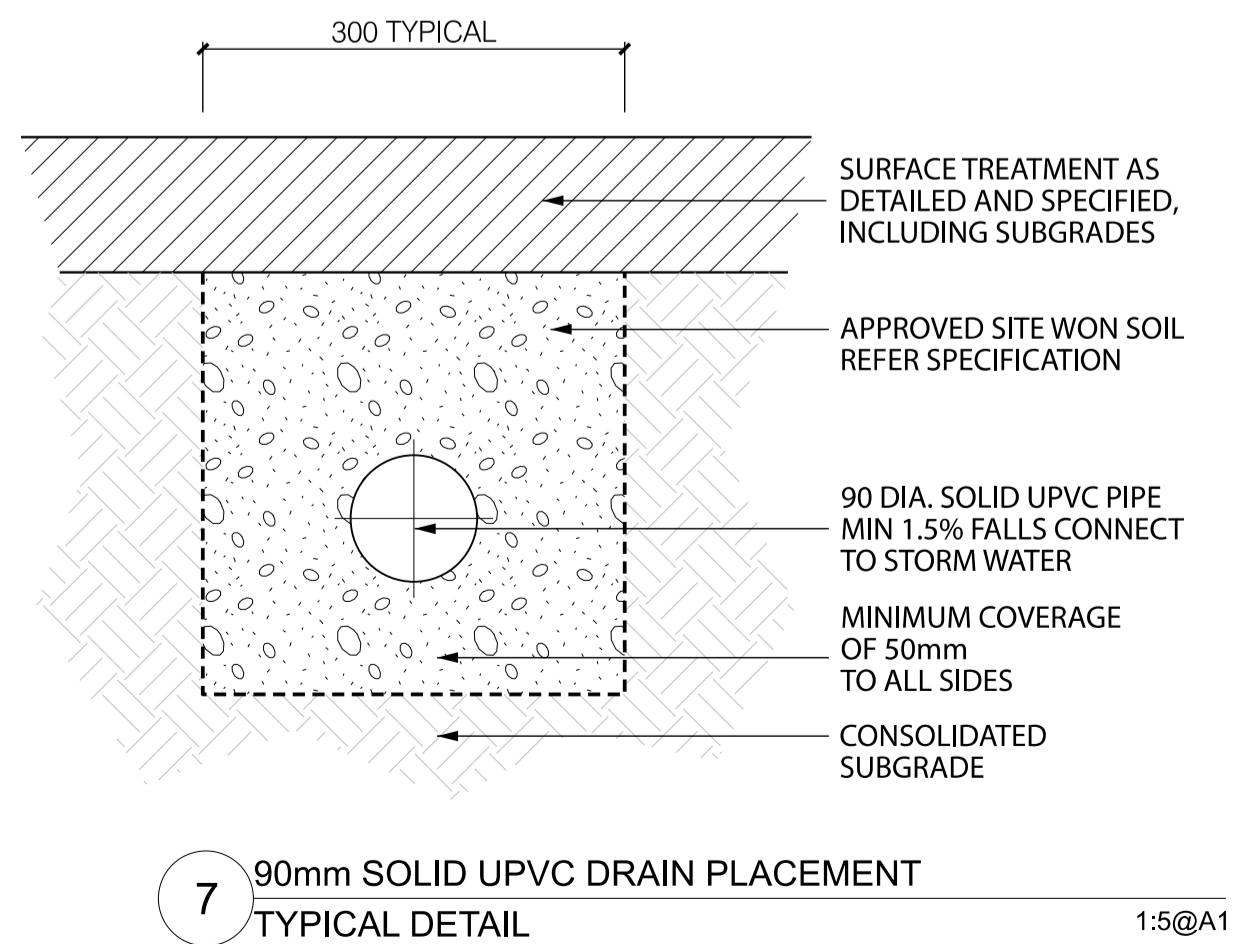
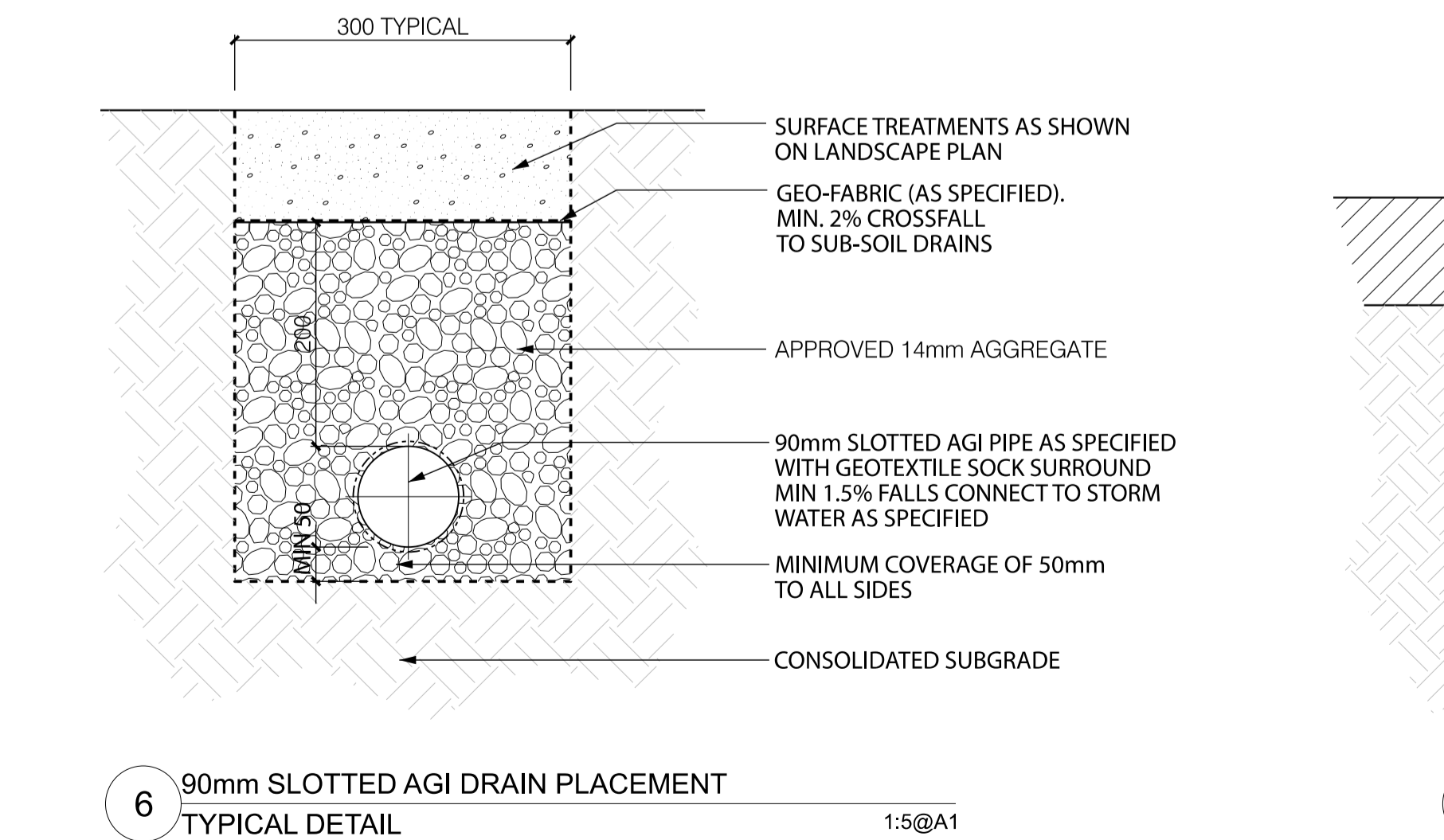
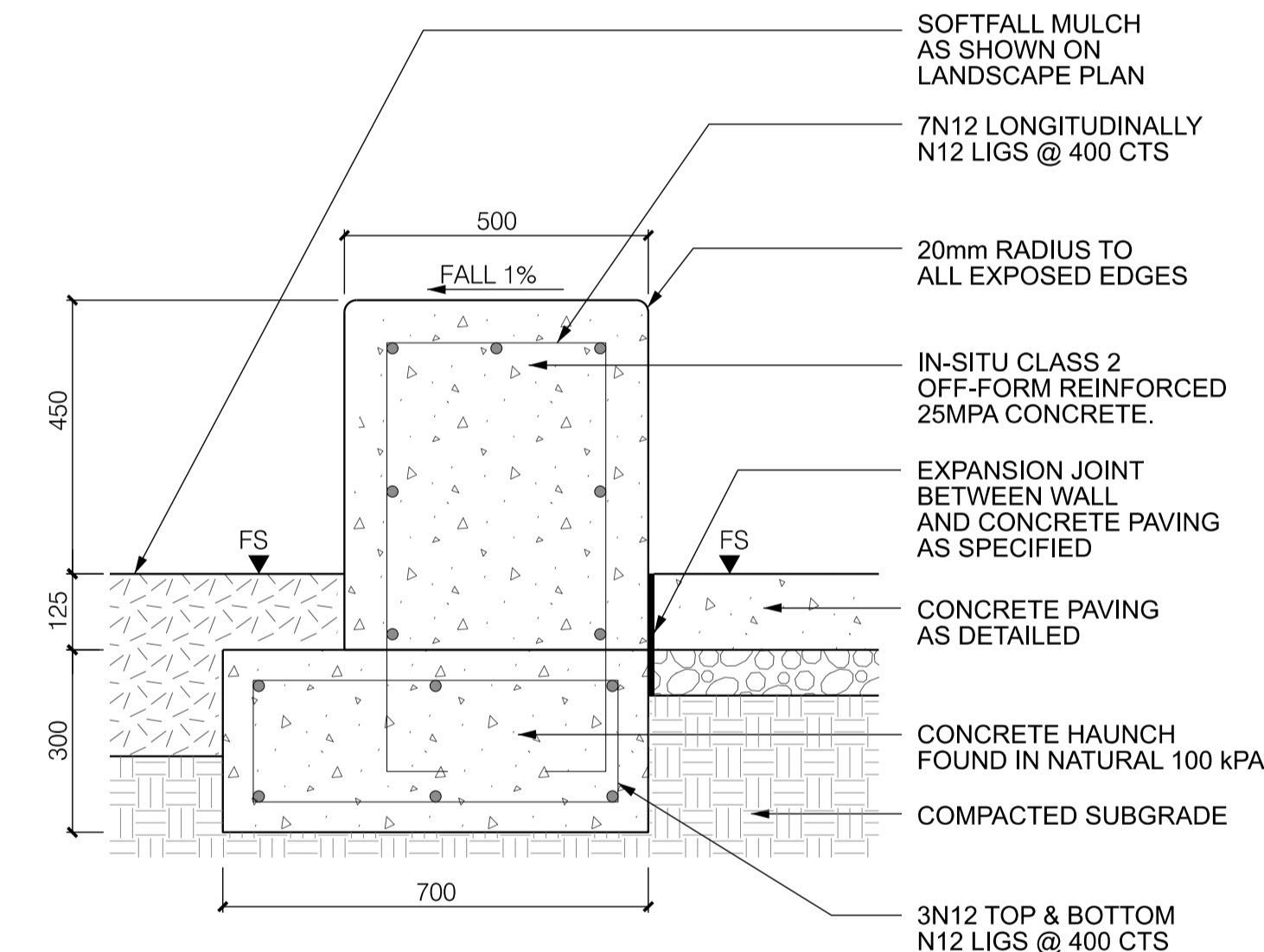
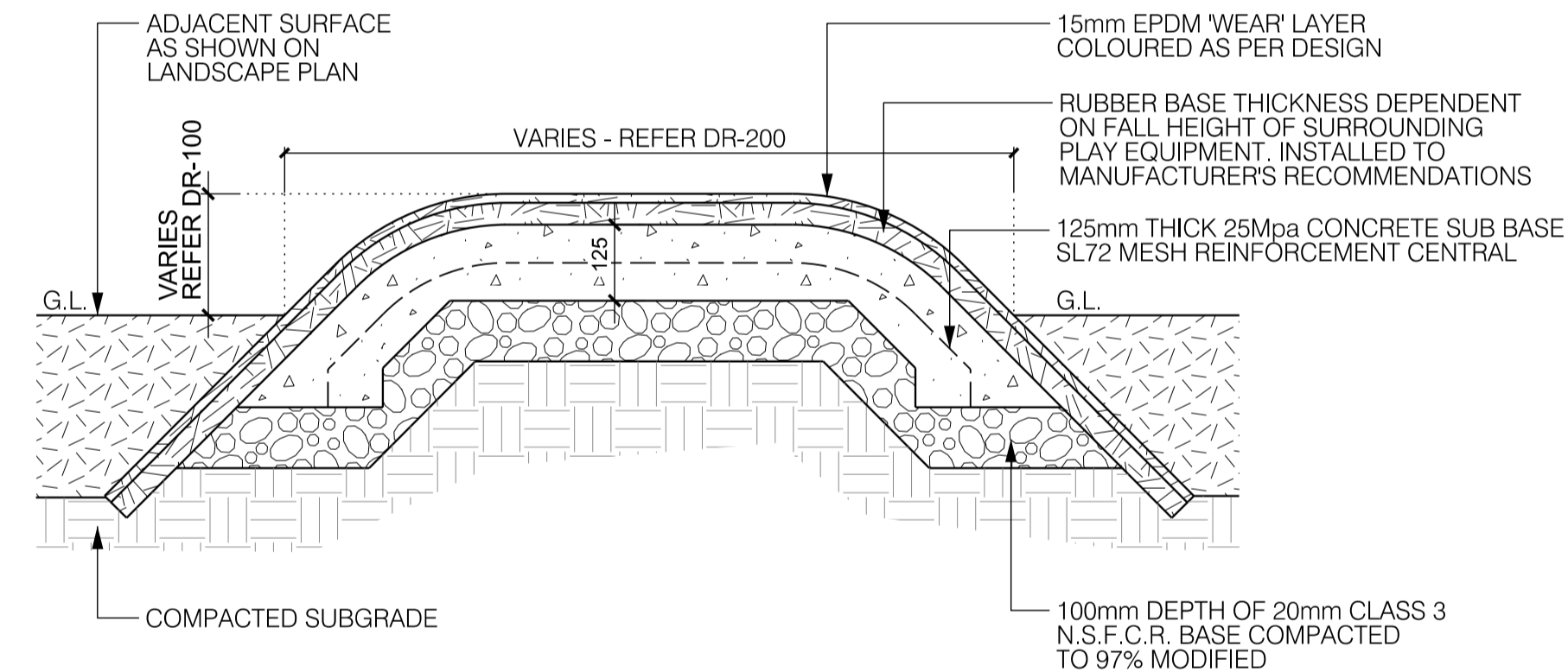
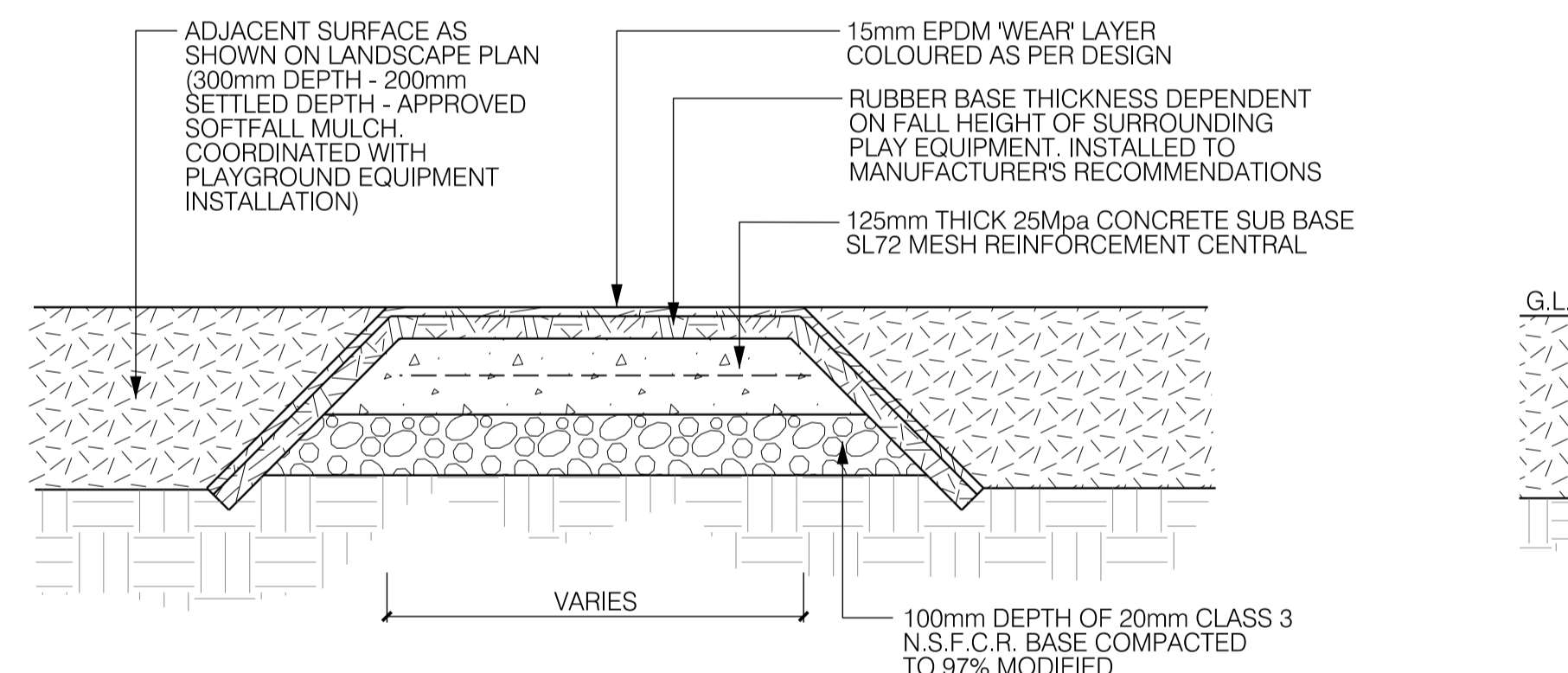
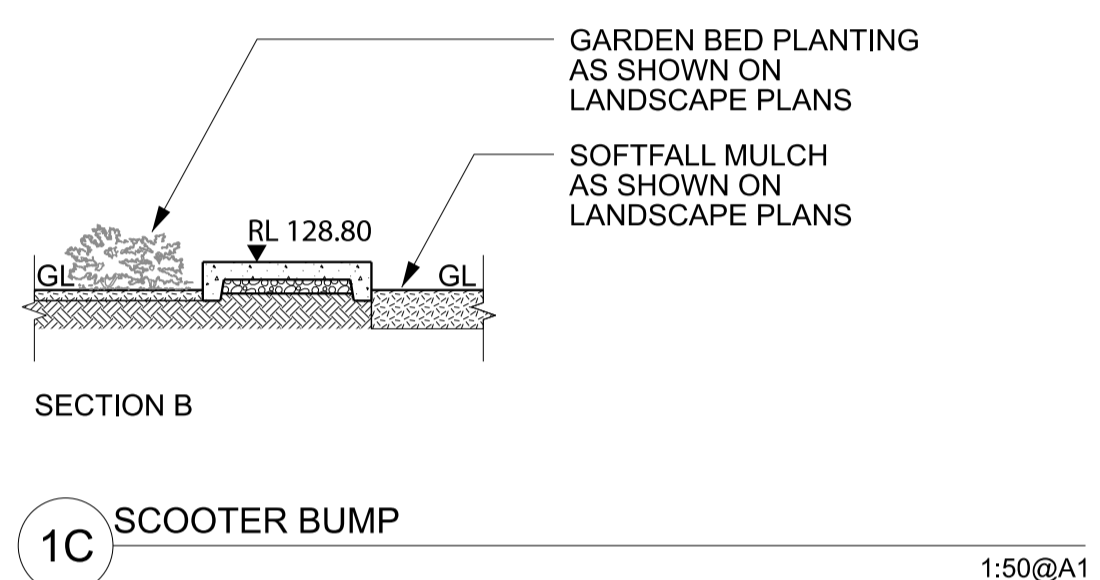
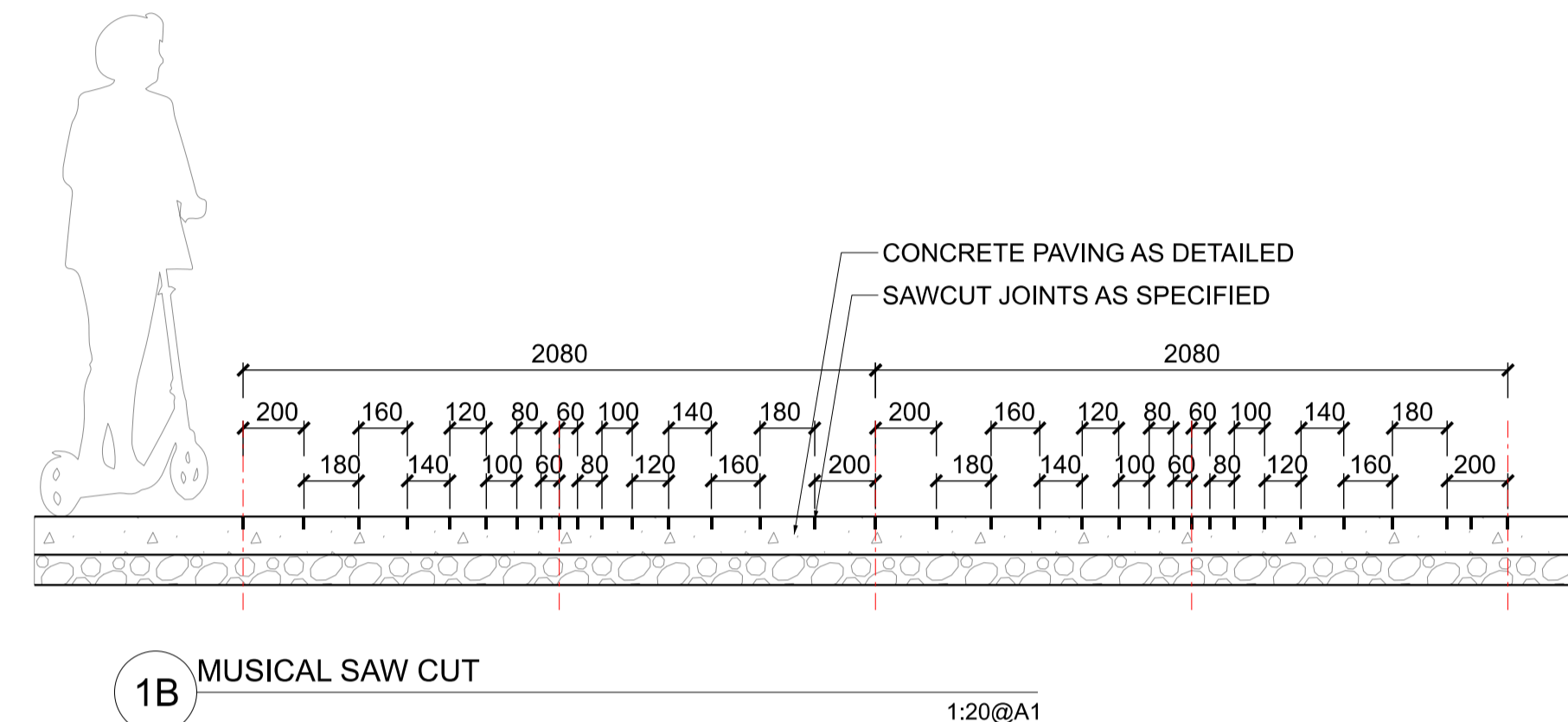
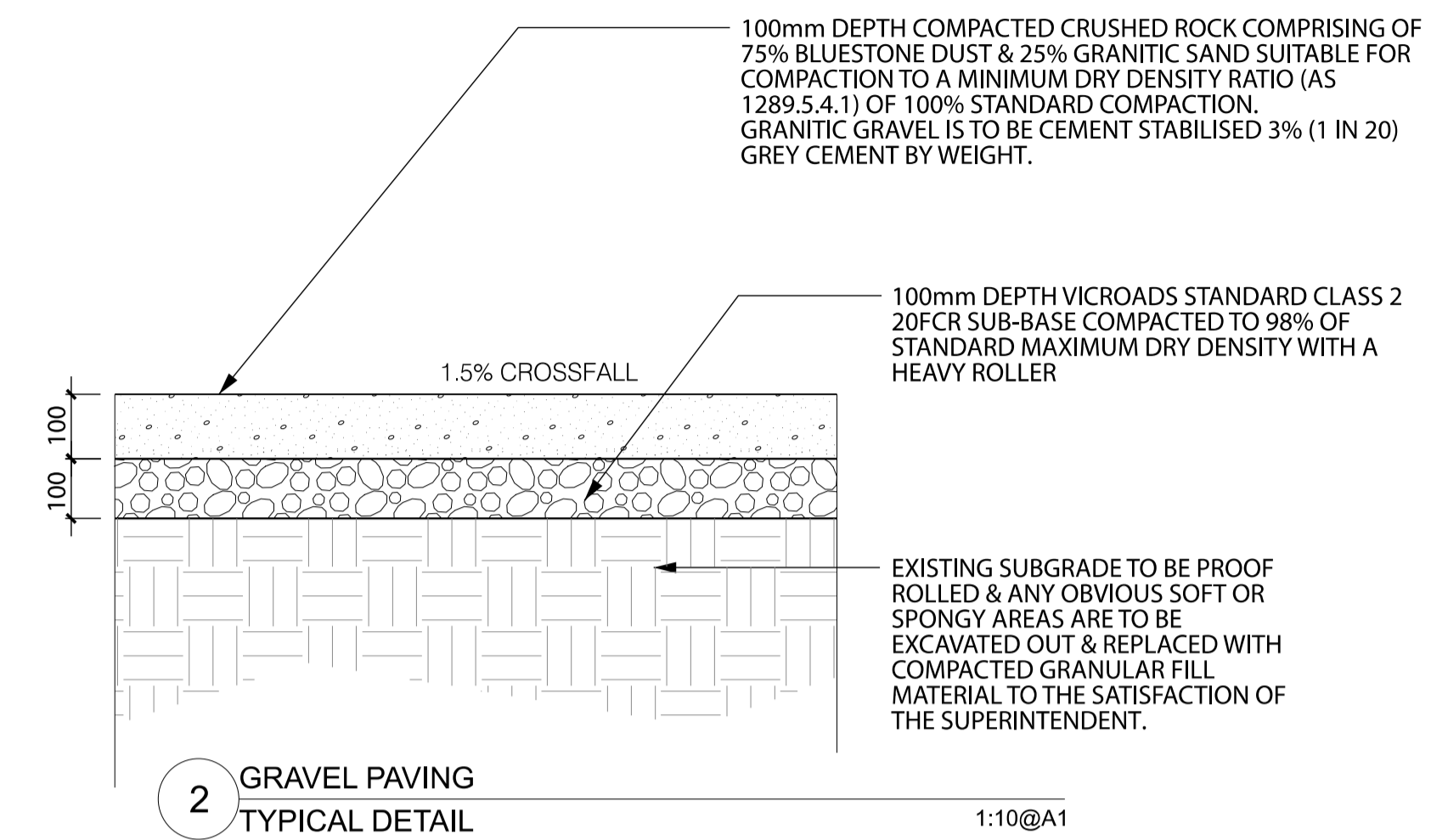
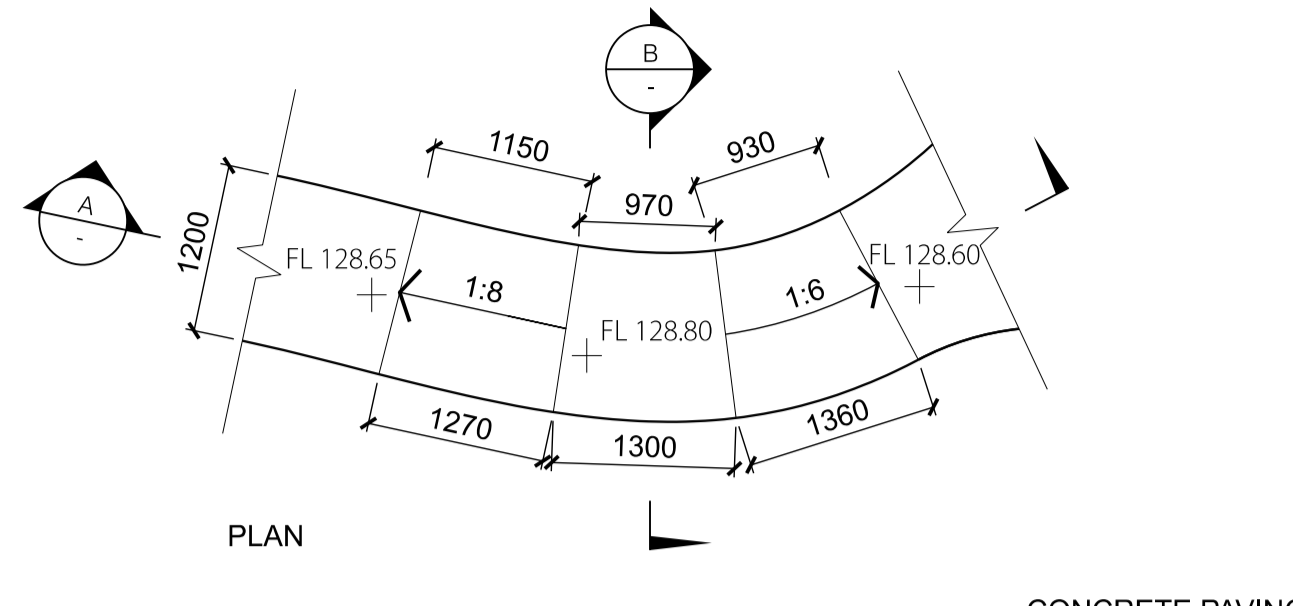
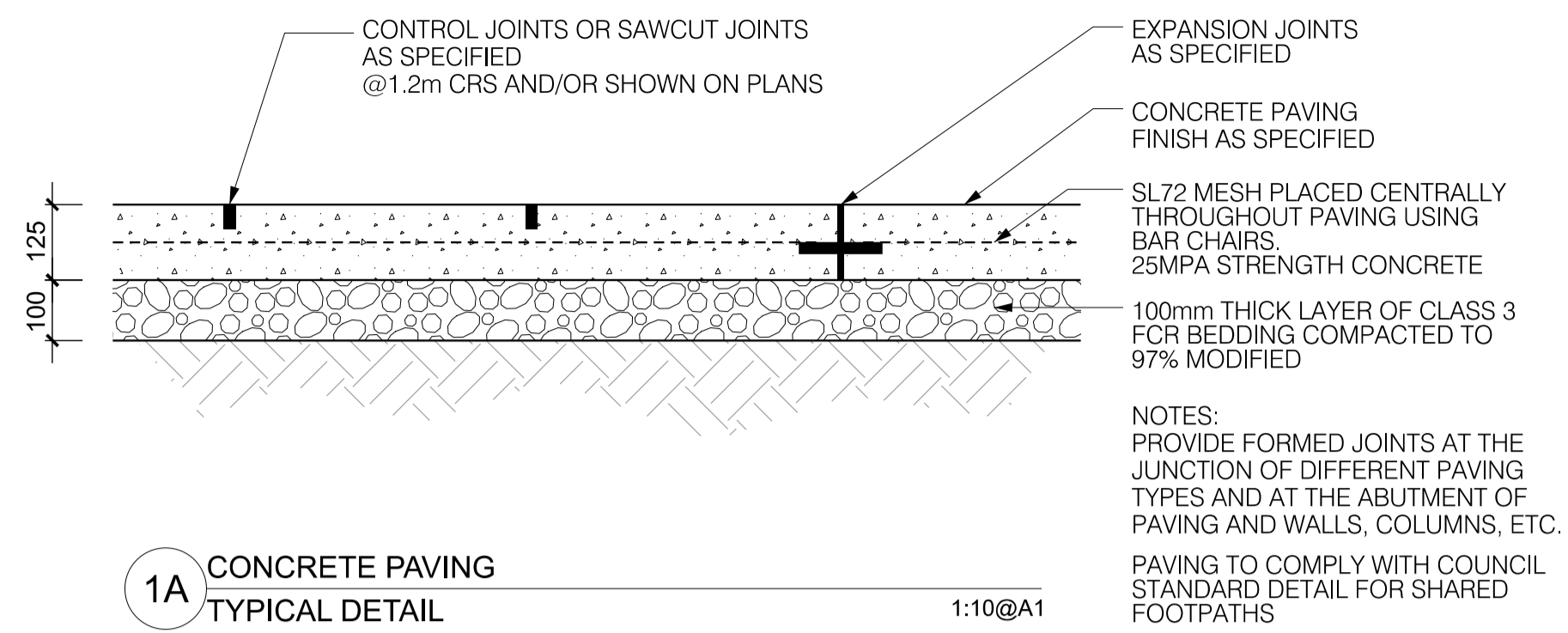
**CLIENT**  
COLAC OTWAY SHIRE

**DRAWING TITLE**  
LANDSCAPE SECTIONS

**DRAWING NUMBER** 0319-0826-00-L-03 DR-400  
**REVISION** 5

**DRAWN** SL/MB  
**CHECKED** MB  
**APPROVED** DC  
**DATE** 21.08.2020

**SCALE** 1:100 @ A1  
0 1 2 5m



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**PROJECT**  
MEMORIAL SQUARE PLAYSACE

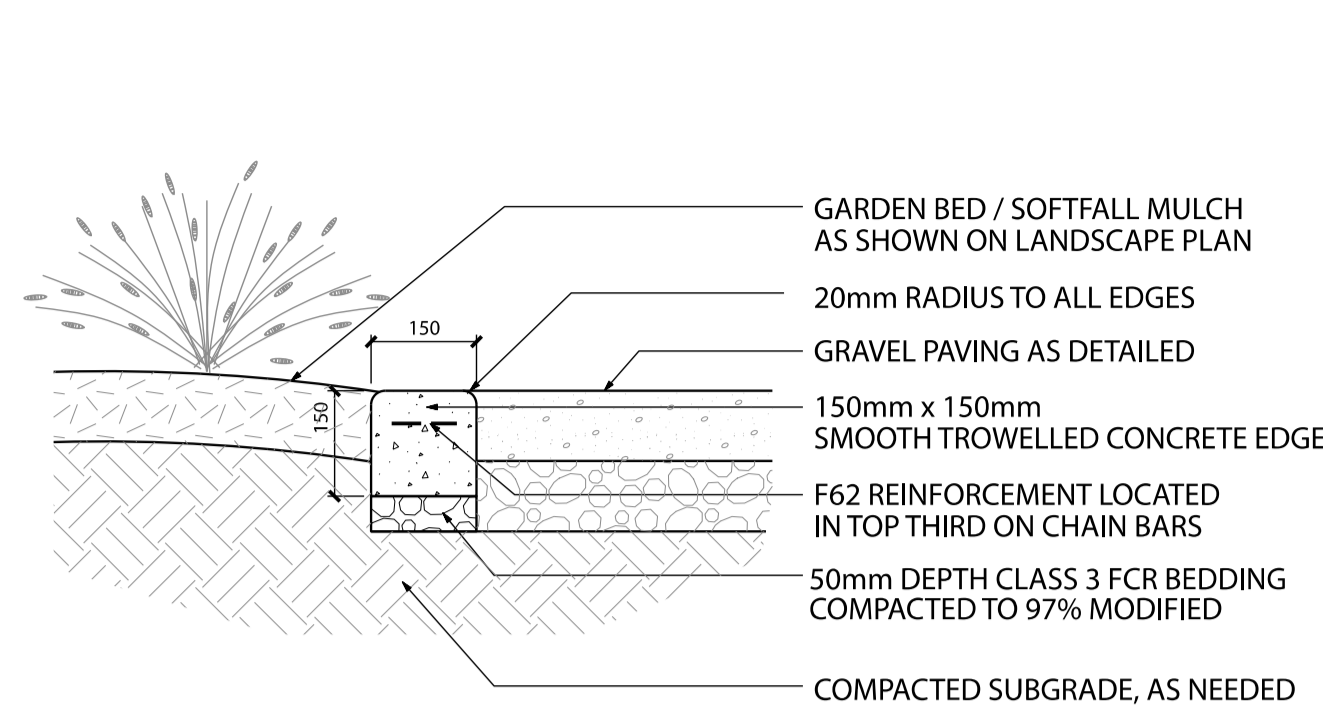
**CLIENT**  
COLAC OTWAY SHIRE

**DRAWING TITLE**  
LANDSCAPE DETAILS 01

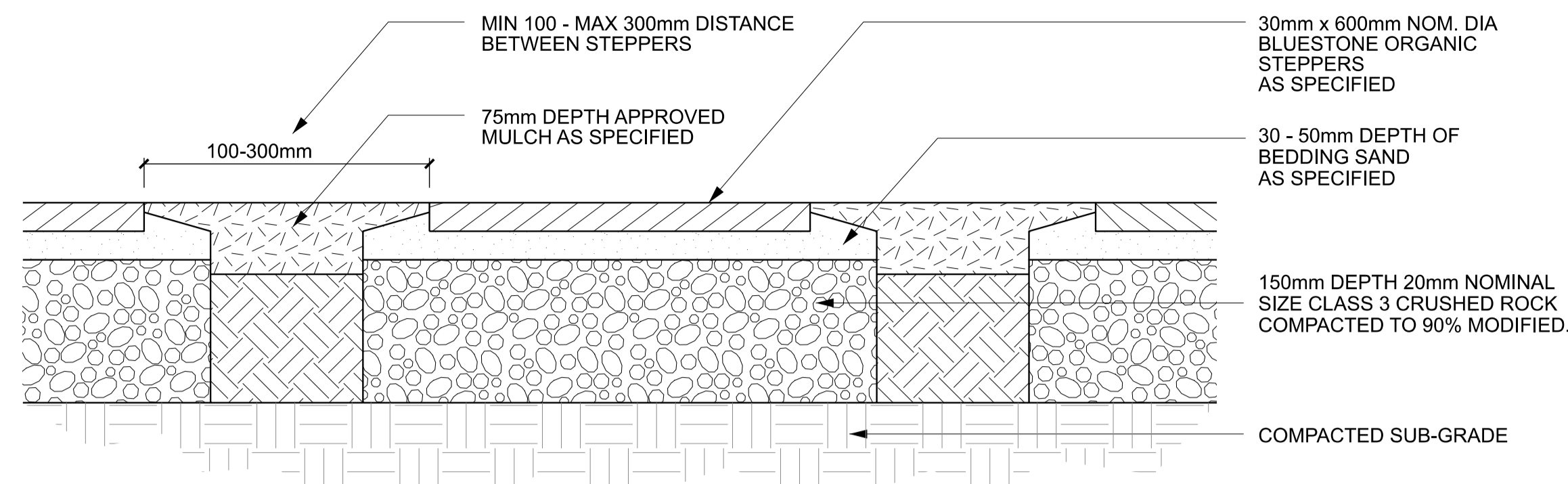
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DRAWN	CHECKED	APPROVED	DATE
SL/MB	MB	DC	21.08.2020

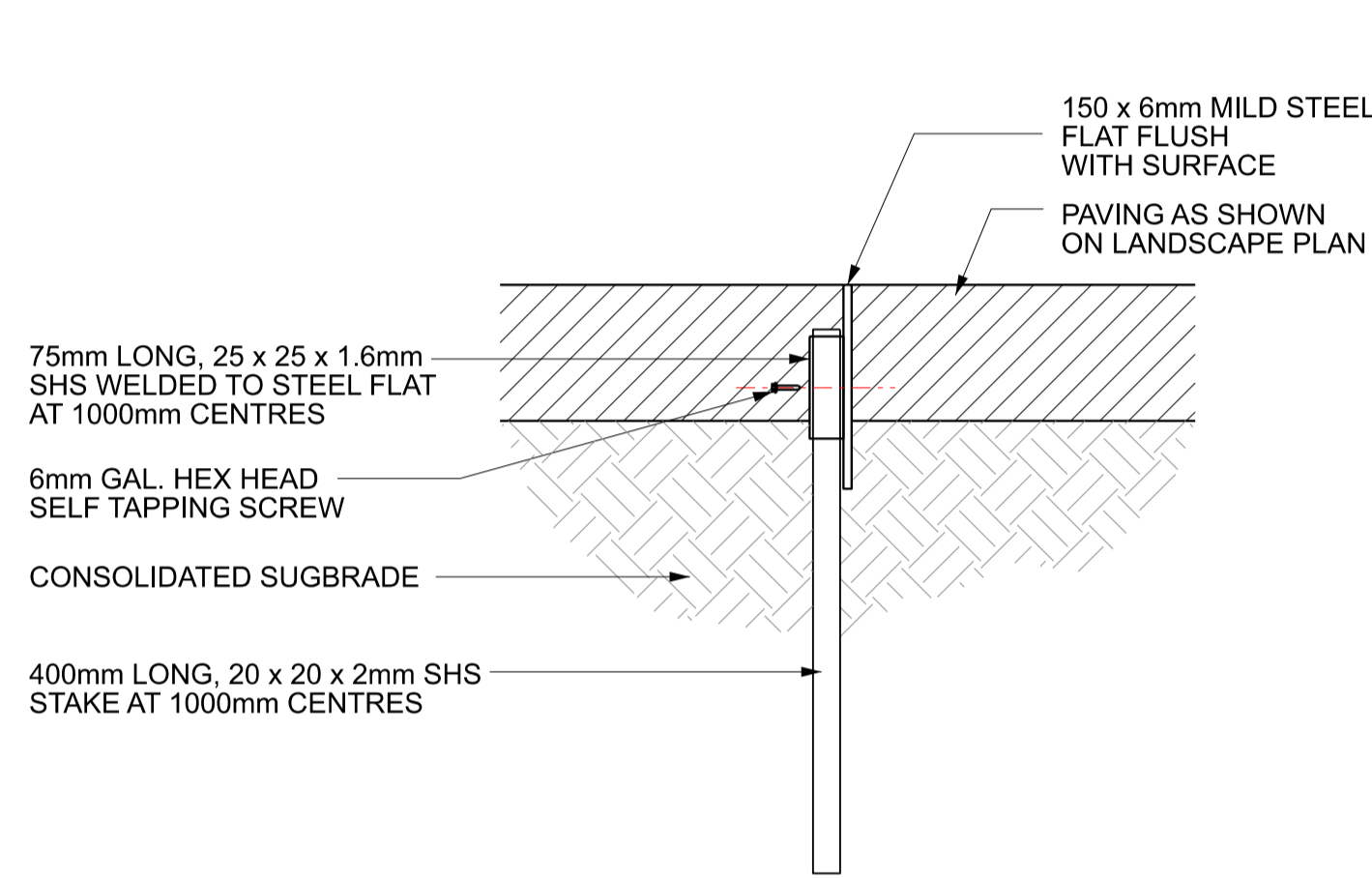
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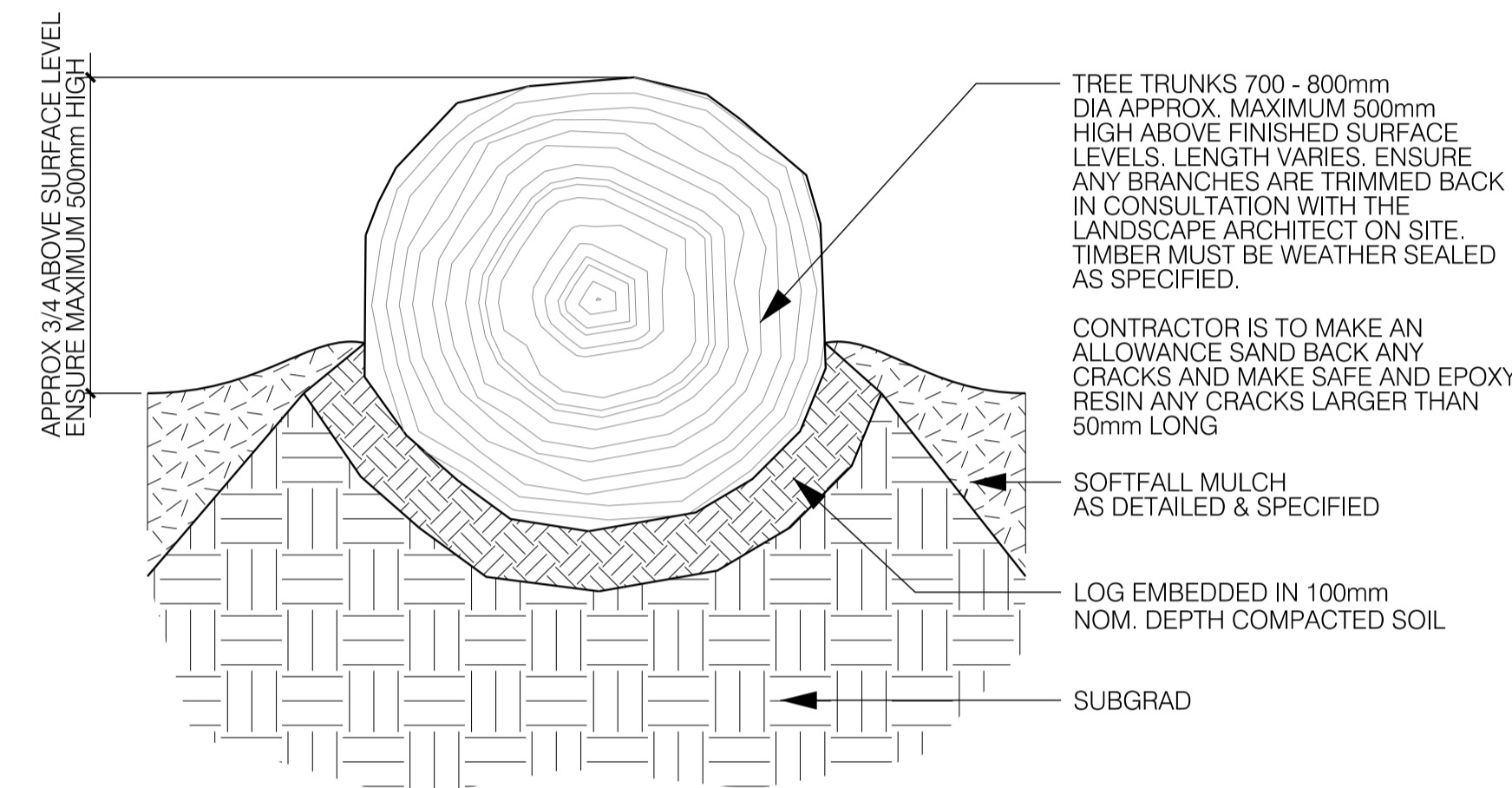
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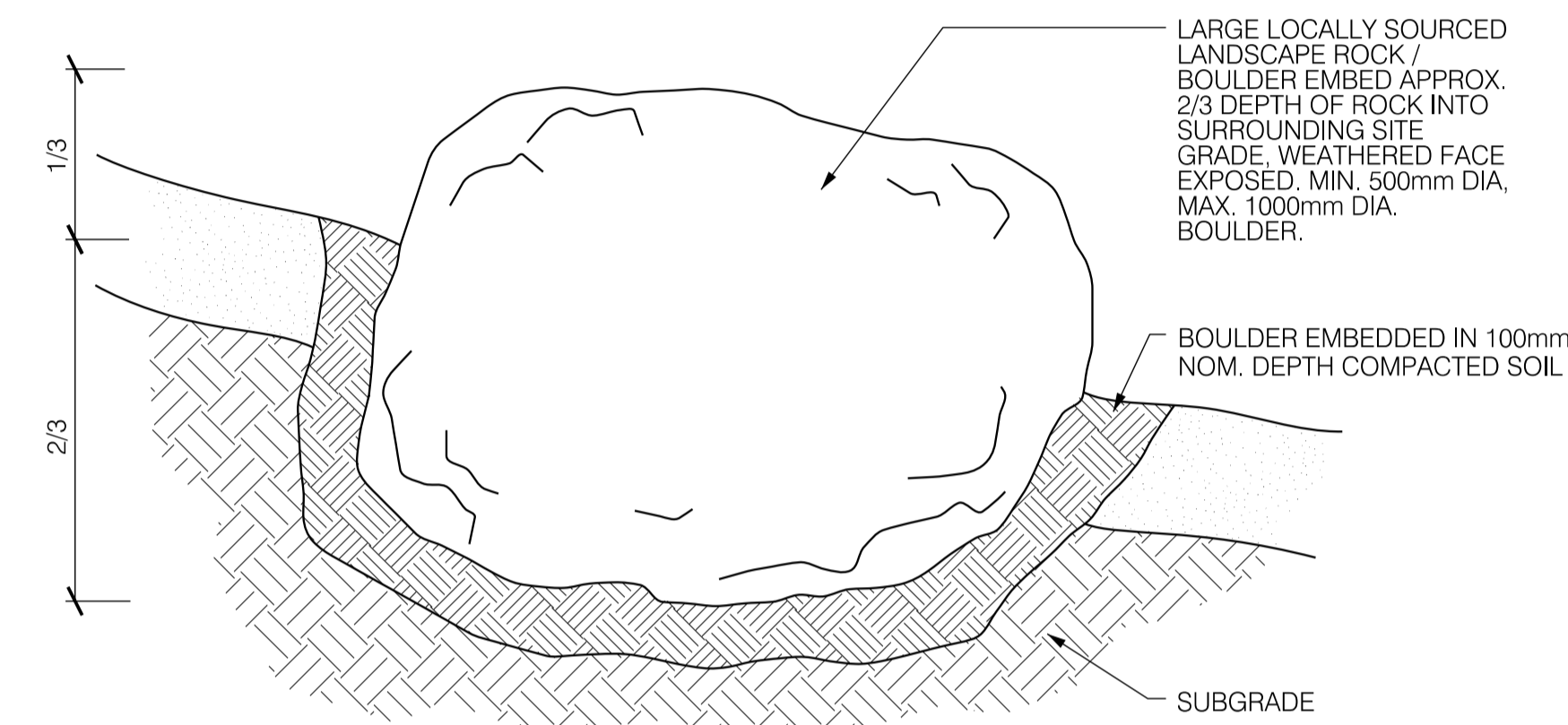
3 FLAGSTONE STEPPER PLACEMENT TYPICAL DETAIL 1:5@A1



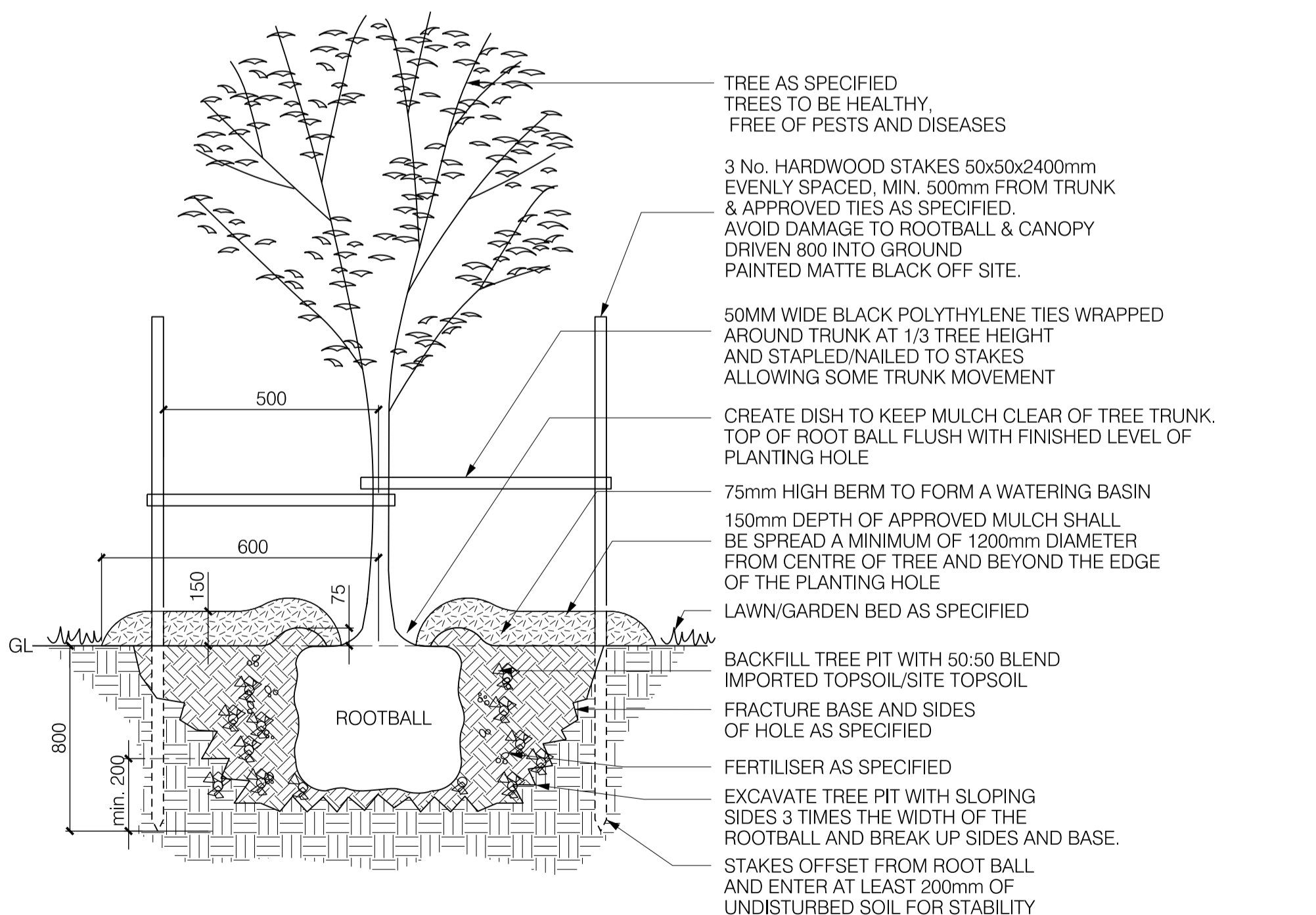
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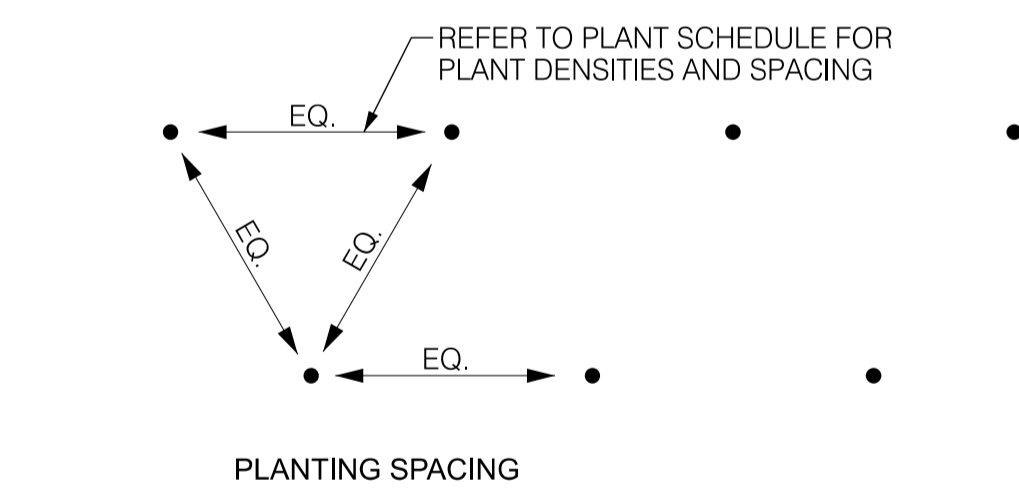
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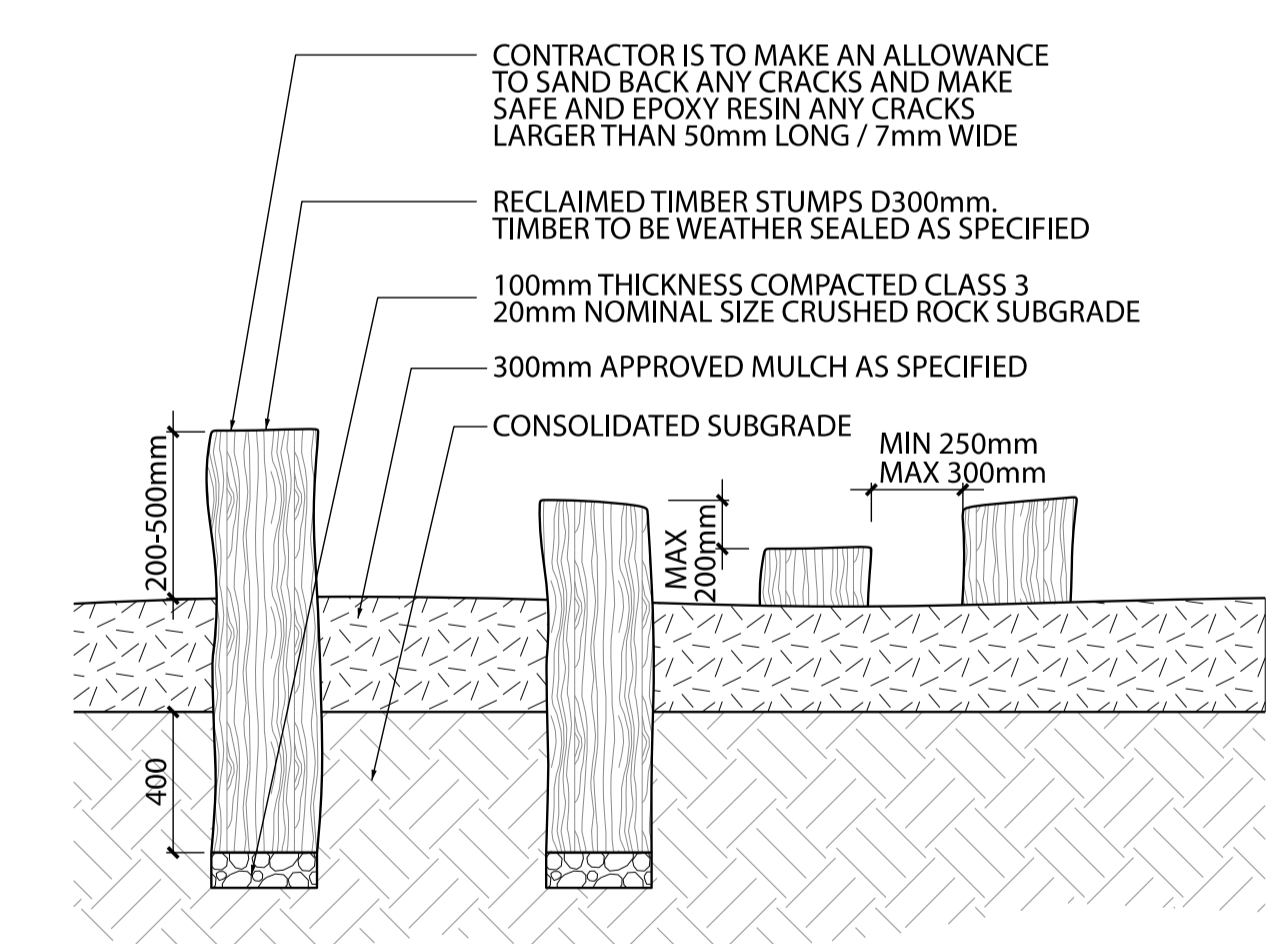
5 BOULDER PLACEMENT TYPICAL DETAIL 1:10@A1



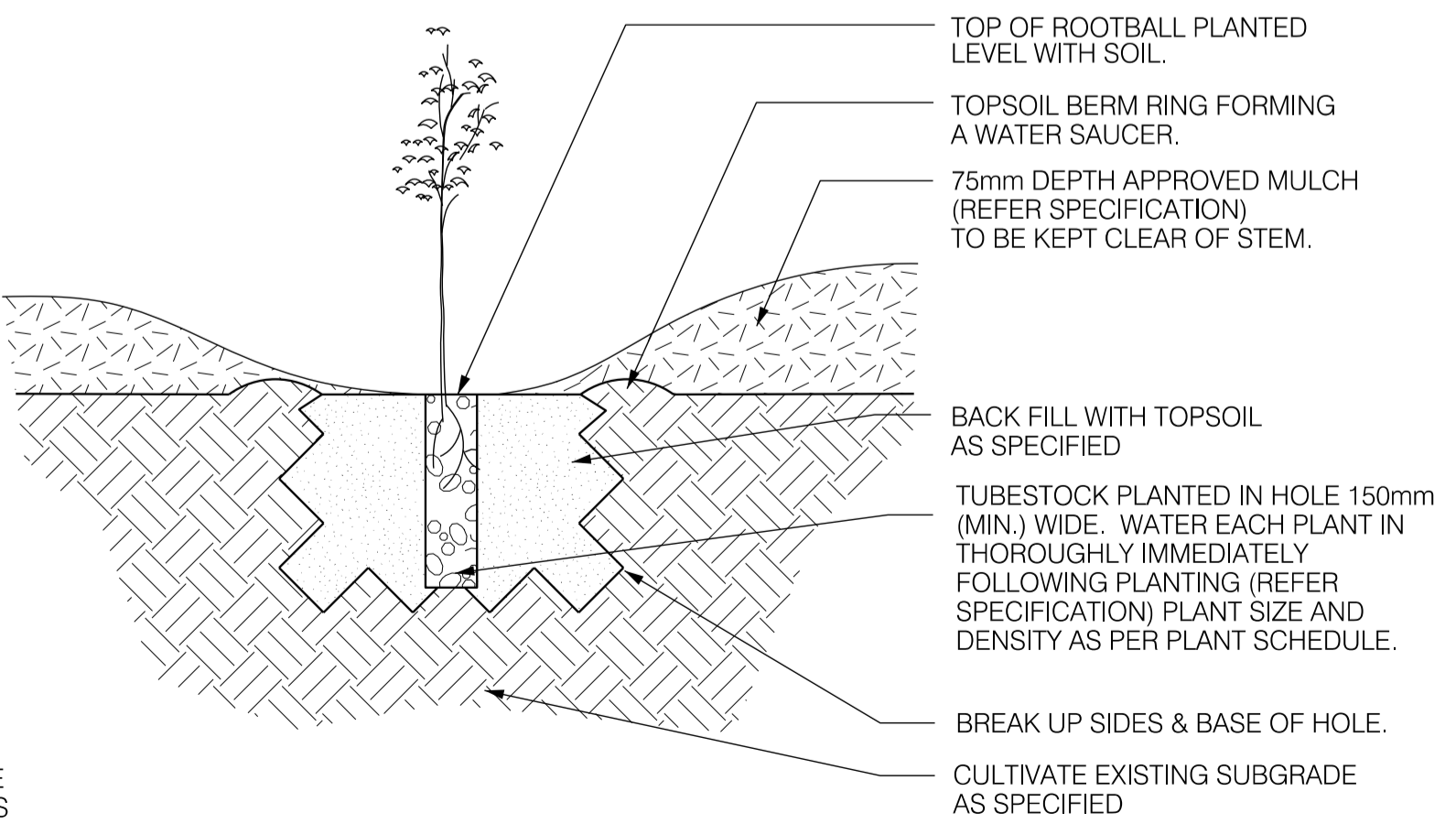
7 ADVANCE TREE PLANTING TYPICAL DETAIL 1:20@A1



8 150mm/300mm POT PLANTING TYPICAL DETAIL NTS



6 TIMBER STEPPERS TYPICAL DETAIL 1:10@A1



9 TURF GRASSING TYPICAL DETAIL 1:10@A1

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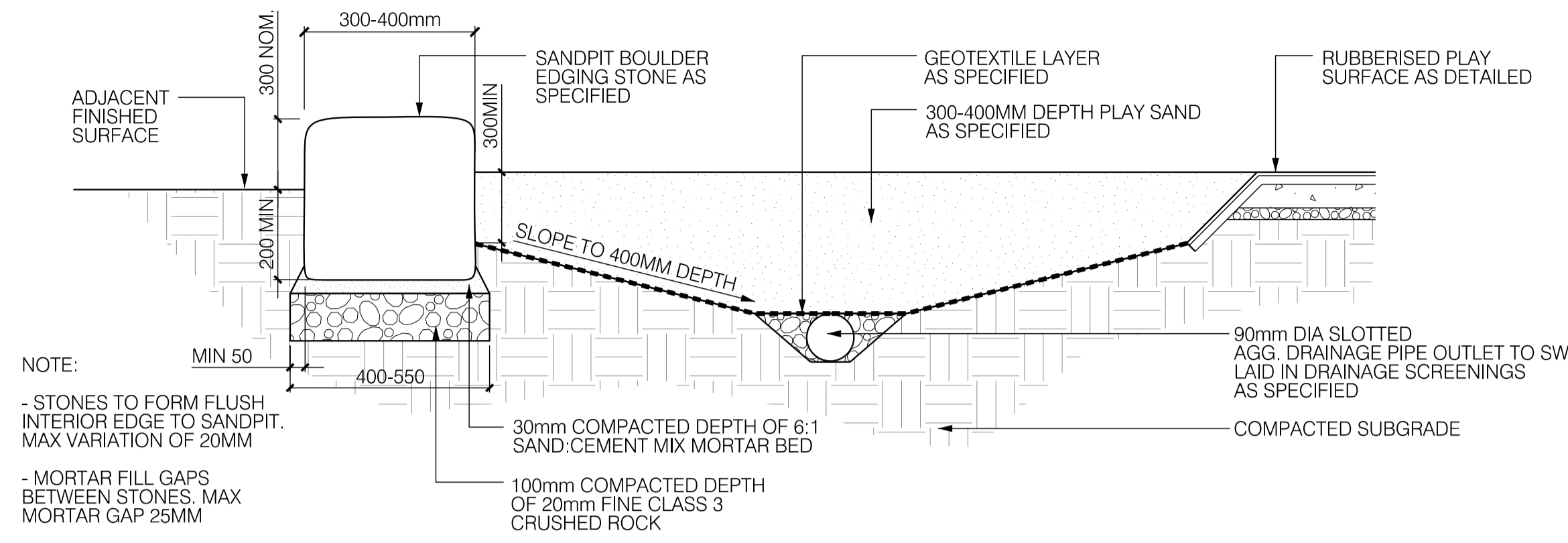
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COLAC OTWAY SHIRE

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LANDSCAPE DETAILS 02

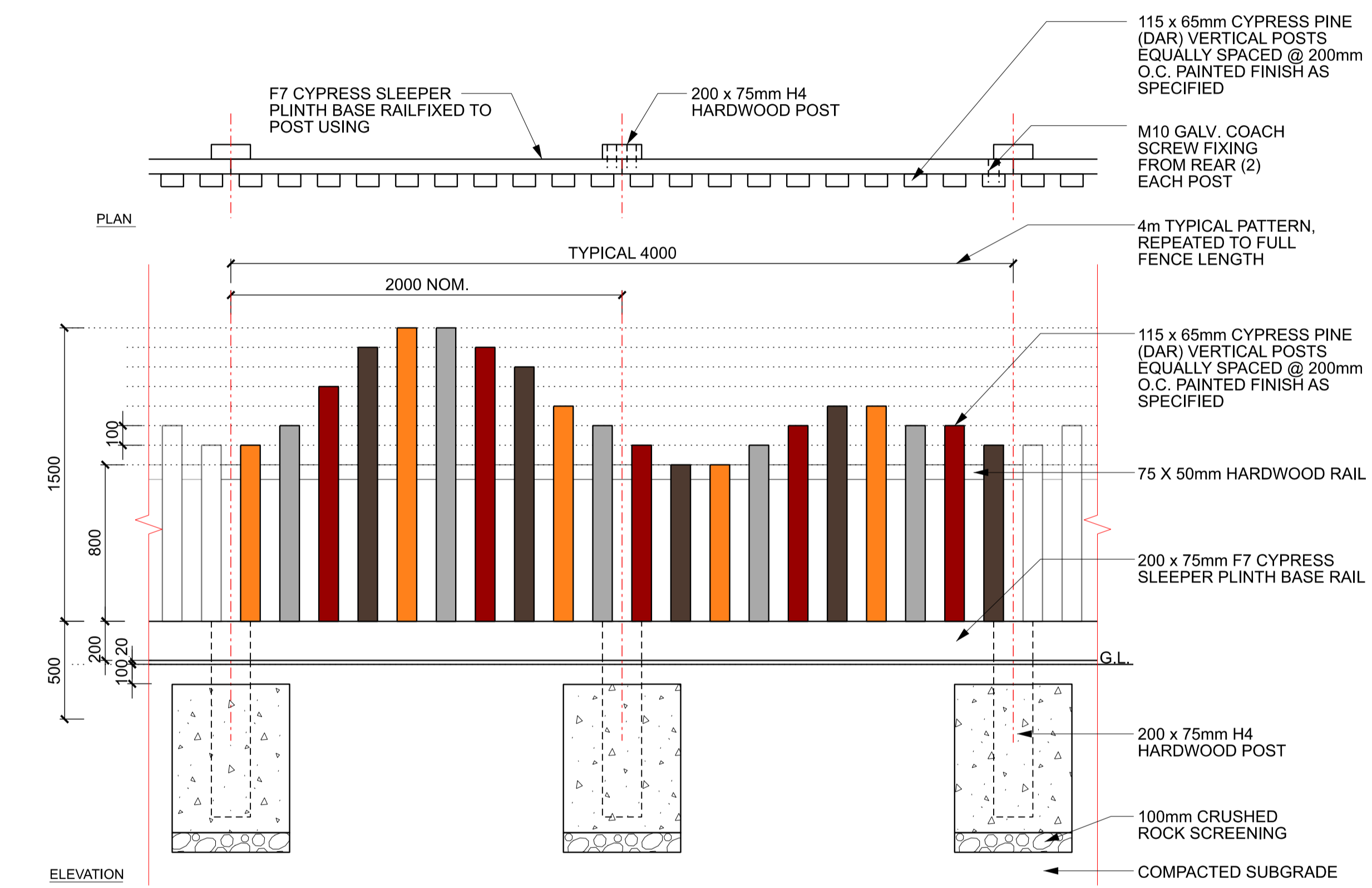
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**REVISION** 5

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**APPROVED** DC  
**DATE** 21.08.2020

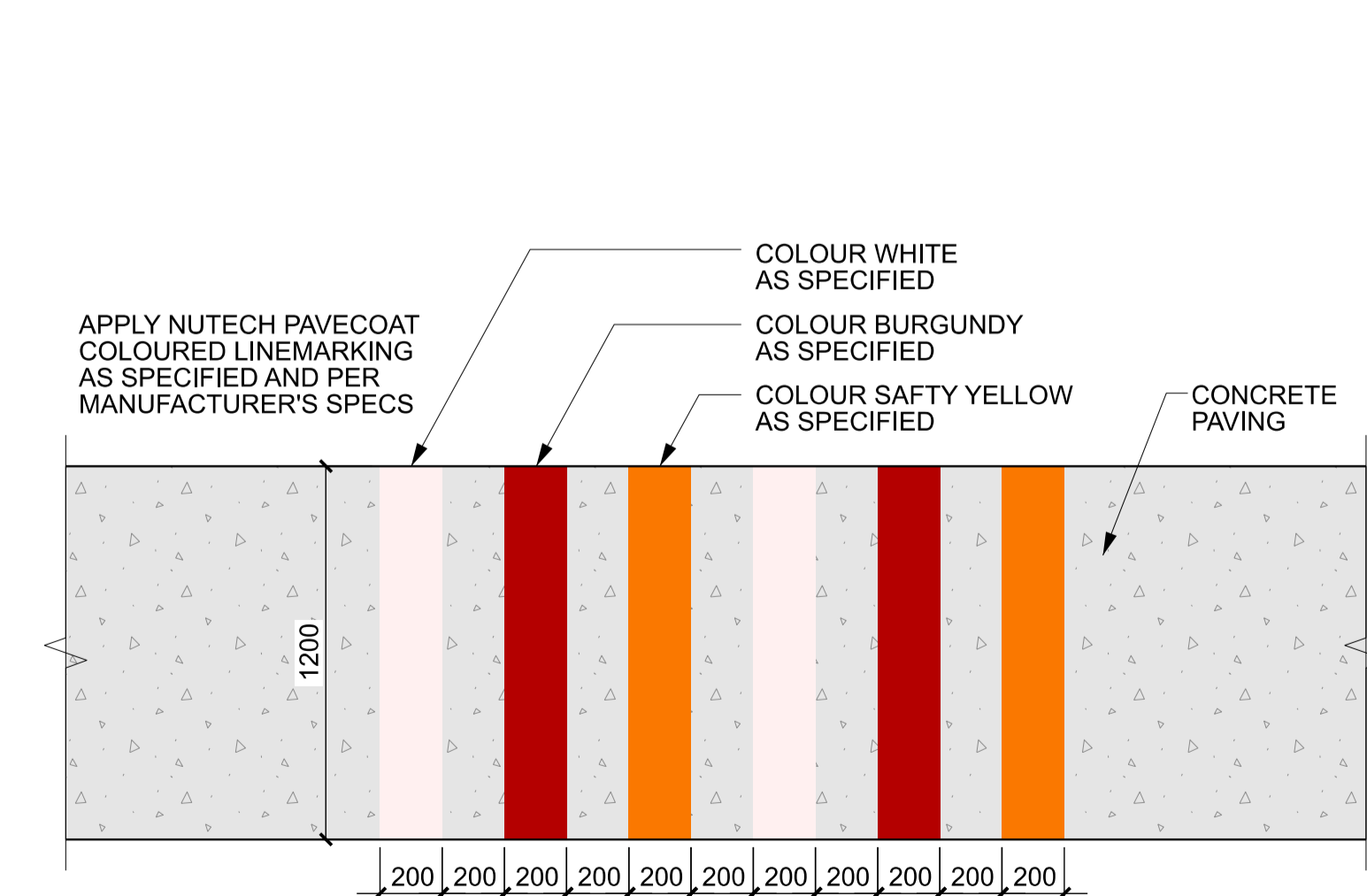
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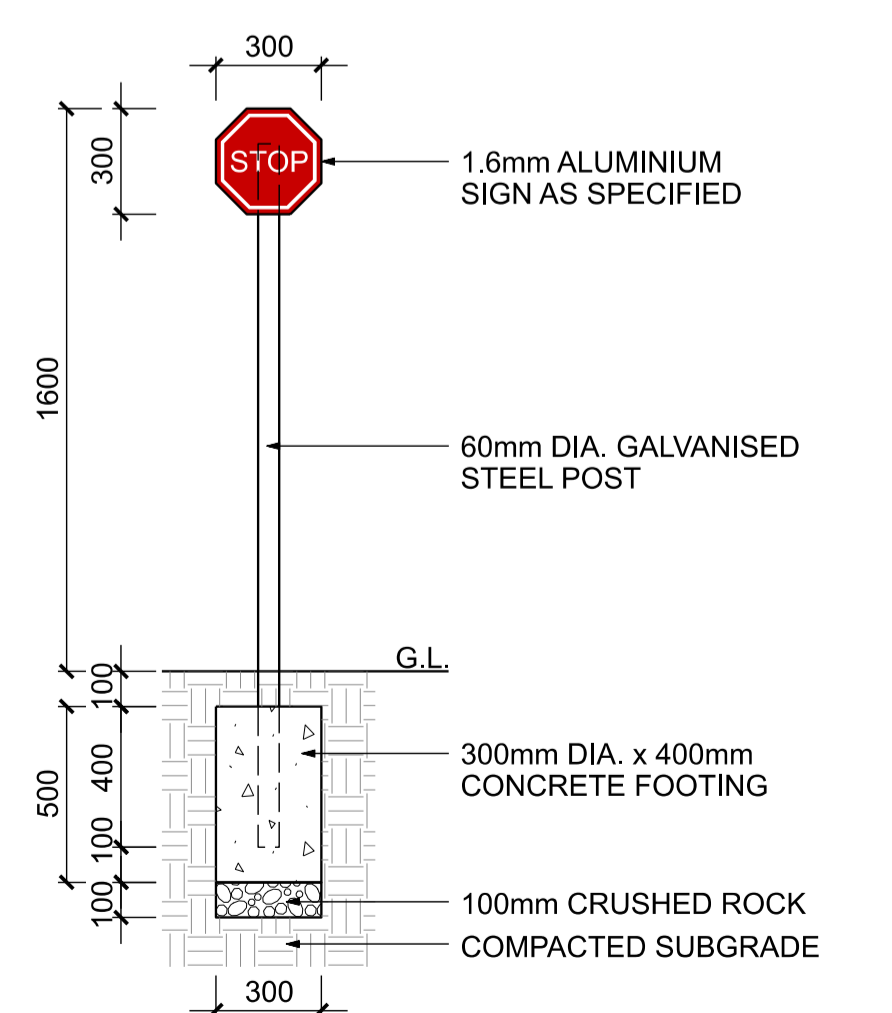
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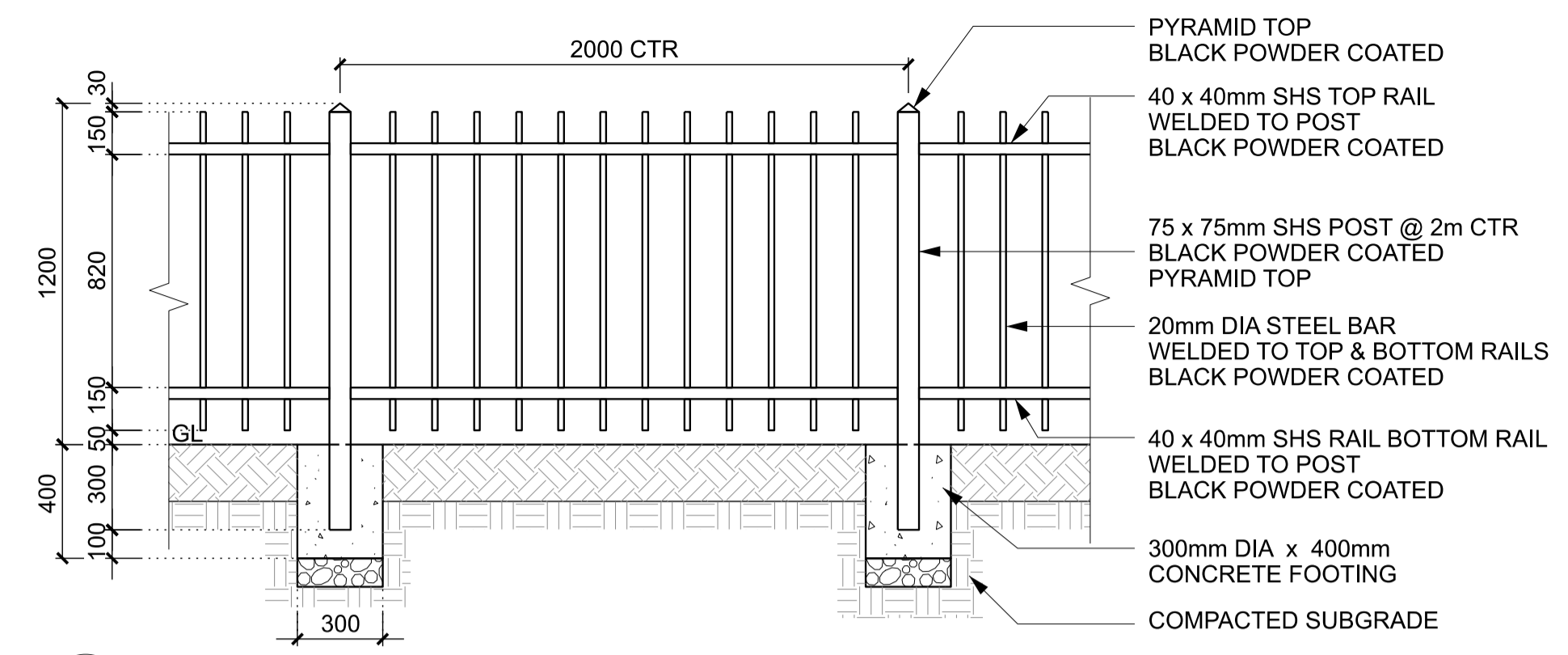
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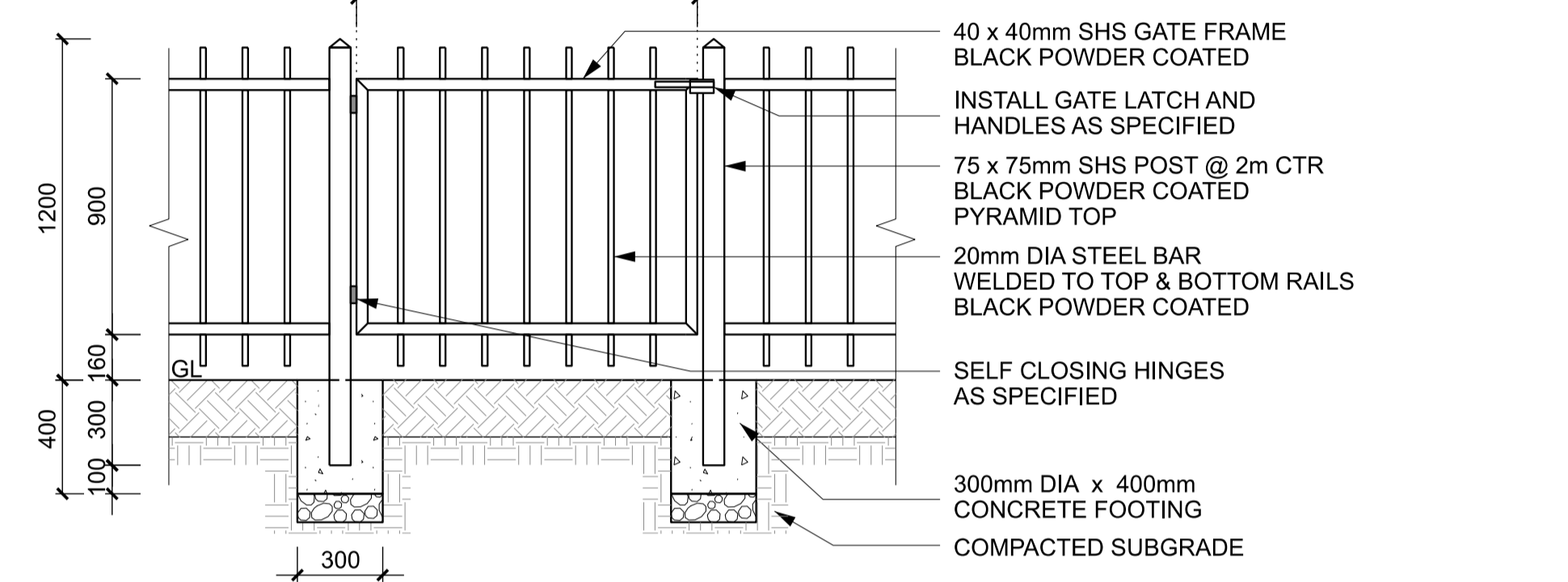
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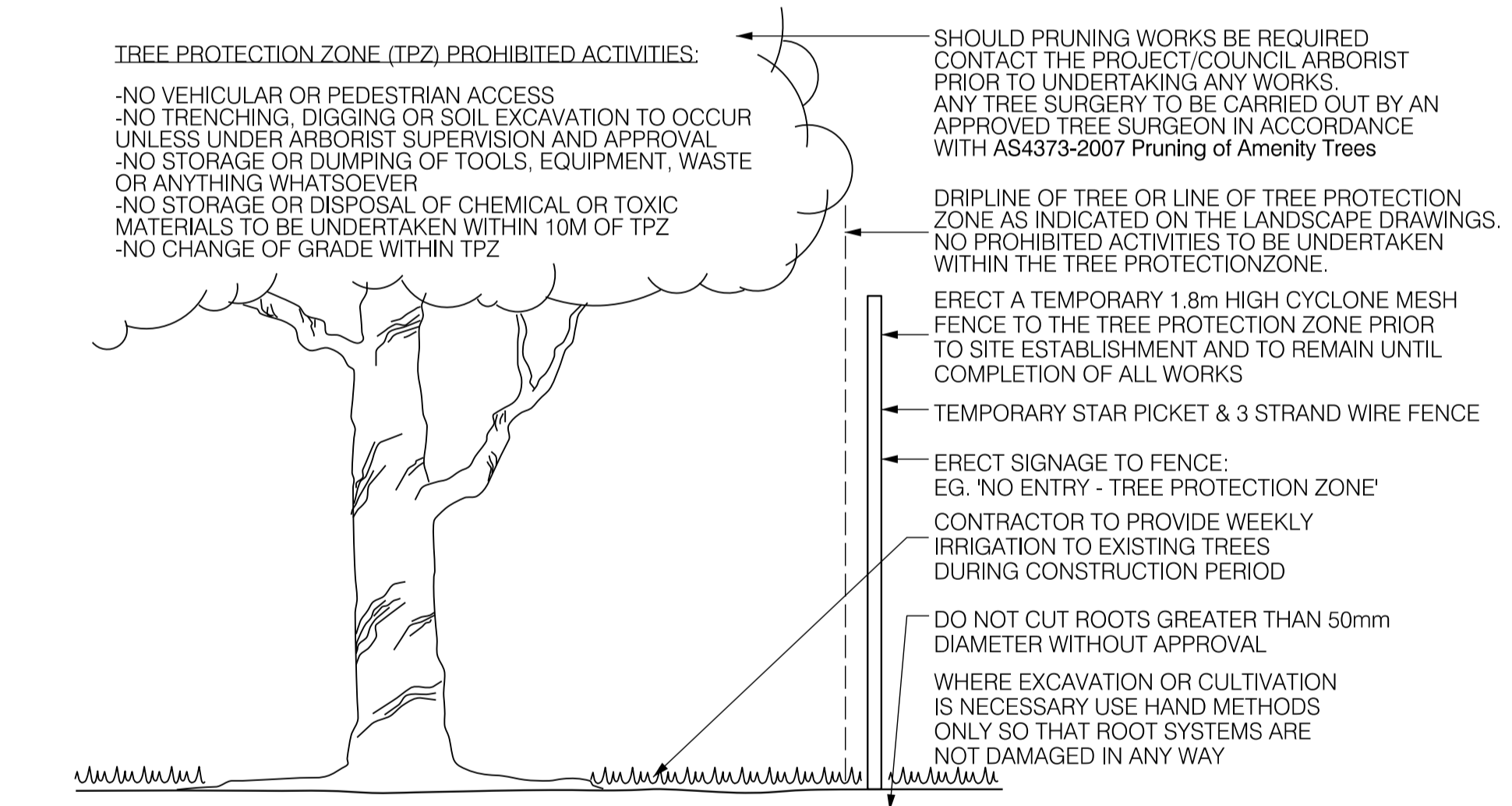
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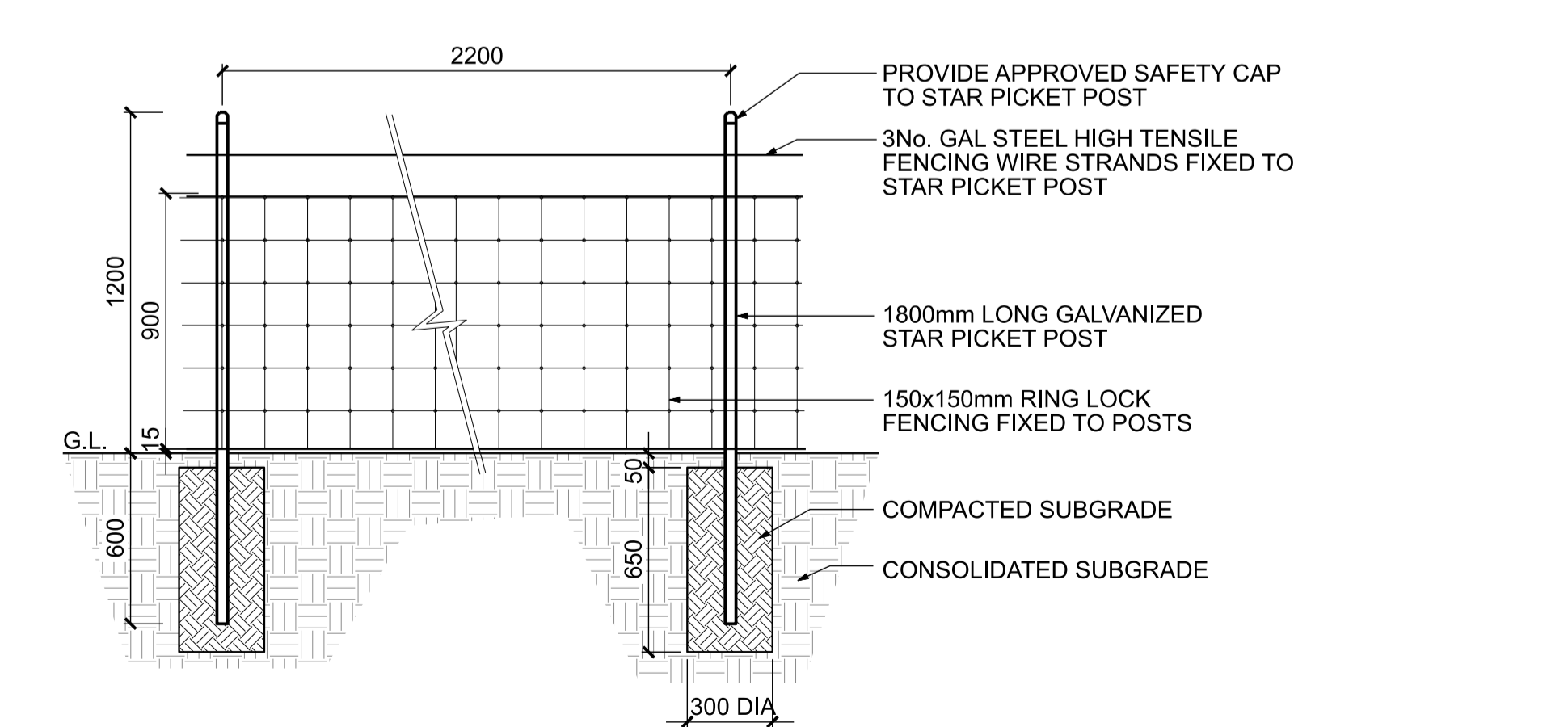
2A METAL BLADE FENCE TYPICAL DETAIL 1:20@A1



2B METAL BLADE GATE TYPICAL DETAIL 1:20@A1



6 EXISTING TREE PROTECTION FENCE TYPICAL DETAIL 1:20@A1



7 TEMPORARY GARDEN BED PROTECTION FENCE TYPICAL DETAIL 1:20@A1

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**Colac Otway SHIRE**

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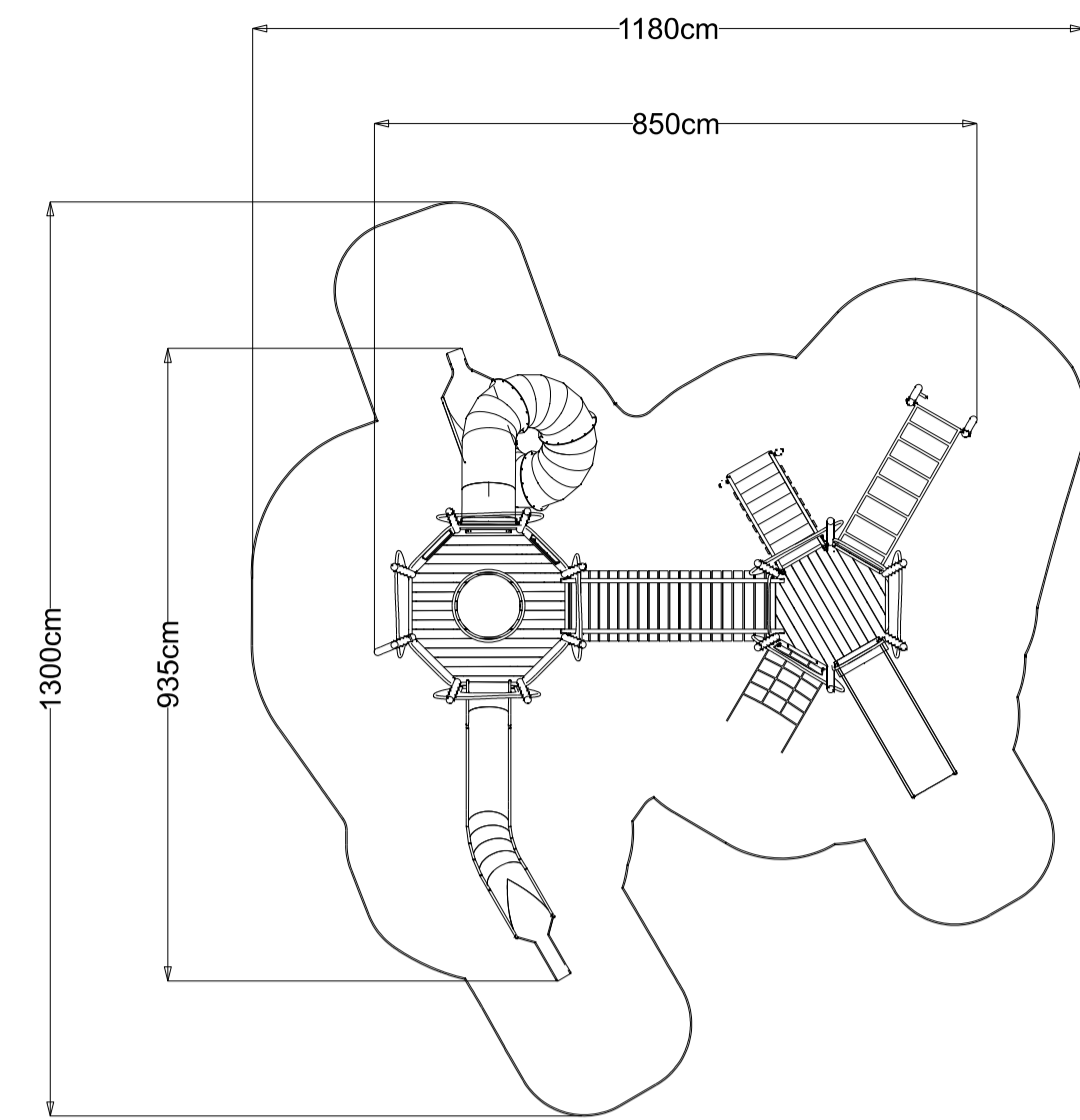
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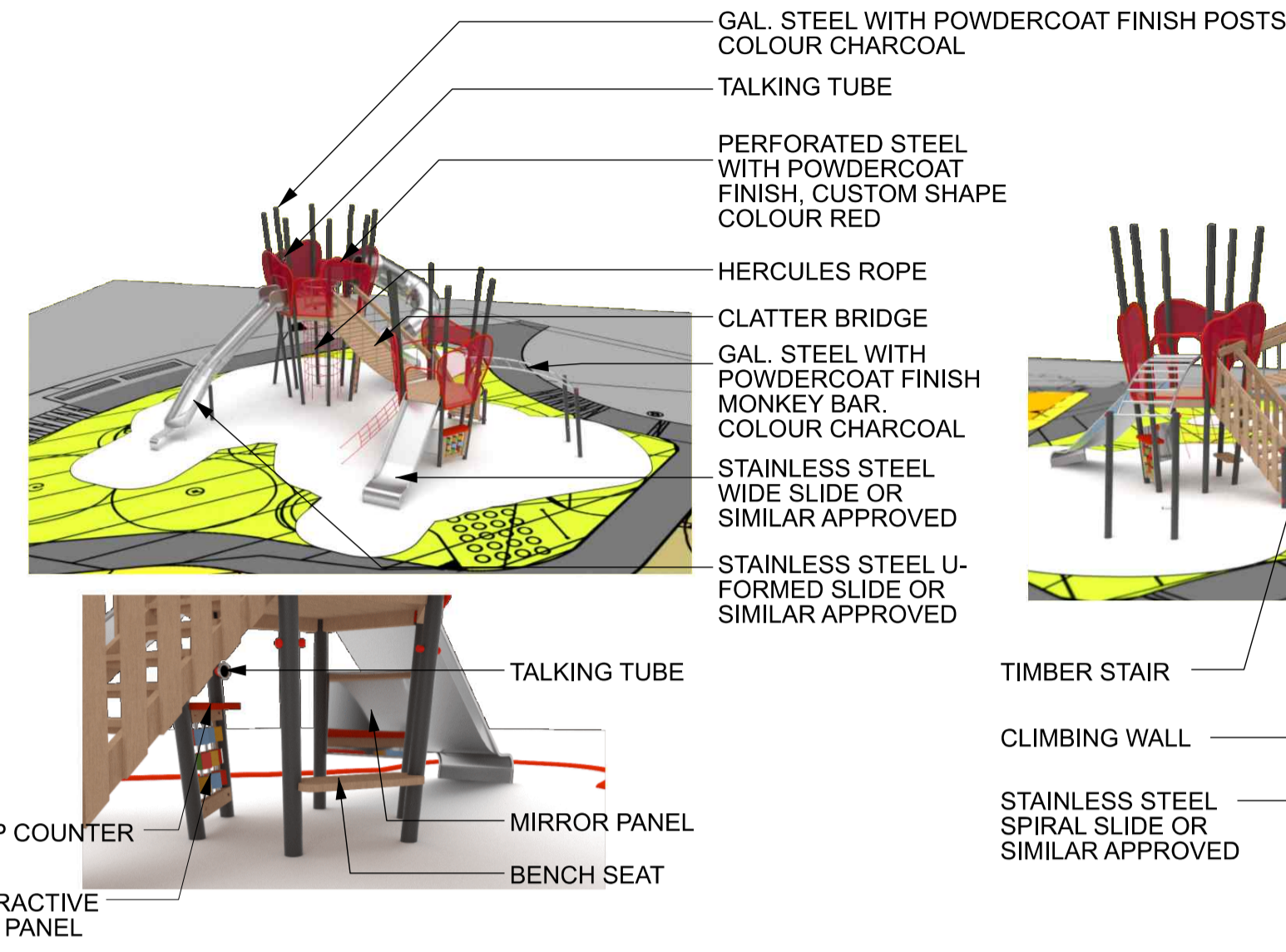
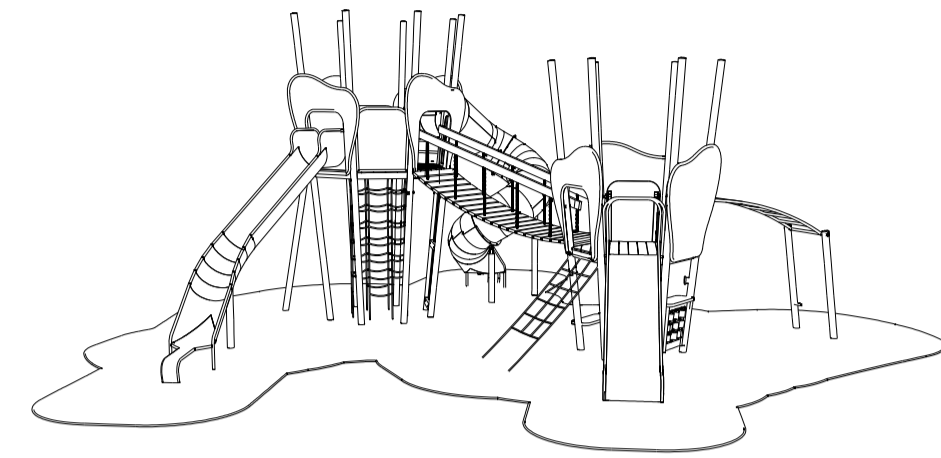
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**DATE** 21.08.2020

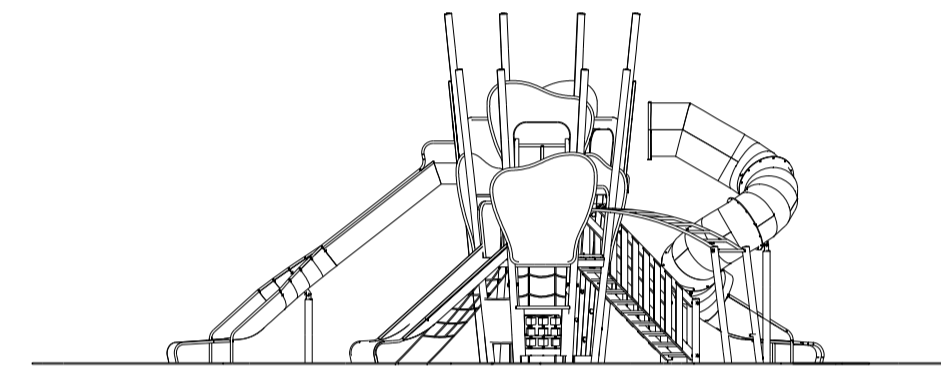
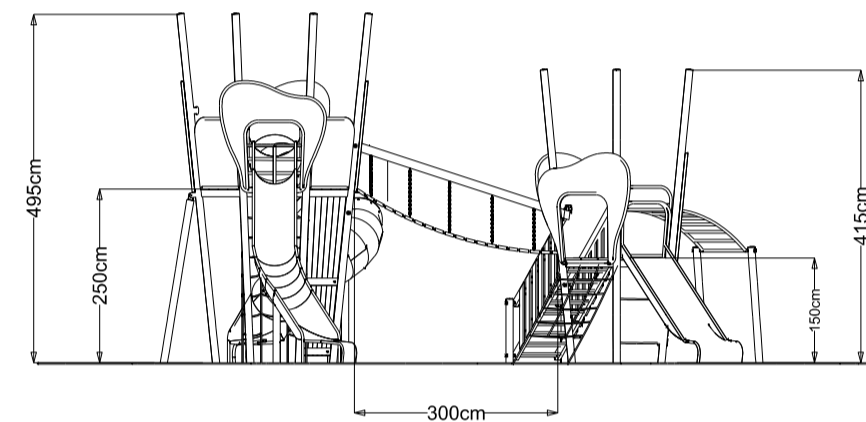
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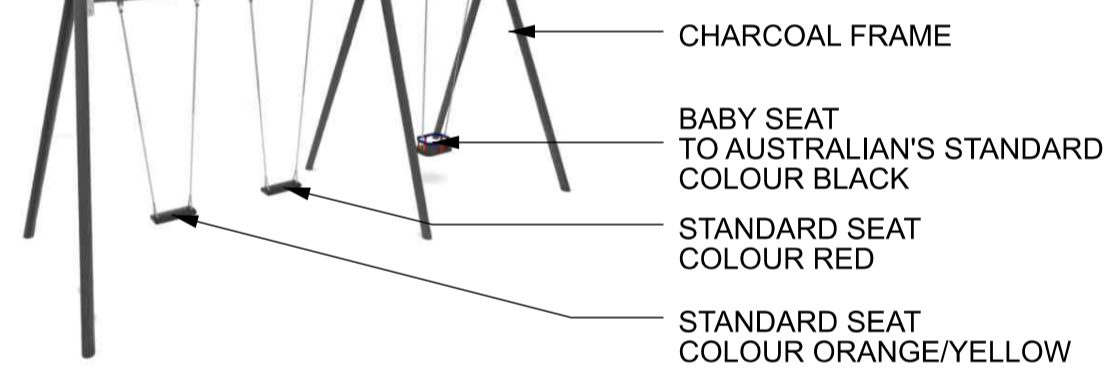
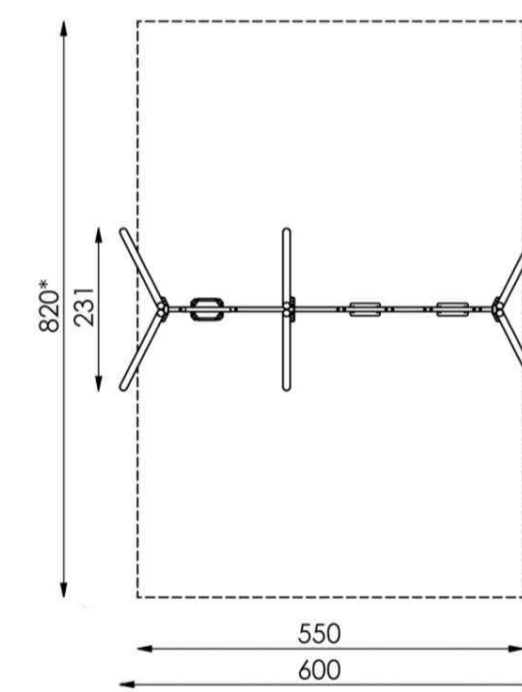
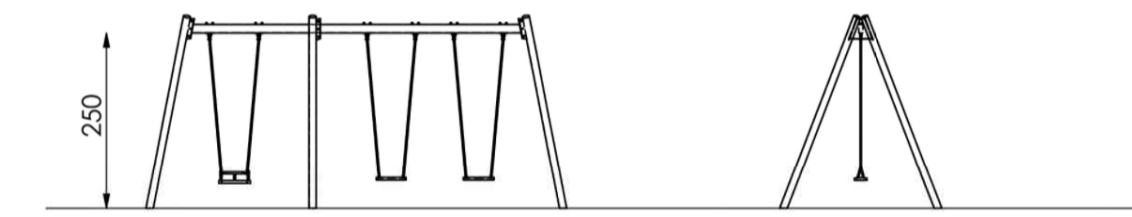
CUSTOM PLAY STRUCTURE  
INSTALL AS MANUFACTURER'S  
DETAILS & SPECIFICATIONS



BELOW LOWER TOWER

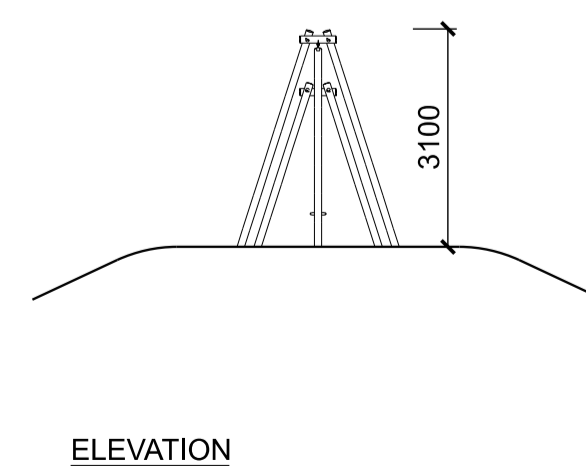
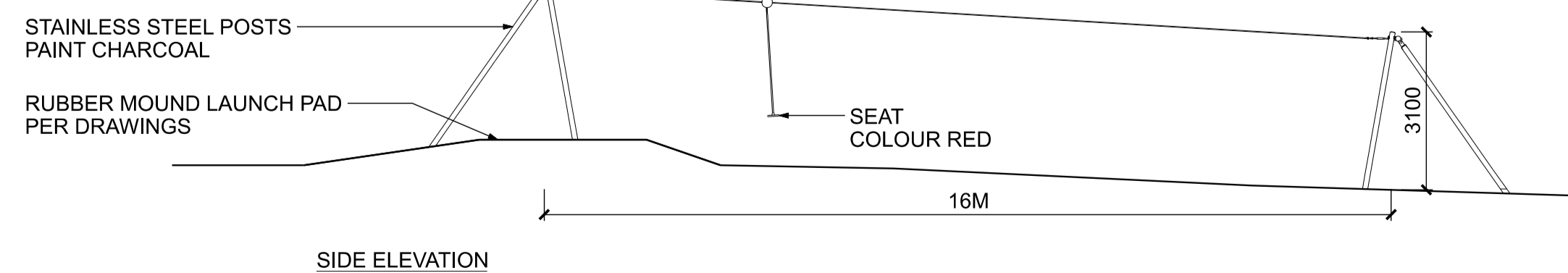
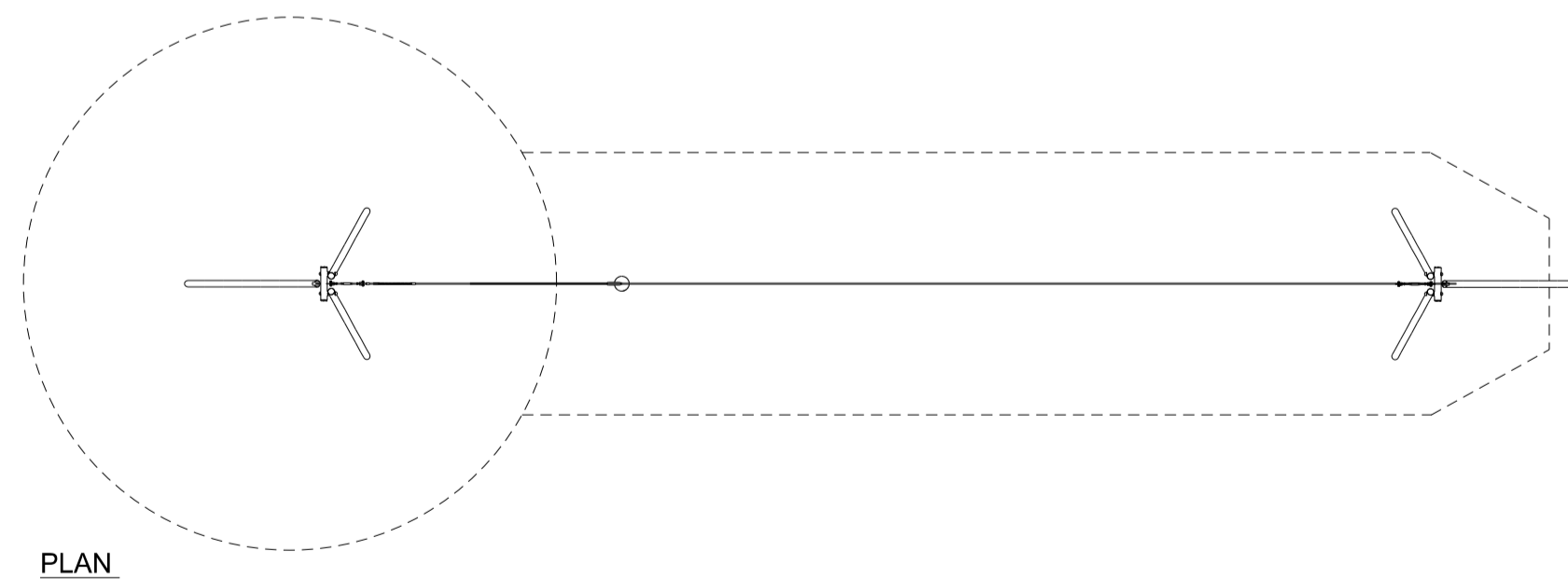


1 CUSTOM MAIN STRUCTURE N.T.S

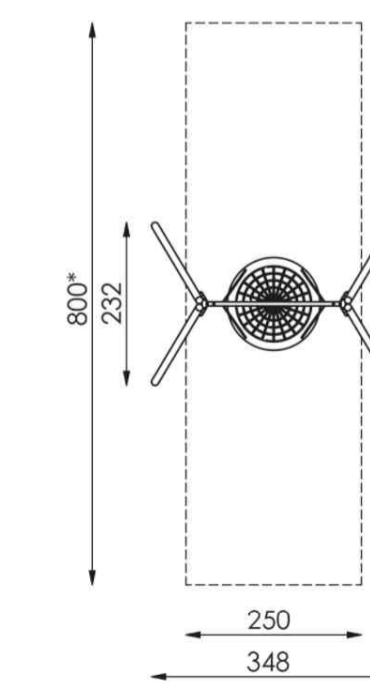
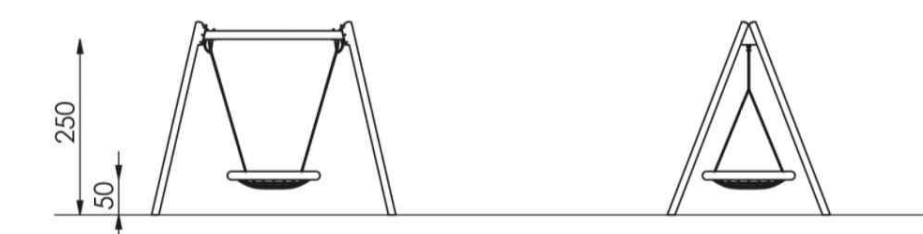


SWING SET TO BE INSTALLED AS MANUFACTURER'S SPECIFICATION

3 SWING SET N.T.S



2 FLYING FOX N.T.S



NEST SWING TO BE INSTALLED AS MANUFACTURER'S SPECIFICATION

4 NEST SWING N.T.S

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PROJECT  
MEMORIAL SQUARE PLAYSACE

CLIENT  
COLAC OTWAY SHIRE

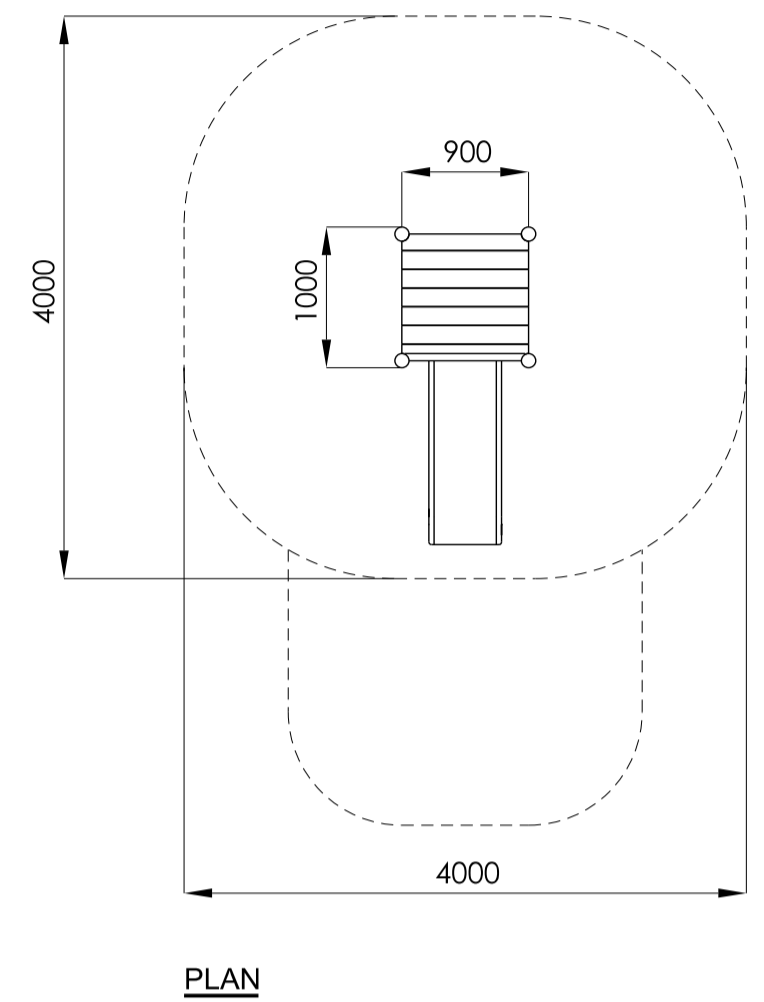
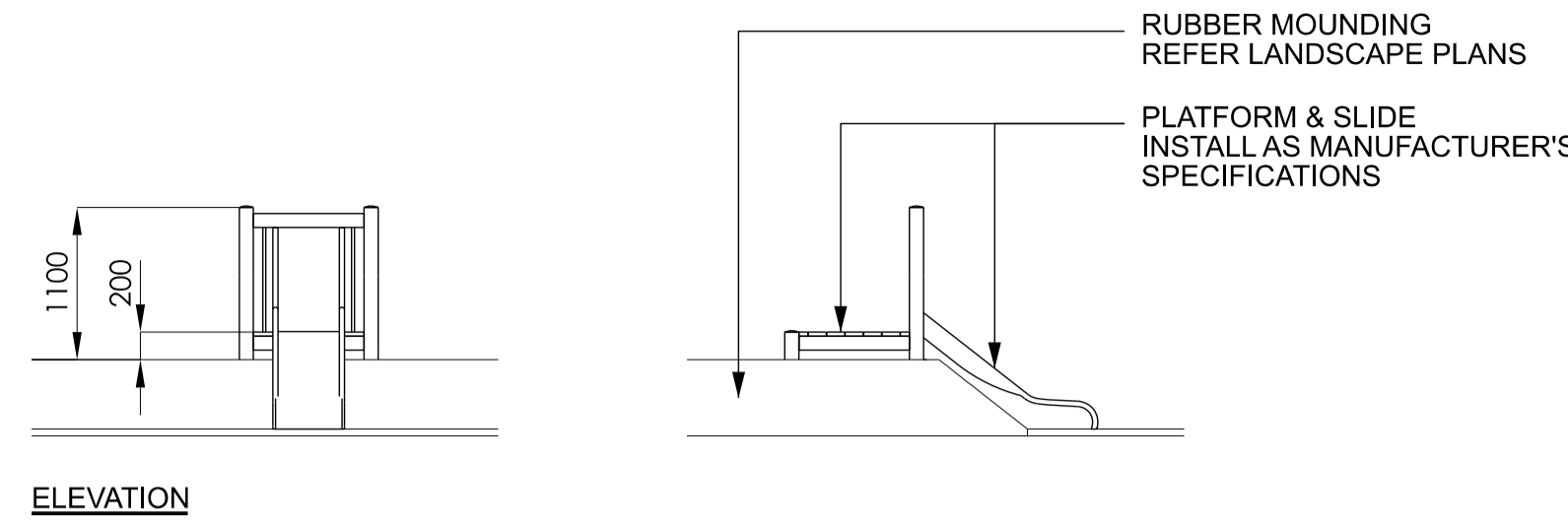
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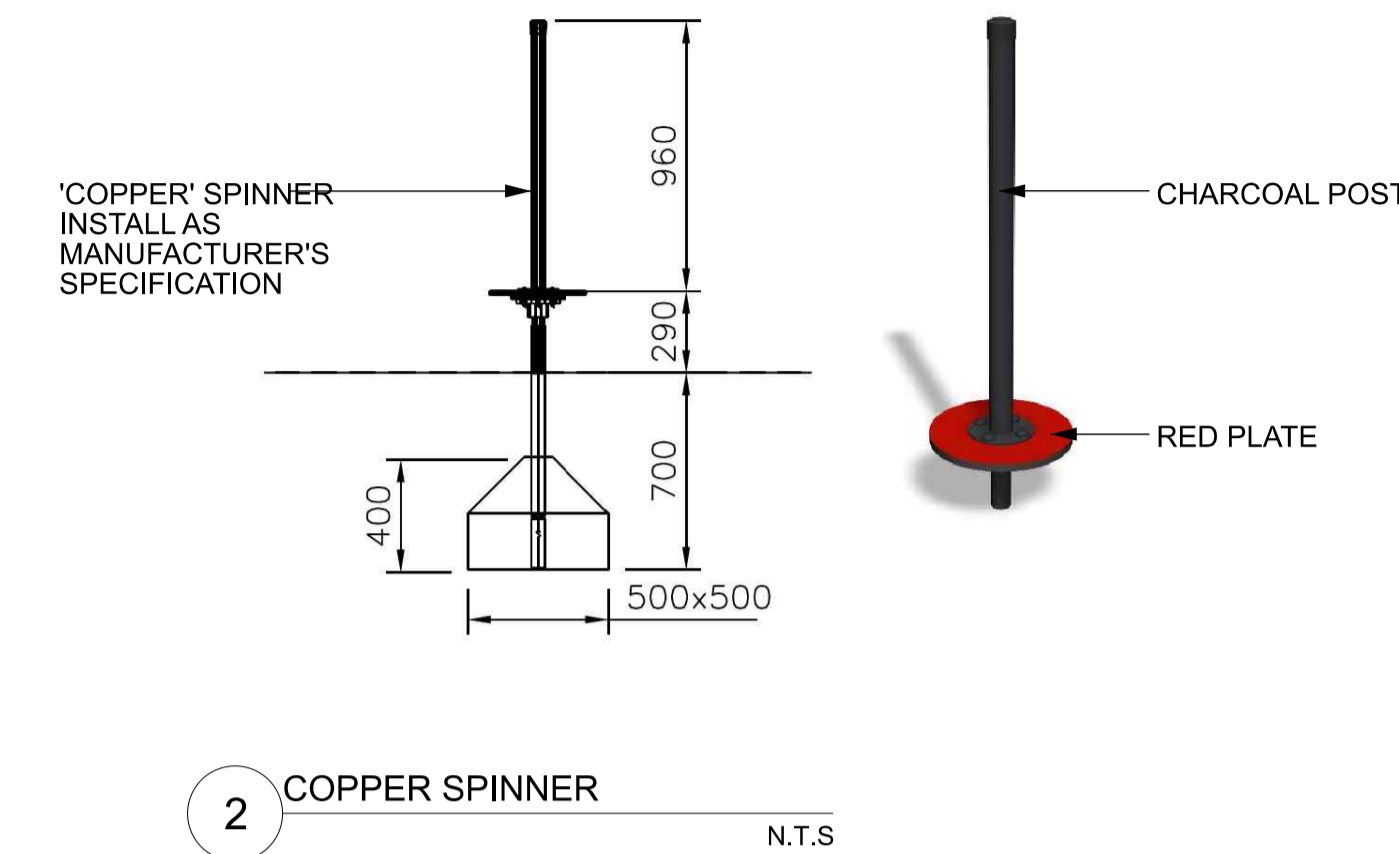
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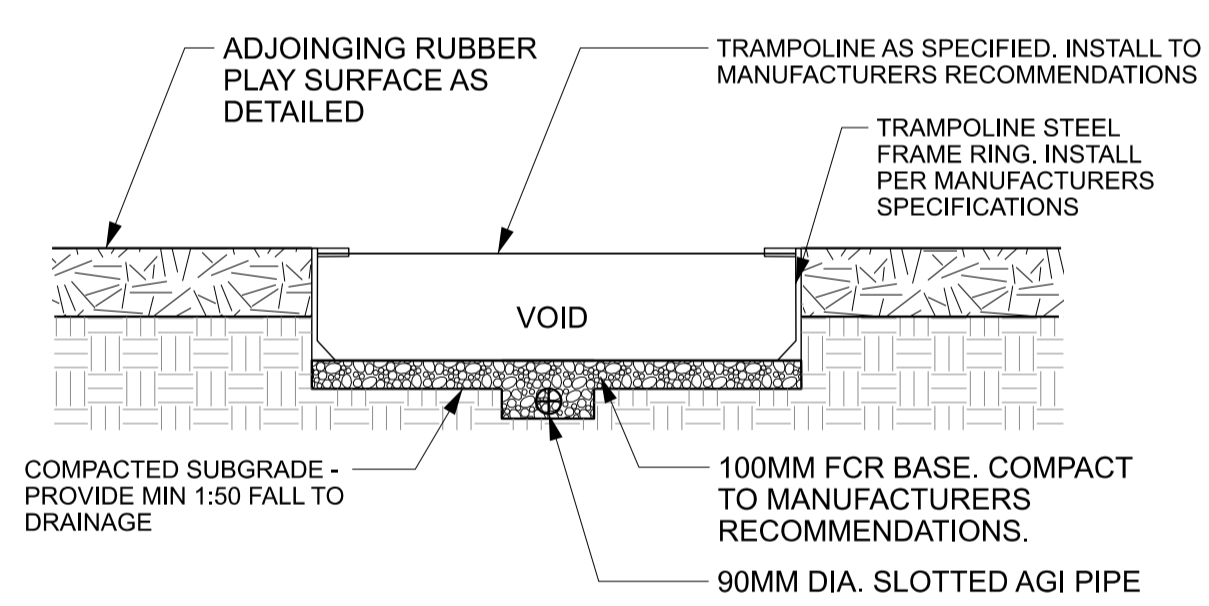
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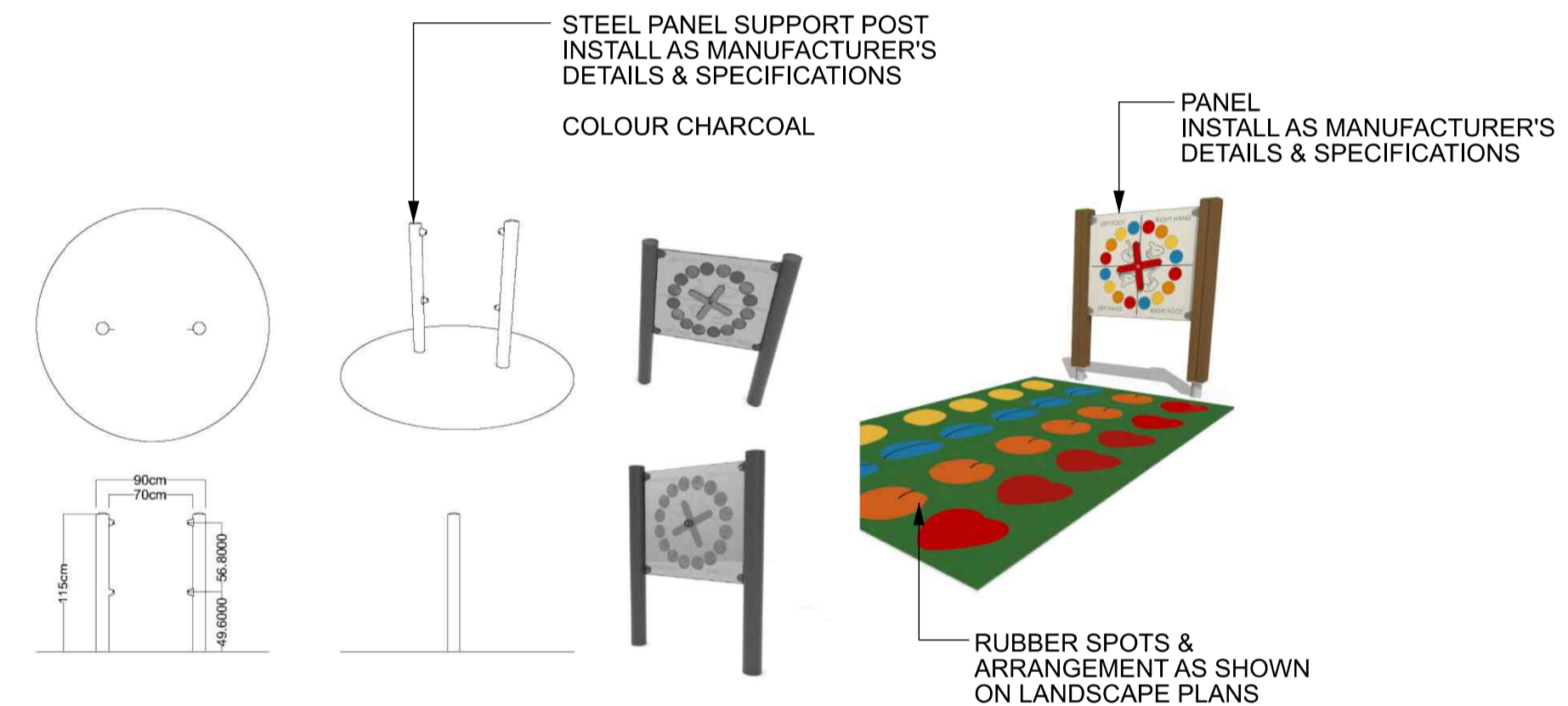
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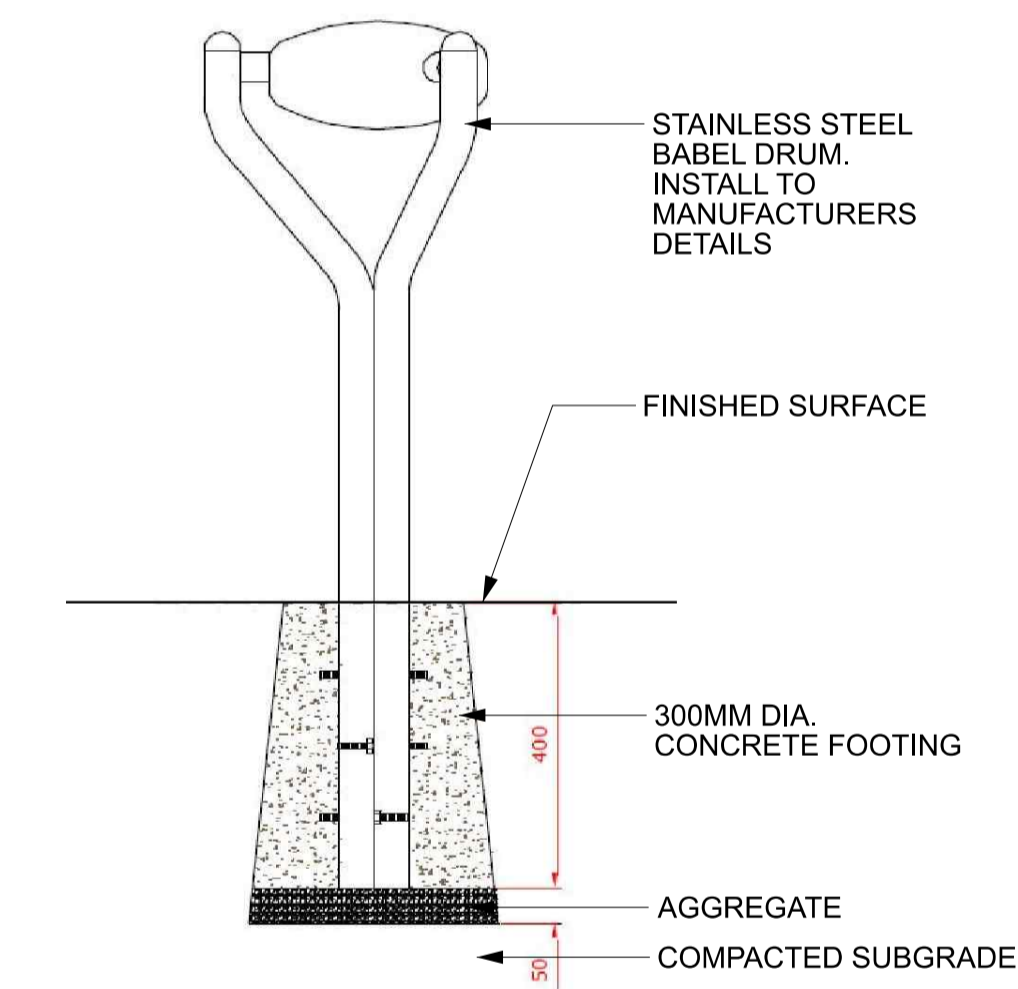
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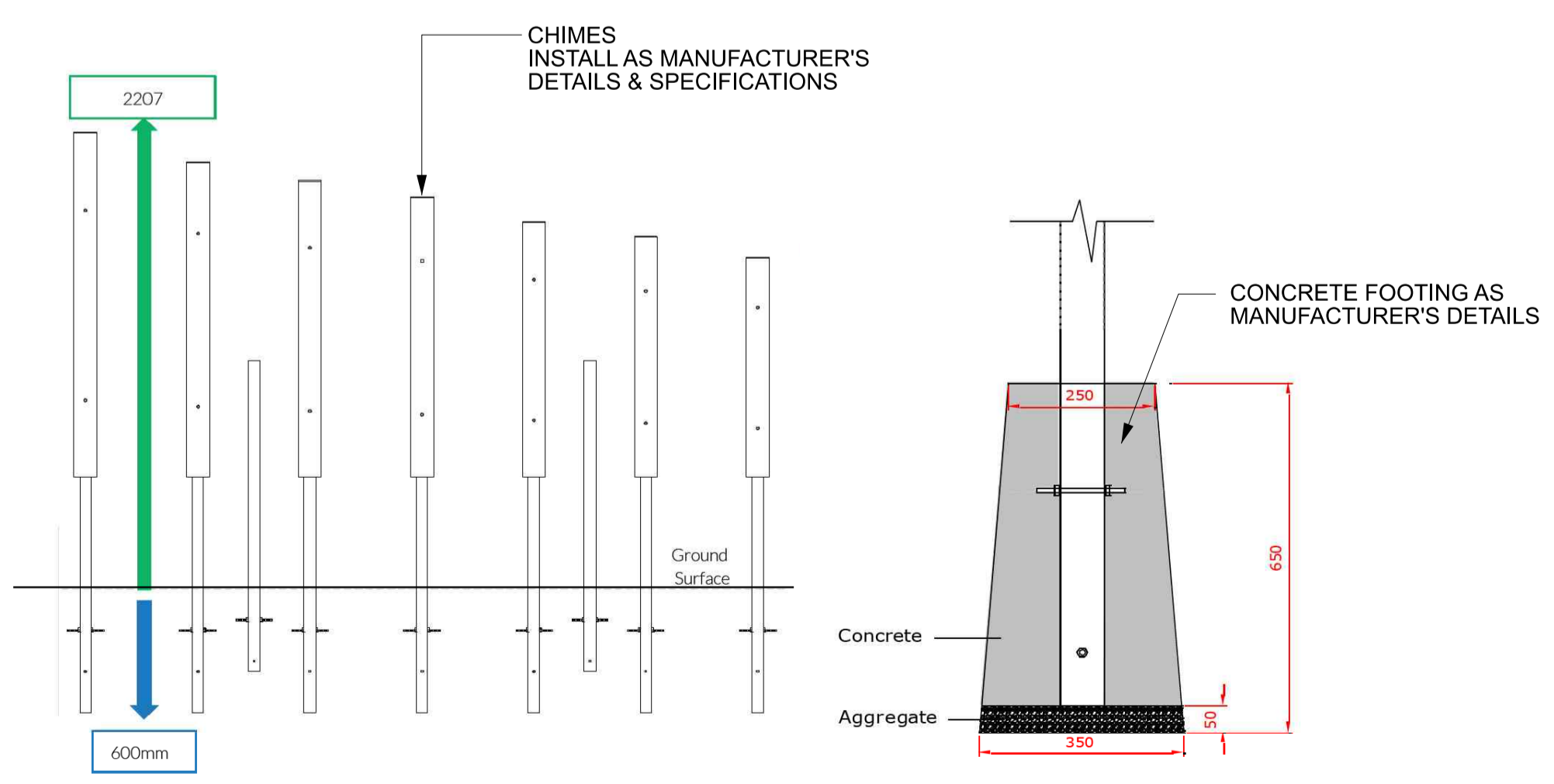
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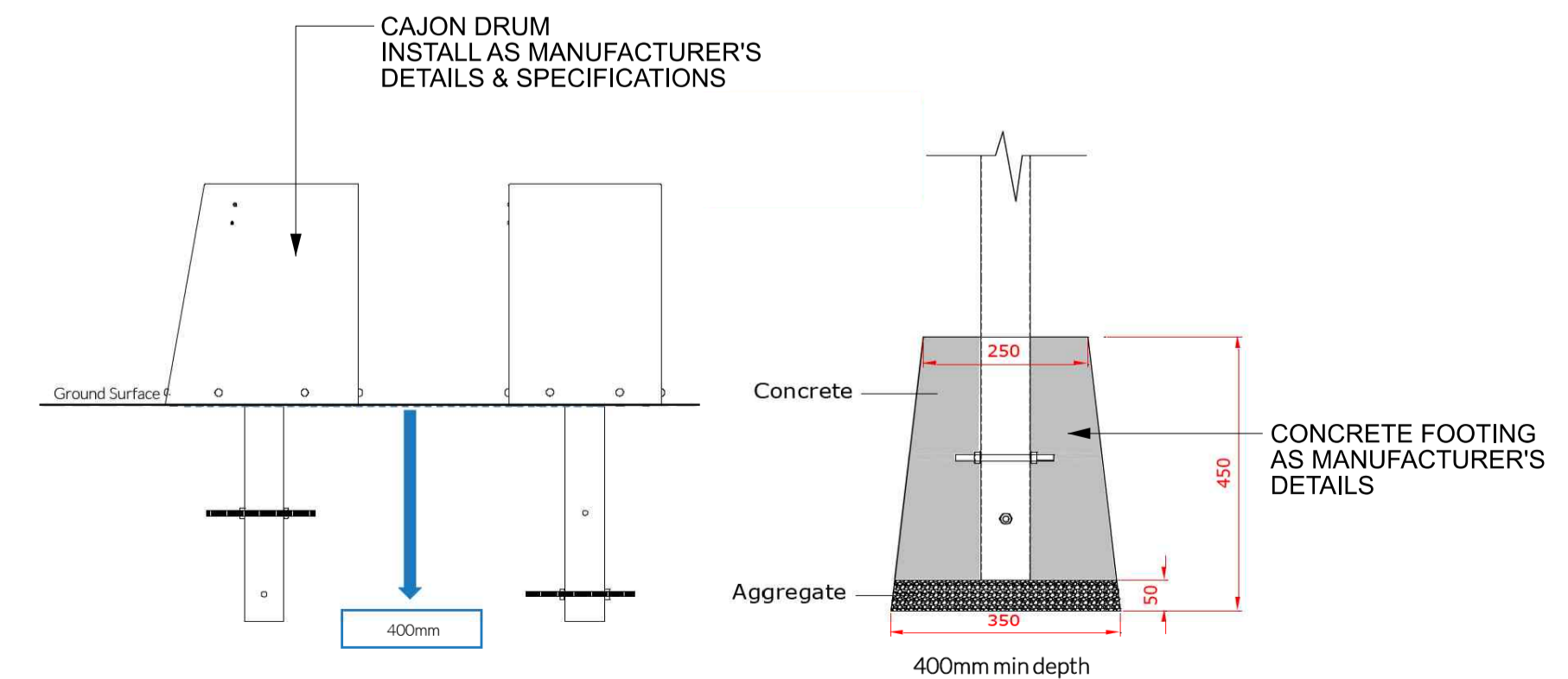
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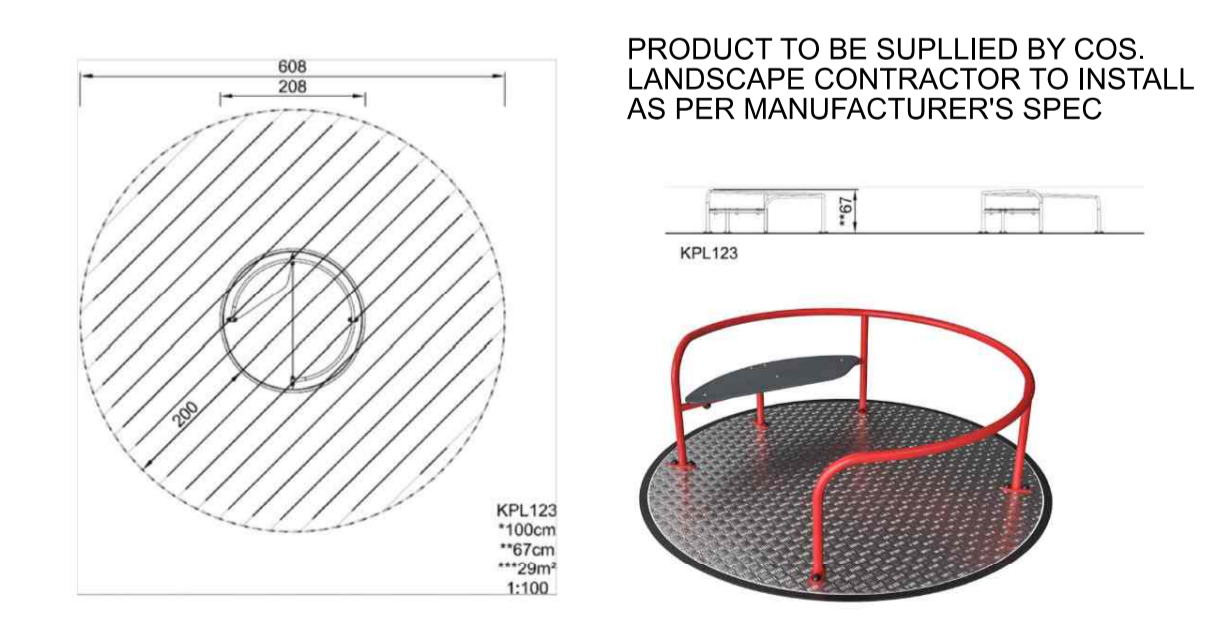
**7 BABEL DRUM** N.T.S



**5 CHIMES** N.T.S



**6 CAJON DRUM** N.T.S



**8 CAROUSEL (SUPPLIED BY COS)** N.T.S

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**CLIENT**  
COLAC OTWAY SHIRE

**DRAWING TITLE**  
PLAY EQUIPMENT 02

**DRAWING NUMBER** 0319-0826-00-L-03 DR-504  
**REVISION** 5

**DRAWN** SL/MB  
**CHECKED** MB  
**APPROVED** DC  
**DATE** 21.08.2020

**SCALE** AS SHOWN  
**A1**

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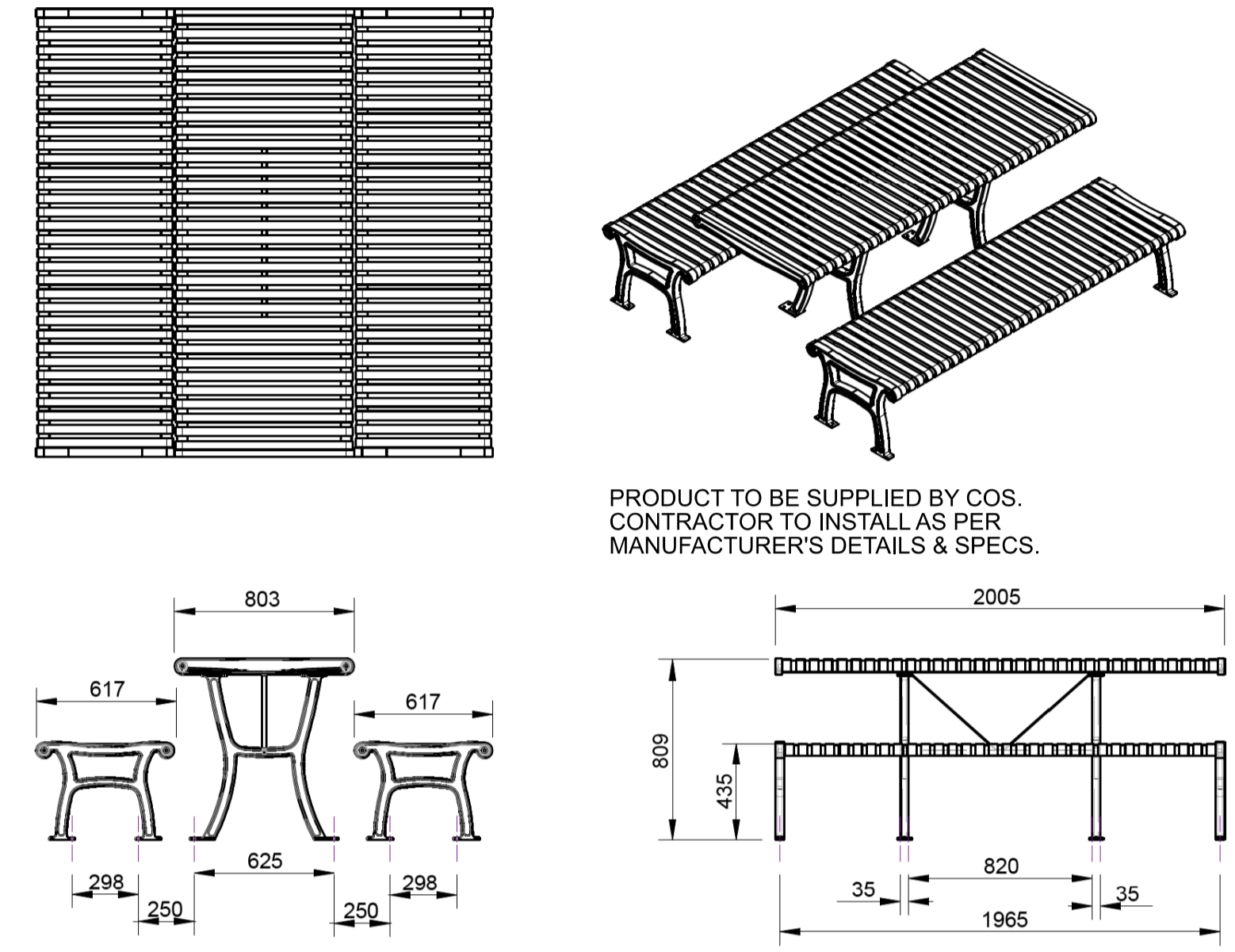
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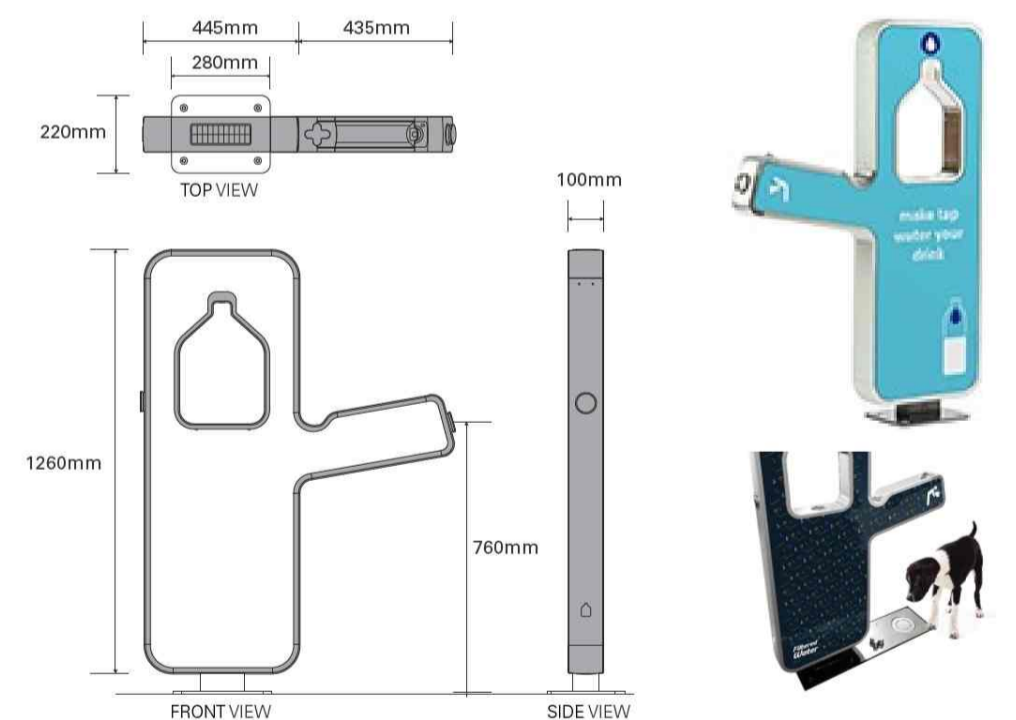
EXISTING BENCH TO BE REPAINTED AND RELOCATED AS SHOWN ON LANDSCAPE PLAN

REMOVE ALL EXISTING PAINT POWDER COATED FINISHES AS SPECIFIED & AS SHOWN ON LANDSCAPE PLAN

1 EXISTING SEATS - TO BE RELOCATED N.T.S



4 PICNIC SETTING (SUPPLIED BY COS) N.T.S



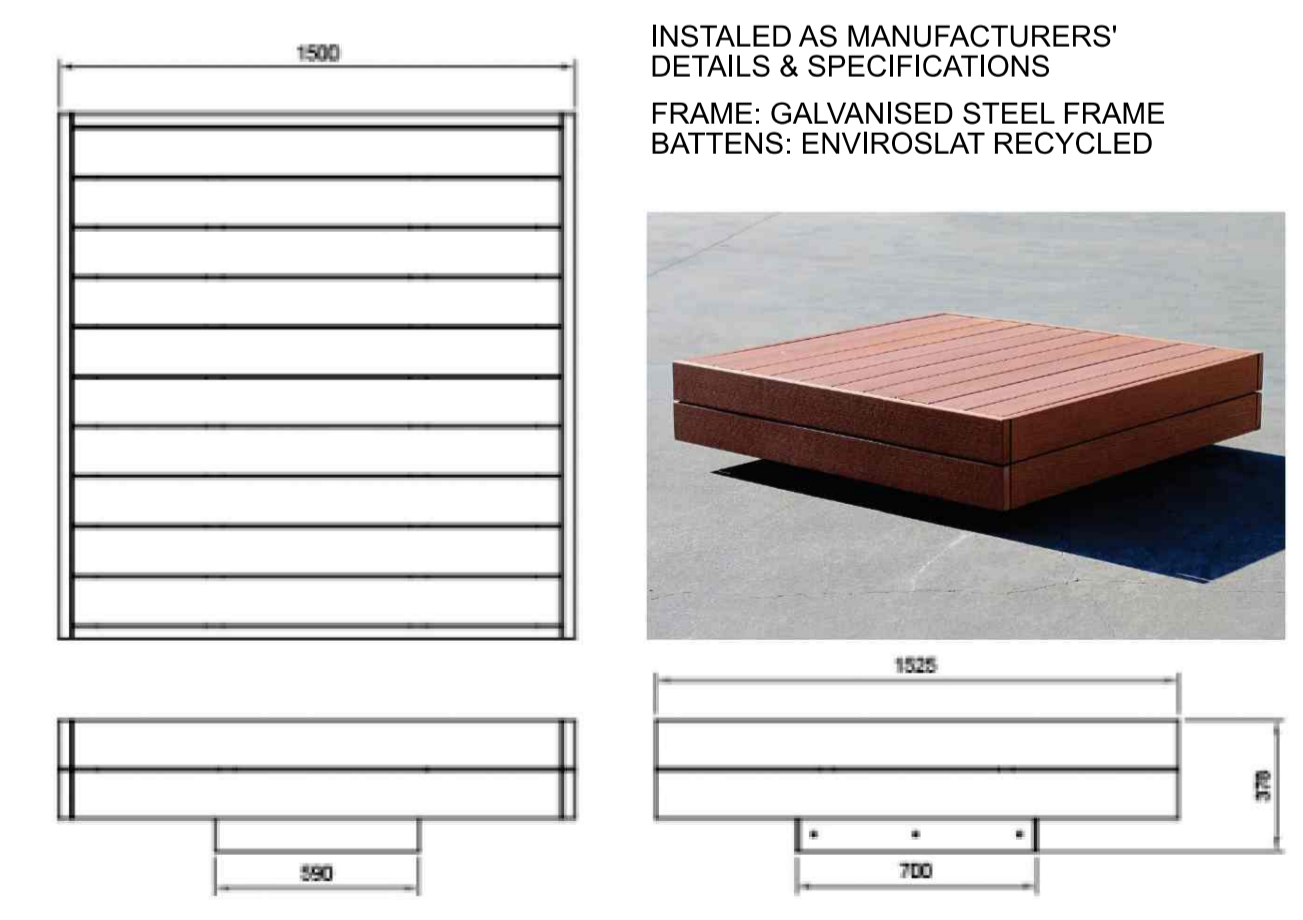
DOG BOWL ATTACHMENT

PRODUCT TO BE SUPPLIED BY COS. CONTRACTOR TO INSTALL AS PER MANUFACTURER'S DETAILS & SPECS.

**NOTE:**

- ENSURE THE WATER REFILL STATION IS INSTALLED BY A LICENCED PLUMBER IN ACCORDANCE WITH RELEVANT PLUMBING STANDARDS AND APPLICABLE LAWS.
- ENSURE THE WATER REFILL STATION, INCLUDING ALL MATERIALS, FITTINGS AND FIXTURES COMPLY WITH THE AUSTRALIAN PLUMBING CODE WATERMARK CERTIFICATION.
- ENSURE THE WATER REFILL STATION IS INSTALLED AFTER THE METER TO ENSURE APPROPRIATE BACK FLOW PREVENTION IS MADE AVAILABLE.

4 WATER FOUNTAIN (SUPPLIED BY COS) N.T.S



2 WHARF PLATFORM BENCH N.T.S



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**DRAWING TITLE**  
FURNITURE

DRAWING NUMBER	REVISION
0319-0826-00-L-03 DR-505	5

DRAWN	CHECKED	APPROVED	DATE
SL/MB	MB	DC	21.08.2020

SCALE AS SHOWN A1

## Item: 10.6

# Gifts, Benefits and Hospitality Policy Review

<b>OFFICER</b>	Marlo Emmitt
<b>CHIEF EXECUTIVE</b>	Peter Brown
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1. Gifts Benefits and Hospitality Policy - Draft V 5 - March 2021 [10.6.1 - 9 pages]</li> <li>2. Current Policy 18.9 - Gifts, Benefits and Hospitality [10.6.2 - 9 pages]</li> </ol>
<b>PURPOSE</b>	To adopt the revised Gifts, Benefits and Hospitality Policy.

## 1. EXECUTIVE SUMMARY

This report outlines the requirements for an updated Gifts, Benefits and Hospitality Policy, the differences between the current policy and draft policy and the rationale behind its development.

Section 138 of the *Local Government Act 2020* states:

- (1) A Council must adopt a Councillor gift policy within the period of 6 months after this section comes into operation.
- (2) A Councillor gift policy must include –
  - a) Procedures for the maintenance of a gift register; and
  - b) Any other matters prescribed by the regulations.

The current policy does not contain procedures for the maintenance of a gift register, thus without revision would be non-compliant. Section 138 commenced on 24 October 2020; therefore the policy needs to be adopted by 24 April 2021. As the April Council Meeting is scheduled for the 28 April 2021, the policy will need to be adopted at the March 2021 Council Meeting to meet legislative requirements.

In addition to our requirements under the *Local Government Act 2020*, our Public Transparency Policy, commits us to keep a public register of gifts, benefits and hospitality for both Councillors and Council Staff.

In undertaking research for the review, it was found that agencies had a relatively consistent approach regarding the position that a Gifts, Benefits and Hospitality Policy should take.



The policy was reviewed with four major questions in mind with the answers to them forming the backbone of the policy:

- What is the definition of a non-token offer?
- What gift, benefit and hospitality offers can be accepted?
- What offers are recorded / declared?
- What offers will be on the public register?

The draft policy and associated procedure have been developed in accordance with:

- the Victorian Public Sector Commissions Gifts, Benefits and Hospitality framework policy guide (June 2018)
- the minimum accountabilities for the management of gifts, benefits and hospitality issued by the Victorian Public Sector Commission
- the Department of Environment, Land, Water and Planning model policy (July 2019)
- the *Local Government Act 2020*.

The position of the draft Gifts, Benefits and Hospitality Policy is summarised in the table below comparing it to the current policy.

### Comparison of position

Current policy	Draft policy
<b>Definition of token / non-token offer</b>	
Non-token offer – offers worth more than \$30.	Non-token offer - offers worth \$30 or more.
<b>What offers can be accepted?</b>	
Token offers (do not require approval by manager) and non-token offers with the approval by manager, reasonable hospitality and ceremonial gifts if non acceptance would cause offence.	<ul style="list-style-type: none"> <li>• Token offers from clients.</li> <li>• Offers of goodwill (deemed to be under \$30).</li> <li>• Token and non-token offers with a legitimate business need (with approval).</li> <li>• Ceremonial gifts if non acceptance would cause offence.</li> </ul>
<b>What offers must be declared?</b>	
All accepted token offers, all non-token offers, repeated gift if previously the sum of values from the same source is greater than \$500, all hospitality that is in excess of \$30.	<ul style="list-style-type: none"> <li>• All accepted token offers (excluding offers of goodwill).</li> <li>• All non-token offers, regardless of whether accepted or declined.</li> </ul>
<b>What records are listed on the public register?</b>	
None – currently no public register.	All non-token records (accepted or declined).

The Gifts, Benefits and Hospitality Policy is a Council Policy and as such, is presented to Council for adoption.

An associated Gifts, Benefits and Hospitality Operational Procedure will be presented to the Executive Management Team for adoption, following the adoption of the Gifts, Benefits and Hospitality Policy by Council.

## 2. RECOMMENDATION

*That Council:*

- 1. adopt the attached revised Gifts, Benefits and Hospitality Policy; and**
- 2. note that the Policy will come into effect from 12 April 2021.**

## 3. KEY INFORMATION

According to the *Local Government Act 2020*, Council is required to adopt a Councillor Gift Policy that includes procedures for maintenance of a gift register by 24 April 2021.

Research indicates that agencies have a relatively consistent approach to the position on accepting and declaring gifts, benefits and hospitality. Some guidance from the Victorian Public Sector Commission and IBAC is provided below for information.

### Victorian Public Sector Commission

The Victorian Public Sector Commission's Gift, Benefits and Hospitality Policy Guide states that "Your organisation should adopt the policy position that best suits its operating environment and risk profile."

This guide also sets out the minimum accountabilities, which are the minimum requirements to be used when designing and implementing gift, benefits and hospitality policies and procedures in Victorian public sector organisations. These are as follows:

Public officials offered gifts, benefits and hospitality:

1. Do not for themselves or others, seek or solicit gifts, benefits and hospitality.
2. Refuse all offers of gifts, benefits and hospitality that:
  - are money, items used in a similar way to money, or items easily converted to money;
  - give rise to an actual, potential or perceived conflict of interest;
  - may adversely affect their standing as a public official or which may bring their public sector employer or the public sector into disrepute; or
  - are non-token offers without a legitimate business benefit.
3. Declare all non-token offers (valued at \$50 or more) of gifts, benefits and hospitality (whether accepted or declined) on their organisation's register and seek written approval from their manager or organisational delegate to accept any non-token offer.
4. Refuse bribes or inducements and report inducements and bribery attempts to the head of the public sector organisation or their delegate (who should report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-Corruption Commission).

These minimum accountabilities have been incorporated into the draft policy.

## IBAC

The March 2019 IBAC research report “Local government integrity frameworks review” examined a sample of six Victorian councils in 2017 and 2018 with regard to gifts, benefits and hospitality. The following summarises good practice observed in the review:

- Developing a policy that clearly outlines the council’s position on gifts, benefits and hospitality, including employee obligations in relation to gifts, benefits and hospitality.
- Ensuring policies on gifts, benefits and hospitality are broad in scope and apply to all employees and other personnel acting on behalf of the council.
- Developing a “GIFT test” to help employees decide whether or not to accept a gift or benefit.
- Requiring employees to declare gifts, benefits and hospitality, regardless of whether they are accepted or declined, and recording all offers, regardless of whether they are accepted or declined.
- Requiring all offers from suppliers to be declared, regardless of their value, and recording this information on the gifts, benefits and hospitality register.
- Explicitly prohibiting the acceptance of gifts, benefits and hospitality from those about whom the employee is likely to make decisions including current or prospective suppliers.

### **Development of the position of the policy**

The position in the draft gifts, benefits and hospitality policy was identified through consideration of the following key questions:

- What is the definition of a non-token offer?
- What gift, benefit and hospitality offers can be accepted?
- What offers are recorded / declared?
- What offers will be on the public register?

#### What is the definition of a non-token offer?

A non-token offer is a gift, benefit or hospitality that is, or may be perceived to be by the recipient, the person making the offer or by the wider community, of more than inconsequential value. In research undertaken, the most commonly used value to define the separation between token and non-token offers is \$50, ie all offers worth more than \$50 are non-token values. This however, can be set at a lower value, if considered necessary to appropriately manage risks. The draft policy has retained the value of \$30 or more from the previous policy (adopted in 2014) as the value to separate token and non-token offers.

The current Colac Otway Shire Gifts, Benefits and Hospitality Policy defines a token gift as “between \$0 and \$30 in value and of such a nature and value that it could not reasonably be regarded as capable of influencing any actions or decisions of the relevant person in relation to a matter. The gift also does not create a sense of obligation in the receiver that will influence, or appear to influence, the exercise of their official duties. In the event that a gift might reasonably be perceived to influence, or appear to influence, the recipient, it cannot be defined as a token gift.”

The definition of non-token offer in the attached draft policy is “a gift, benefit or hospitality that is, or may be perceived to be by the recipient, the person making the offer or by the wider community, of more than inconsequential value. All offers worth \$30 or more are non-token offers and must be recorded on the gift, benefit and hospitality register.”

## What gift, benefit and hospitality offers can be accepted?

On the topic of acceptance of offers, the minimum accountabilities state:

2. "Refuse all offers of gifts, benefits and hospitality that:
  - are money, items used in a similar way to money, or items easily converted to money;
  - give rise to an actual, potential or perceived conflict of interest;
  - may adversely affect their standing as a public official or which may bring their public sector employer or the public sector into disrepute; or
  - are non-token offers without a legitimate business benefit.

and

4. Refuse bribes or inducements and report inducements and bribery attempts to the head of the public sector organisation or their delegate (who should report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-Corruption Commission)."

In addition to these requirements, the position on repeat offers from the same person or organisation should be carefully considered if they create a conflict of interest (exceed the disclosable gift threshold amount prescribed in the *Local Government Act 2020*) or may lead to reputational damage. Repeat offers can generate a stronger perception that the person or organisation could influence you. This advice comes from DELWP's 'Model policies for agencies and boards – Gifts, benefits and hospitality.'

The current Colac Otway Shire Gifts, Benefits and Hospitality Policy states that the following offers may be accepted:

- Token offers.
- Non-token offer with the approval of the Manager/General Manager/CEO/Mayor.
- Reasonable hospitality.
- Where non-acceptance of the gift for example, from an overseas dignitary, would cause offence or embarrassment the offer may be accepted on behalf of the organisation.

The draft revised policy has the following position on the acceptance/refusal of offers:

- Token offers from clients (of gift/benefit/hospitality) may be accepted.
- Offers of goodwill may be accepted.
- Token or non-token offers (of gift/benefit/hospitality) with a legitimate business benefit may be accepted.
- Ceremonial gifts may be accepted on behalf of the organisation only where non acceptance may cause offence.
- Money or items that can be used in a similar way to money (ie gift card) may never be accepted under any circumstances.
- Refuse any offer that would give rise to an actual or potential conflict of interest.
- Refuse any offer that may adversely affect their standing as a public official, or which may bring Colac Otway Shire into disrepute.
- Refuse bribes and inducements.
- Treat repeat offers from the same source to the same individual as a trigger for strong consideration as to whether the offer is seeking to gain influence.
- Refuse any offers from suppliers or contractors (current and potential).

### What offers are recorded/declared on the internal register?

The key purpose of declaring offers is to enable an organisation to effectively track, monitor and report on the offering and acceptance of gifts to mitigate risk and improve processes. Therefore, this should be one of the guiding factors when considering what offers should be declared and recorded.

The current Colac Otway Shire Gifts, Benefits and Hospitality Policy requires that:

- Any accepted gift must be declared.
- All offers of value (\$30 or more ie non-token) must be declared whether or not the gift is accepted.
- If two or more token gifts from the same source over a six-month period collectively reach the value of \$500, any subsequent gift offer made to the same person by the same source in the ensuing six months, regardless of value, is to be treated as a gift of value (non-token) and declared.
- All hospitality estimated to be in excess of \$30 must be reported in the same manner as a gift.

The draft revised policy contains the following position on declaring offers:

- All accepted token offers (except offers of goodwill) must be declared, and details recorded in the Gifts, Benefits and Hospitality Register.
- All non-token offers (whether accepted or declined) must be declared and details recorded in the Gifts, Benefits and Hospitality Register.

### What offers will be on the public register?

The purpose of the public register is to give the public confidence that the offering of gifts, benefits and hospitality is appropriately managed and there is no influence in decision making. Importantly, it also complements the personal interest returns by recording gifts that may be below the threshold for disclosure in a personal interest return or that may have been received since the latest return was lodged.

All declarations will be recorded in an internal register. The public register will be a subset of the internal register.

The proposed position in the draft policy is that the public register will contain all non-token records (accepted or declined) with the data categorised to ensure appropriate protection of privacy.

The draft policy and associated procedure have been developed in accordance with:

- the Victorian Public Sector Commissions Gifts, Benefits and Hospitality framework policy guide (June 2018)
- the minimum accountabilities for the management of gifts, benefits and hospitality issued by the Victorian Public Sector Commission
- the Department of Environment, Land, Water and Planning model policy (July 2019)
- the *Local Government Act 2020*.

## **4. COMMUNITY CONSULTATION & ENGAGEMENT**

Given this is a review of an existing policy and guided by frameworks/guidelines established by the Victorian Public Sector Commission and the Independent Broad-based Anti-Corruption Commission

(IBAC) and the *Local Government Act 2020*, as such community consultation and engagement is not called for.

## 5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

Alignment to Council Plan 2017-2021:

Theme 4 - Our Leadership & Management

3. Organisational development and legislative compliance.

## 6. CONSIDERATIONS

### ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

Not applicable

### LEGAL & RISK

Not applicable

### FINANCIAL & BUDGETARY

Not applicable

## 7. IMPLEMENTATION STRATEGY

The current policy will continue until 11 April 2021. The adopted revised Gifts, Benefits and Hospitality Policy will come into effect from 12 April 2021. This allows sufficient time for the associated procedure to be considered by EMT and appropriately communicated throughout the organisation.

### COMMUNICATION

The revised Gifts, Benefits and Hospitality Policy and associated Gifts, Benefits and Hospitality Procedure will be published on Council's website on 12 April 2021.

### TIMELINE

The policy will be published on the Colac Otway Shire website on 12 April 2021.

## 8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.



## Council Policy

### 18.9 – GIFTS, BENEFITS AND HOSPITALITY

#### PURPOSE

The purpose of this policy is:

- to ensure that Council activities are conducted professionally and not influenced, or perceived to be influenced by the receipt or prospect of some form of gift, benefit or hospitality;
- to state Council's position on responding to offers of gifts, benefits and hospitality, to ensure that Councillors, staff and Council contractors are not compromised in the performance of their duties by accepting gifts or benefits which may result in a sense of obligation or could be construed as an attempt to influence; and
- to support individuals and Colac Otway Shire Council to avoid conflicts of interest and maintain high levels of integrity and public trust.

#### SCOPE

This policy applies to all workplace participants. For the purpose of this policy, this includes: the Mayor, Councillors, executives, employees and any individuals or groups undertaking activity for or on behalf of Colac Otway Shire Council.

#### DEFINITIONS

##### **Benefits**

Benefits include preferential treatment, privileged access, favours or other advantage offered to an individual. They may include invitations to sporting, cultural or social events, access to discounts and loyalty programs or promises of a new job. The value of benefits may be difficult to define in dollars, but as they are valued by the individual, they may be used to influence the individual's behaviour.

##### **Bribe**

A bribe is an offer of money or other inducement made to influence a person in the performance of their duties.

##### **Business Associate**

An individual or body that the public sector organisation has, or plans to establish, some form of business relationship with, or who may seek commercial or other advantage by offering gifts, benefits or hospitality.

##### **Ceremonial Gifts**

Ceremonial gifts are official gifts provided as part of the culture and practices of communities and government, within Australia or internationally. Ceremonial gifts are usually provided when conducting business with official delegates or representatives from another organisation, community or foreign government. Ceremonial gifts are the property of the public sector organisation, irrespective of value.

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## DEFINITIONS (continued)

### **CEO**

The Chief Executive Officer of Colac Otway Shire Council.

### **Client**

A customer or someone who receives services.

### **Conflict of interest**

The *Local Government Act 2020* defines conflicts of interest as being either general or material.

In the application of this policy, conflicts may be:

- Actual: There is a real conflict between an individual's public duties and private interests.
- Potential: An individual has private interests that could conflict with their public duties. This refers to circumstances where it is foreseeable that a conflict may arise in future and steps should be taken now to mitigate that future risk.
- Perceived: The public or a third party could reasonably form the view that an individual's private interests could improperly influence their decisions or actions, now or in the future.

### **Council**

Colac Otway Shire Council, or the organisation.

### **Gifts**

Gifts are free or discounted items or services and any item or service that would generally be seen by the public as a gift. These include items of high value (e.g. artwork, jewellery, or expensive pens), low value (e.g. small bunch of flowers), consumables (e.g. bottle of wine) and services (e.g. painting and repairs). The transfer of any type of property, or property entitlement, from one person to another that isn't paid for (in whatever way) at its full monetary value is a gift.

### **Hospitality**

Hospitality is the friendly reception and entertainment of guests. Hospitality may range from light refreshments at a business meeting to expensive restaurant meals and sponsored travel and accommodation. Hospitality is required to be declared if valued at \$30 or more.

Hospitality valued at \$30 or more should not be accepted, unless:

- it is of a standard and type that an independent observer would consider appropriate and not excessive; and
- it clear that you are attending the function or event as part of your duty and role at the Council (ie legitimate business benefit).

### **Legitimate business benefit**

A gift, benefit or hospitality may have a legitimate business benefit if it furthers the conduct of official business or other legitimate goals of Council.

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## DEFINITIONS (continued)

### **Offer of goodwill**

Examples of offers of goodwill are:

- small gestures of appreciation from a community member or customers/clients such as flowers cut from a person's garden or homemade baked goods
- a souvenir received from a person or company as a result of attending a seminar or conference, conducted or sponsored by them, for which an appropriate fee was paid to attend. For example pens or mugs
- small gestures of appreciation (ie box of chocolates) from a person or company as a result of presenting at a seminar or conference.

For the purposes of this policy, offers of goodwill are deemed to be valued under \$30 and are not required to be disclosed.

### **Public Official**

Public official includes Councillors, executives, employees, contractors, consultants and any individuals undertaking activity for or on behalf of Colac Otway Shire Council.

### **Public Register**

A public register is a record, preferably digital, of a subset of the information contained in a register, for publication as required.

### **Register**

A register is a record, preferably digital, of all declarable gifts, benefits and hospitality.

### **Token offer**

A token offer is a gift, benefit or hospitality that is of inconsequential value to both the person making the offer and the recipient. Token offers must be worth less than \$30.

### **Non-token offer**

A non-token offer is a gift, benefit or hospitality that is, or may be perceived to be by the recipient, the person making the offer or by the wider community, of more than inconsequential value. All offers worth \$30 or more are non-token offers and must be recorded on the gift, benefit and hospitality register.

### **Repeat offers**

Receiving multiple offers from the same person or organisation can generate a stronger perception that the person or organisation could influence you.

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## REFERENCES

*Local Government Act 2020*

Local Government (Governance and Integrity) Regulations 2020 (S.R. No. 116/2020)

*Independent Broad-based Anti-corruption Commission (IBAC) Act 2011*

## STATEMENT OF POLICY

Colac Otway Shire Council is committed to and will uphold the following principles in applying this policy:

### **Impartiality**

Individuals have a duty to place the public interest above their private interests when carrying out their official functions. They will not accept gifts, benefits or hospitality that could raise a reasonable perception of, or actual, bias or preferential treatment. Individuals do not accept offers from those about whom they are likely to make business decisions.

### **Accountability**

Councillors, executives, employees, contractors, consultants and any individuals or groups undertaking activity for or on behalf of Colac Otway Shire Council:

1. Do not, for themselves or others seek or solicit gifts, benefits and hospitality.
2. Refuse all offers of gifts, benefits and hospitality, except for:
  - token offers from clients; or
  - offers of goodwill; or
  - token or non-token offers with a legitimate business benefit (ie networking, promotion of shire etc).
3. In addition to point 2, refuse all offers of gifts, benefits and hospitality that:
  - are money, items used in a similar way to money, or items easily converted to money, ie gift card;
  - give rise to an actual, potential or perceived conflict of interest;
  - may adversely affect their standing as a public official or which may bring the Colac Otway Shire into disrepute;
  - are from suppliers or contractors (current or potential).
4. Declare all accepted token offers of gifts, benefits and hospitality (except offers of goodwill) and declare all non-token offers of gifts, benefits and hospitality (whether accepted or declined).
5. Refuse bribes or inducements and report inducement and bribery attempts to the General Manager, Corporate Services or the CEO (who should report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission).

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6. Treat repeat offers from the same source to the same individual as a trigger for strong consideration as to whether the offer is seeking to gain influence.
7. If non-acceptance of a ceremonial gift may cause offence or embarrassment (eg overseas dignitary visit or gift is culturally sensitive) the ceremonial gift may be accepted by an individual on behalf of the organisation and declared.

Section 137 of the *Local Government Act 2020* imposes additional requirements on Councillors in relation to anonymous gifts. Essentially a Councillor must not accept, directly or indirectly, a gift which is equal to or exceeds the gift disclosure threshold unless the name and address of the person making the gift are known to the Councillor and the Councillor reasonably believes the name and address are true and correct.

Sections 9(1)(k) and 9(4) of the *Local Government (Governance and Integrity) Regulations 2020* (S.R. No. 116/2020) include requirements for gifts with a one off or cumulative value above the disclosure threshold to be disclosed in the lodgement of biannual personal interest returns.

Additional information to guide decision making in relation to gifts, benefits and hospitality is provided in *Appendix 1 – Decision Guidance*.

#### **PROCEDURE FOR RECORDING AND MAINTAINING THE GIFTS, BENEFITS AND HOSPITALITY REGISTER**

##### **Recording**

The offering and acceptance of gifts, benefits and hospitality are recorded to enable assessment and appropriate management of the potential for influence on Council representatives and processes. To capture the appropriate data the following principles apply:

- All accepted token offers must be declared (except offers of goodwill) and the details will be recorded in the internal Gifts, Benefits and Hospitality Register.
- All non-token offers (whether accepted or not), must be declared and the details will be recorded in the both the internal and public Gifts Benefits and Hospitality Register.
- All ceremonial offers must be declared, however the details will not be recorded on the public register.
- It is the responsibility of a Councillor or an employee declaring an offer to complete the appropriate Gifts, Benefits and Hospitality Declaration form and forward the completed form to Governance within seven (7) business days of the offer. All non-token offers (regardless of whether accepted or declined) must be authorised in accordance with the Gifts, Benefits and Hospitality Procedure.

The internal register will record the following information:

- Name of the person who accepted/declined the offer
- Date the gift was offered
- If the offer was accepted or declined
- Name of the individual/company/group making the offer
- The nature of the offer and estimated market value
- The reason for making the offer (if known)
- Any legitimate business reason for accepting the offer

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- Whether the offer is considered 'reasonable hospitality' received by the relevant person at an event or function that they attended in an official capacity
- Any actual, potential or perceived conflicts of interest or reputational risks (to the individual or Council) that the offer raises.

#### Maintenance

A register of disclosed gifts, benefits and hospitality will be maintained by Governance and record sufficient information to effectively monitor, assess and report. This register will be reported to the Executive Management Team and the Audit and Risk Committee at a frequency appropriate to manage any risks. Specific details of the register are provided in the associated Gifts, Benefits and Hospitality Procedure.

A public register is provided to give the public confidence that the offering of gifts, benefits and hospitality is appropriately managed to avoid influence in decision making.

The public register will contain a subset of the information recorded, sufficient to this purpose without disclosing sensitive or private information. Specific details of the public register are provided in the associated Gifts, Benefits and Hospitality Procedure.

The public register will commence upon adoption of this policy, be updated quarterly and published on the Colac Otway Shire website.

#### Speak Up

Individuals are encouraged to notify:

- their manager, General Manager, Corporate Services or the CEO if they believe Councillors or colleagues are not adhering to this policy.
- a public interest disclosure officer or the Independent Based-based Anti-corruption Commission (IBAC) if they believe they have observed corrupt conduct.

#### Policy Review

This Policy will be reviewed in four year's time unless legislative or other requirements necessitate earlier review.

#### RELATED DOCUMENTS

Code of Conduct for Employees

Code of Conduct for Councillors

Department of Environment, Land, Water and Planning – Model Policy Minimum accountabilities for the management of gifts, benefits and hospitality

Victorian Auditor-General's Report - Implementing the Gifts, Benefits and Hospitality Framework

Victorian Public Sector Commission's Gifts, Benefits and Hospitality – Policy Guide

Public Transparency Policy

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DOCUMENT CONTROL

Policy owner	Manager, Governance & Communications	Division	Executive
Adopted by council		Policy Number	18.9
File Number		Review date	

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## APPENDIX 1 - DECISION GUIDANCE

**Conflict of interest and reputational risks**

When deciding whether to accept an offer, individuals should first consider if the offer could be perceived as influencing them in performing their duties or lead to reputational damage. The more valuable the offer, the more likely that a conflict of interest or reputational risk exists.

**Figure 1. GIFT test**

This table is a useful tool when considering how to respond to a gift offer.

<b>G</b>	<b>Giver</b>	<b>Who is offering the gift, benefit or hospitality and what is their relationship to me?</b> Does my role require me to select contractors, award grants, regulate industries or determine government policies? Could the person or organisation benefit from a decision I make?
<b>I</b>	<b>Influence</b>	<b>Are they seeking to gain an advantage or influence my decisions or actions?</b> Has the gift, benefit or hospitality been offered to me publicly or privately? Is it a courtesy or a token of appreciation or valuable non-token offer? Does its timing coincide with a decision I am about to make or my endorsement of a product or service?
<b>F</b>	<b>Favour</b>	<b>Are they seeking a favour in return for the gift, benefit or hospitality?</b> Has the gift, benefit or hospitality been offered honestly? Has the person or organisation made several offers over the last 12 months? Would accepting it create an obligation to return a favour?
<b>T</b>	<b>Trust</b>	<b>Would accepting the gift, benefit or hospitality diminish public trust?</b> How would the public view acceptance of this gift, benefit or hospitality? What would my colleagues, family, friends or associates think?

**Guidance for refusing offers**

Individuals should consider the GIFT test at Figure 1 and the requirements below to help decide whether to refuse an offer. Individuals are to refuse offers:

- likely to influence them, or be perceived to influence them, in the course of their duties or that raise an actual, potential or perceived conflict of interest;
- could bring them, or the Council into disrepute;
- made by a person or organisation about which they will likely make or influence a decision (this also applies to processes involving grants, sponsorship, regulation, enforcement or licensing), particularly offers:
  - made by a current or prospective supplier; or
  - made during a procurement or tender process by a person or organisation involved in the process;
  - made by someone with a planning or other application with Council; or
  - where Council is in dispute with another party.

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- likely to be a bribe or inducement to make a decision or act in a particular way;
- that extend to their relatives or friends;
- of money, or used in a similar way to money, or something easily converted to money;
- where, in relation to hospitality and events, the CEO considers the organisation will already be sufficiently represented to meet its business needs;
- where acceptance could be perceived as endorsement of a product or service, or acceptance would unfairly advantage the sponsor in future procurement decisions;
- made by a person or organisation with a primary purpose to lobby Council, Councillors or staff; or
- made in secret.

Offers of gifts, benefits and hospitality must be declined in a way that does not cause offence to the donor or damage relationships. This can be achieved by explaining Council’s policy.

**Token offers**

Individuals, using their own discretion, may generally accept token offers from clients without approval, as long as the offer does not create a conflict of interest or lead to reputational damage e.g. where there have been repeated offers. If a token offer is accepted (unless an offer of goodwill), it must be declared and recorded on the register.

**Non-token offers**

Individuals cannot accept non-token offers unless there is a legitimate business benefit.

Individuals may be offered a gift or hospitality of unknown value, for example they may be offered a wrapped gift that is later identified as being a non-token gift. In these cases, the gift must be refused as soon as it becomes apparent that it is non-token and arrangements made to return it as soon as practicable.

Where the gift would likely bring the person or the Council into disrepute, the gift should be returned. If it represents a conflict of interest, the CEO should either return the gift or transfer ownership to the Council to mitigate this risk.

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## COUNCIL POLICY

<b>Council Policy Title:</b>	<b>Gifts, Benefits and Hospitality</b>
<b>Council Policy ref. no:</b>	18.9
<b>Responsible Department:</b>	Corporate and Community Services
<b>Date of adoption/review:</b>	22 October 2014

### 1. BACKGROUND

Council's operations are founded on the ideals of transparency, impartiality, accessibility and equality. These ideals underpin Council's values, behaviours and service delivery. Councillors and staff must always act with the highest ethical standards and probity.

Individuals and companies who deal with Colac Otway Shire sometimes wish to express appreciation for service or assistance by the giving of some form of gift, benefit or hospitality to a Councillor or a member of staff. As a guiding principle, Councillors and staff should not accept a gift if it is likely to be perceived by a 'reasonable person' as intended to, or likely to, influence him or her in the fair, impartial and efficient discharge of their duties as a Councillor or staff.

The *Local Government Act 1989* (section 95) stipulates that Council staff in the course of their employment must act impartially; act with integrity including avoiding real or apparent conflicts of interest; and accept accountability for results.

It is also a primary principle of Councillor conduct (section 76B) for any Councillor in the performance of that role to act with integrity; to impartially exercise his or her responsibilities in the interests of the local community; and not improperly seek to confer an advantage (or disadvantage) on any person.

### 2. PURPOSE

The purpose of this policy is –

- to ensure that Council activities are conducted professionally and not influenced, or perceived to be influenced by the receipt or prospect of some form of gift, benefit or hospitality;
- to provide clear guidelines to ensure that Councillors, staff and Council contractors are not compromised in the performance of their duties by accepting gifts or benefits which may result in a sense of obligation or could be construed as an attempt to influence;



- to reinforce acceptable behaviour; and
- to provide a transparent and accountable process for accepting gifts that promotes public confidence.

### 3. DEFINITIONS

<b>Applicable Gift</b>	<p>An 'applicable gift' will be as defined in the <i>Local Government Act 1989</i> from time to time.</p> <p>At the date of adoption of this policy 'applicable gift' is defined in s78C (1) of the Act as:</p> <p><i>"means one or more gifts with a total value of, or more than, the gift disclosure threshold, received from a person or persons specified in subsection (2) in the 5 years preceding the decision or the exercise of the power, duty or function:</i></p> <p><i>(2) A person has an indirect interest in a matter if the person has received an applicable gift, directly or indirectly, from -</i></p> <p><i>a. a person who has a direct interest in the matter; or</i></p> <p><i>b. a director, contractor, consultant, agent or employee of a person, company or body that the person knows has a direct interest in a matter; or</i></p> <p><i>c. a person who gives the applicable gift to the person on behalf of a person, company or body that has direct interest in the matter.'</i></p> <p><i>(Threshold currently \$500)</i></p>
<b>Benefit</b>	<p>Something which is believed to be of value to the receiver, such as a service ie. access to a sporting event, preferential treatment, access to confidential information, accommodation, personal services, pleasure of vacation trips.</p>
<b>Bribe</b>	<p>dishonestly persuade (someone) to act in one's favour by a gift of money or other inducement.</p>
<b>Gift of Appreciation</b>	<p>Refers to a gift that is presented to an individual to express thanks and a feeling of goodwill on behalf of the giver where there is no expectation of repayment. These gifts are generally a one-off occurrence and are of nominal value.</p>
<b>Hospitality</b>	<p>Where a meal or service is offered which has a more than nominal value and is not viewed as being connected to official Council business or part of the accepted meal at a conference or seminar.</p>
<b>Monetary Gift</b>	<p>Defined as cash, cheques, money orders, travellers cheques and direct deposits.</p>

<b>Official Gift</b>	A gift received by Councillors or Council officers as representatives of the city or the Council. These gifts may be received from a Sister City, organisations or corporations that are bestowing a corporate gift (ie. plaques, plates, vases, trophies, artwork) or souvenir to the city or as a token of appreciation for a contribution to a conference or industry event.
Reasonable Hospitality (defined by section 78C of the Act)	Is hospitality received when attending a function or event in an official capacity ie. The hospitality is reasonable and not excessive and the Mayor, a Councillor, a member of Council staff is performing an official role at the function or event.
<b>Significant Occasion Gift</b>	A gift, which may be given by Council to the Mayor or a Councillor as a gesture of goodwill for official or ceremonial purposes.
<b>Token Gift</b>	Is between \$0 and \$30 in value and of such a nature and value that it could not reasonably be regarded as capable of influencing any actions or decisions of the relevant person in relation to a matter. The gift also does not create a sense of obligation in the receiver that will influence, or appear to influence, the exercise of their official duties. In the event that a gift might reasonably be perceived to influence, or appear to influence, the recipient, it cannot be defined as a token gift.
<b>Value</b>	Value means the face value or estimated retail value.

### Examples of Various Gifts and Benefits

#### Token/acceptable gifts (usually a “once off”)

- Gifts of single bottles of reasonably priced alcohol to individual Council officials at end of year functions, public occasions or in recognition of work done (eg address at meeting).
- Free or subsidised meals, of a modest nature, and/or beverages provided to Council officials who formally represent Council at work related events.
- Souvenirs and mementos of a modest nature eg. ties, scarves, coasters, tie pins, pens, diaries, notepads, keyrings, chocolates, flowers and small amounts of beverages
- Invitations to appropriate out of hours “cocktail parties” or social functions organised by groups, such as community organisations or peer groups/associations.
- Gift vouchers up to \$30.00.
- Door prizes at conferences, tradeshows, etc.

**Gifts of Value**

- Gifts and benefits that have more than a nominal or token value will include tickets to major sporting events, corporate hospitality at a corporate facility or at a sporting venue, discounted products for personal use, use of holiday homes, free or discounted travel, free training excursions, gift vouchers and major prizes at conferences and events.

**Gestures which are not considered gifts**

- A token gift received from a person or company as a result of attending a seminar or conference held, conducted or sponsored by them, for which an appropriate fee was paid to attend.
- Non-alcoholic refreshments offered by a customer, consultant, contractor or developer whilst attending their place of business to discuss, conduct or undertake current Council business.

**Note** – if you are unsure of the value of a gift of gesture, seek advice/discuss it with your General Manager or the Organisational Support & Development unit.

**4. POLICY**

The Colac Otway Shire is committed to being open and transparent in its operations. It will also act to minimise the risk of being placed in a compromising position that may have an adverse affect on its operations and the promotion of trust within the community.

Councillors and Council staff must:

- a) at all times be ethical, fair and honest in the conduct of official duties.
- b) never fraudulently receive a “Gift” or “Benefit” or “Hospitality”.
- c) ensure that the methods and processes they use to arrive at decisions are transparent and can withstand audit processes and proper scrutiny.
- d) not seek, solicit, or use their position with Council to obtain gifts or benefits from external organisations or individuals.
- e) ensure that a person, company or organisation is not placed in a position in which they feel obliged to offer gifts or hospitality to secure or retain Council business.

**5. POLICY IMPLEMENTATION**

- 5.1 Councillors, Council employees and Council contractors are prohibited from seeking gifts, favours or hospitality, whether for their own benefit or the benefit of another Councillor, staff member, family member or client.
- 5.2 All reasonable steps must be taken to ensure that immediate family members of Councillors, staff and Council contractors do not receive gifts or benefits that could be perceived to be an attempt to influence the behaviour of the Councillor, staff member or contractor in question.
- 5.3 **A gift of cash cannot be accepted**, regardless of the amount and any offer of money must be reported to the Chief Executive Officer or the relevant General Manager.

**6. GIFTS – PROCESS**

6.1 Councillors and staff may accept gifts when:

- The gift would generally be regarded as only having a token value and could not be perceived to influence the Councillor's or employee's decision.
- Non acceptance of the gift may cause offence or embarrassment (ie. Overseas dignitary visits or gift is culturally sensitive) in which case the gift may be accepted on behalf of Council and becomes the property of Council.
- Receiving reasonable hospitality where:
  - There is clear value to the work of Council (for example, building relations with community groups).
  - It directly relates to their public duty as a Mayor or Councillor or employee
  - It does not advantage the gift giver in dealings with Council..

6.2 Any accepted gift must be disclosed, irrespective of whether it is a gift of value or a token gift.

6.3 All offers of a gift of value (being a gift valued at \$30.00 or more) must be disclosed, whether or not the gift is actually accepted.

6.4 Acceptance of a "once off" token gift (being a gift valued between 0 and \$30.00) shall be at the discretion of the Councillor, employee or Council contractor and does not require approval. However once two or more token gifts accepted by any one Councillor, employee or Council contractor from the same source (person or organisation) over a six month period collectively reach the value of \$500, any subsequent gift offer made to the same person by the same source in the ensuing six months, regardless of value, is to be treated as a gift of value and disclosed under this policy. The purpose of this provision is to ensure that undue influence is not exerted through the habitual giving and receiving of nominal or token gifts.

6.5 Acceptance of any gift of value (gift of \$30.00 or more) is subject to authorisation as follows:

- a gift offered to and/or taken by a member of staff must be approved by their General Manager.
- a gift offered to and/or taken by a Council contractor must be approved by the Council Contract Supervisor;
- a gift offered to and/or taken by a General Manager must be approved by the Chief Executive Officer;
- A gift offered to and/or taken by a Councillor is to be disclosed in writing to the Chief Executive Officer of the day;
- A gift offered to and/or taken by the Chief Executive Officer is to be approved by the Mayor of the day.

In the event that the designated officer considers either the gift and/or the circumstances in which it is given to be inappropriate, and for some reason the gift cannot be returned, the Chief Executive Officer must be informed.

The Chief Executive Officer will decide on whether to retain the item as corporate property or a suitable method for its disposal - the decision is to be recorded on the relevant Gift Disclosure form.

## 7. GIFTS THAT MUST NOT BE ACCEPTED

Councillors and staff must not accept a gift even if its acceptance is not prohibited under the Act:

- If the gift could be perceived as intended to, or likely to, influence him or her in the fair, impartial and efficient discharge of his/her duties as a Councillor.
- Where there is or may be the perception of a conflict of interest with past, present or future duties or where the object of the gift is to maintain or return a favour.
- Of cash or monies regardless of the amount (this does not apply to Election Campaign donations).

## 8. HOSPITALITY

Councillors and Council staff, in the normal course of their duties will from time to time receive invitations of hospitality to attend various functions and events.

Where such hospitality is only modest in nature and provides an opportunity to network or undertake business of a common purpose, it may be appropriate to accept such invitations.

Such incidental refreshments at meetings, working lunches or similar are not considered to be a gift and need not be recorded unless they occur at a frequency that gives rise to the perception of a conflict of interest under the *Local Government Act 1989*.

The Councillor or staff member should retain a record of all accepted invitations of hospitality that may be subject to audit.

Any hospitality estimated to be in excess of \$30 must be reported in the same manner as a Gift.

In situations where a Councillor accepts an invitation of hospitality, the Executive Assistance to Councillors will be responsible for reporting the details to the Organisational Support and Development Unit.

## 9. REPORTING AND RECORDING

All gifts and applicable gifts must be declared and details included on the Register of Gifts, Benefits and Hospitality which is administered by the Organisational Support and Development unit (OS&D). It is the responsibility of a Councillor or an employee wishing to declare a gift to complete the appropriate form (Appendix A) and forward it to O,S& D within seven (7) business days of being offered the gift or benefit including the following information:

- Description of the gift or benefit;
- Who the gift or benefit was received from;
- The approximate value; and
- How the gift was treated (eg handed to the CEO or retained for personal use).

Any acceptance of a gift or benefit (including those under section 6.1) must be disclosed. A gift or benefit declined must also be disclosed.

Disclosure that the gift has been declined and returned protects the Councillor or employee and highlights any systematic patterns.

Gifts declined in the presence of the gift giver do not need to be disclosed.

#### **10. AWARENESS OF THIS POLICY**

All Councillors will be made aware of and are required to be familiar with their obligations under this policy.

All staff will be made aware of and are required to be familiar with their obligations under this policy.

#### **11. COMPLIANCE**

Where a Councillor fails to comply with this policy, the issue shall be dealt with in the same manner as disputes arising under the Councillor Code of Conduct.

Where an employee fails to comply with this policy, the issue shall be dealt with in accordance with Council's Discipline Procedures.

#### **12. RELATED LEGISLATION**

- Councillor Code of Conduct
- Council Policy 16.2 Fraud Prevention Control
- Staff Code of Conduct
- *Local Government Act* 1989 – Sections 77, 78 and 95
- Conflict of Interest - A Guide for Councillors – October 2012

#### **13. IMPLEMENTATION AND REVIEW**

This policy will be implemented by Council and is subject to periodic review.

#### **14. ATTACHMENT**

Gifts, Benefits and Hospitality Declaration Form.

**ADOPTED/AMENDMENT OF POLICY**

<b>Reviewed Date</b>	<b>Reason for Amendment</b>
28 October 2009	Adopted by Council
24 July 2013	Review
22 October 2014	Review

## ATTACHMENT A

COLAC OTWAY SHIRE COUNCIL  
GIFTS, BENEFITS AND HOSPITALITY DECLARATION FORM

Send completed form to Organisational Support and Development Unit for registration within seven (7) business days of the offer or the gift or benefit or prior to an offer of attendance at an event.

Name of Recipient	
Position / Title	
Offered to or received by?	
Date of offer or date of receipt of gift/benefit	
Offer or gift was made by (name, position and organisation)	
Brief description of gift or benefit or hospitality	
Face Value, Estimated or Retail Value	\$

I have reviewed the Gifts, Benefits and Hospitality Policy and agree that the above action is in accordance with the policy. I understand that any action contrary to this policy may result in disciplinary proceedings in accordance with the Code of Conduct.

**Declaration made by:**

Name/Title	Signature	Date

**Gift Allocation – Manager/General Manager/Chief Executive Officer/Mayor (✓)**

<input type="checkbox"/> Gift to be retained and pooled for staff use	<input type="checkbox"/> Gift to be returned to donor
<input type="checkbox"/> Gift to be retained by individual	<input type="checkbox"/> Other (explain below)
Instructions/comment	

**Authorised by Manager/General Manager/Chief Executive Officer/Mayor**

Name/Title	Signature	Date

**Noted by Organisational Support and Development**

Name/Title	Signature	Date



Item: 10.7

## Review of Mayoral and Councillor Allowances

<b>OFFICER</b>	Marlo Emmitt
<b>GENERAL MANAGER</b>	Peter Brown
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	Nil
<b>PURPOSE</b>	To review and determine the level of allowances payable to the Mayor and Councillors and to commence public consultation under section 223 of <i>Local Government Act 1989</i>

### 1. EXECUTIVE SUMMARY

The purpose of this report is to review and determine the level of allowances payable to the Mayor and Councillors during their term of office and to commence public consultation under section 223 of *Local Government Act 1989* (1989 Act).

Mayors and Councillors are entitled to receive an allowance while performing their duties as an elected official. An important reform of the *Local Government Act 2020* (2020 Act) is the transfer of responsibilities in determining mayoral, deputy mayoral and councillor allowances from the Minister for Local Government to the Victorian Independent Remuneration Tribunal (the Remuneration Tribunal).

However, until such time as the Remuneration Tribunal makes its first determination on allowances, the allowance framework under the 1989 Act continues to apply, despite the repeal of those relevant provisions last year. Section 39(6) of the 2020 Act provides for this transitional arrangement. A determination by the Remuneration Tribunal is not expected until late 2021.

Under section 74(1) of the 1989 Act, councils must review and determine the level of Mayoral and Councillor allowances within six months of a general election or by 30 June, whichever is later.

A person also has a right to make a submission under section 223 of the 1989 Act in respect of a review of allowances.

Having consideration of the current social and economic climate, it is recommended that Council retain the current level of Mayoral and Councillor allowances (Mayoral allowance \$76,140 and Councillor allowances at \$25,160).

## 2. RECOMMENDATION

**That Council:**

- 1. Having reviewed the level of Councillor and Mayoral allowances and in consideration of the current social and economic climate, gives public notice of its intention to retain Councillor and Mayoral allowances at the current level (Mayoral allowance \$76,140 and Councillor allowances at \$25,160).**
- 2. In accordance with section 223 of the Local Government Act 1989, convenes a meeting of Council's Submissions Committee:**
  - 2.1. to consider any written submission which is received by the Council within 32 days after the publication of the public notice (by Tuesday 27 April 2021); and**
  - 2.2. hear any person wishing to be heard in support of their submission (or a person acting on their behalf) at a meeting of the Submissions Committee to be held on Wednesday 12 May 2021, commencing at 4pm.**
- 3. Notes that following receipt and consideration of any submissions, a report recommending the Mayoral and Councillor allowances will be presented to Council for determination at its ordinary meeting scheduled to be held on Wednesday 26 May 2021, commencing at 4pm.**
- 4. Resolves to retain Councillor and Mayoral allowances at the current level (Mayoral allowance \$76,140 and Councillor allowances at \$25,160), where no submissions are received, without further resolution of Council.**

## 3. KEY INFORMATION

Mayors and Councillors are entitled to receive an allowance while performing their duties as an elected official.

The power to determine mayoral, deputy mayoral and councillor allowances will transfer to the Remuneration Tribunal. Under section 23A of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019*, the Remuneration Tribunal has six months to make a determination from the date the determination is requested by the Minister for Local Government. A determination by the Remuneration Tribunal is not expected until late 2021, therefore, the allowance framework under the *Local Government Act 1989* (1989 Act) continues to apply.

### **Current arrangements (under the 1989 Act)**

Councillor allowances are divided into three categories based on the income and population of each Council. Colac Otway Shire is categorised as a Category 2 Council.

Under section 74(1) of the 1989 Act, councils must review and determine the level of Mayoral and Councillor allowances within six months of a general election or by 30 June, whichever is later. The allowance level determined remains in effect for the full term of the council. However, in this case, it will be until such time as the Remuneration Tribunal makes its first determination.

Following the 2016 general election, Colac Otway Shire resolved on 24 May 2017 to set the Mayoral and Councillor allowances (within the Category 2 range) at:

- Mayor \$71,748
- Councillors \$23,709.

Pursuant to the 1989 Act, the Minister for Local Government is required to review (annually) the limits and ranges of the mayoral and councillor allowances and determine whether they should be adjusted. Where the Minister determines to make an adjustment, a notice is published in the Victorian Government Gazette specifying the adjustment factor and adjusted limits and ranges. Councils have no discretion in applying this adjustment to allowances, nor is a Council resolution required to apply the new allowance amounts.

The following table provides some historical context:

	Mayoral Allowance	Councillor Allowance	Gazettal Date
Set by Council resolution on 24 May 2017	\$71,748	\$23,709	
2 per cent adjustment: effective 1 December 2017	\$73,183	\$24,183	23 November 2017
2 per cent adjustment: effective 1 December 2018	\$74,647	\$24,667	29 October 2018
2 per cent adjustment: effective 1 December 2019	\$76,140	\$25,160	13 November 2019
No adjustment in 2020	\$76,140	\$25,160	
Current allowance amount inclusive of superannuation guarantee (9.5 per cent)	\$83,373	\$27,550	

Pursuant to section 73B(4)(b) of the 1989 Act, the following limits and ranges of Mayoral and Councillor Allowances, adjusted in accordance with the adjustment factor, took effect on 1 December 2019. No further adjustments have been applied.

<b>Category 1</b>	<b>Councillors:</b> \$8,833-\$21,049 per annum	<b>Mayors:</b> up to \$62,884 per annum
<b>Category 2</b>	<b>Councillors:</b> \$10,914-\$26,245 per annum	<b>Mayors:</b> up to \$81,204 per annum
<b>Category 3</b>	<b>Councillors:</b> \$13,123-\$31,444 per annum	<b>Mayors:</b> up to \$100,434 per annum

- *These allowances do not apply to Melbourne City Council or Greater Geelong City Council.*

Council may resolve to pay allowances anywhere within the Category 2 range above.

Mayoral and Councillor allowances are also subject to the addition of the equivalent of the superannuation guarantee (9.5 per cent). Note that this percentage is scheduled to increase to 10.0 per cent from 1 July 2021.

In consideration of the current social and economic climate, it is recommended that Mayoral and Councillor allowances remain unchanged (stay at the current levels within Category 2, Mayoral allowance \$76,140 and Councillor allowances at \$25,160).

## 4. COMMUNITY CONSULTATION & ENGAGEMENT

As part of the review and before Council determines the level of Mayoral and Councillor allowances, it must ensure that a person has a right to make a submission under section 223 of the 1989 Act, in accordance with section 74(4).

Council's recently endorsed Community Engagement Policy and supporting toolkit, specifies the five levels of engagement, being: inform, consult, involve, collaborate and empower. The appropriate level of engagement is *consultation*, in accordance with the requirements of section 223 of the 1989 Act.

The proposed community consultation and engagement process is outlined below:

Action	Forum/Date
Council resolves to give public notice of its intention to set Mayoral and Councillor allowances	Council meeting scheduled to be held on Wednesday 24 March 2021, commencing at 4pm
Notice published in local papers (Colac Herald and Apollo Bay News) and on website inviting submissions	Friday 26 March 2021
Close of receipt of submissions	Tuesday 27 April 2021
Consideration of submissions (including requests to be heard) by Council's Submissions Committee	Submissions Committee scheduled to be held on Wednesday 12 May 2021, commencing at 4pm
Council to determine and adopt Mayoral and Councillor allowances (if required)	Council meeting scheduled to be held on Wednesday 26 May 2021, commencing at 4pm

It is proposed the community be provided with a 32-day period in which to make a submission on Council's proposal. Any person who makes a written submission has a right to be heard by the Council's Submissions Committee which has the role of considering any submissions received and making a recommendation to the Council.

## 5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

Alignment to Council Plan 2017-2021:

Theme 4 – Our Leadership & Management

- 1 Effectively manage financial resources.
- 2 Openness and accountability in decision making.

Council Expenses Policy.

## 6. CONSIDERATIONS

**ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC**

Not applicable.

## **LEGAL & RISK**

Until such time as the Remuneration Tribunal makes its first determination on allowances, the allowance framework under the 1989 Act continues to apply. Under section 74(1) of the 1989 Act, councils must review and determine the level of mayoral and councillor allowances within six months of a general election or by 30 June, whichever is later.

A person also has a right to make a submission under section 223 of the LGA 1989 in respect of a review of allowances.

## **FINANCIAL & BUDGETARY**

If Council were to consider setting the Mayoral and Councillor allowances at the top of the Category 2 range, this would equate to a 6.65 and 4.31 per cent increase, respectively.

In dollar terms, this would have a \$12,675 impact on the 2021/22 budget (exclusive of any further adjustments by the Victorian Independent Remuneration Tribunal).

## **7. IMPLEMENTATION STRATEGY**

The proposed implementation timeline is outlined in section 4 of the report. Importantly, a determination on Mayoral and Councillor allowances must be resolved by Council by no later than 30 June 2021.

## **8. OFFICER DIRECT OR INDIRECT INTEREST**

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

## Item: 10.8

### Policy Review - 16.4 Guarantee of Community Loans

<b>OFFICER</b>	Jason Clissold
<b>GENERAL MANAGER</b>	Errol Lawrence
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	1. Council Policy 16 4 Guarantee of Community Loans [ <b>10.8.1</b> - 4 pages]
<b>PURPOSE</b>	To consider endorsement of amended Council Policy 16.4 Guarantee of Community Loans.

## 1. EXECUTIVE SUMMARY

This is an existing policy that is due for review. It was first adopted by Council in September 2013.

The amended policy (attached) was presented to the Audit Committee on 10 February 2021 where it was generally supported and noted by the Committee. It was then presented to Council at a briefing on 3 March 2021, where it was also generally supported with the following requested amendments:

1. Further clarify that the Council decision to approve/deny an application is to be made at a public Council meeting;
2. Include a maximum limit on the level of loans or guarantees outstanding at any given time; and
3. Include a requirement of regular reporting to Council on loans or guarantees provided under this policy.

The attached policy has been amended to reflect these three requests with the 'Purpose', Clause 3 and Clause 13 amended or added. A maximum limit of \$100,000 in community loans/guarantees has been recommended.

The ultimate purpose of this policy is to provide Council with an avenue to support community groups to improve community facilities, without Council having to make a financial contribution. It also provides an opportunity for clubs and community groups to make a contribution to facilitate development that otherwise would not occur.

The major proposed amendment to the policy is to remove the requirement for the self-funded capital asset to be on 'Council owned or controlled property', providing access to all community groups, irrespective of whether the facility is on State or Council property.

It is recommended that the policy be amended to enable Council to support all community groups associated with public land and that Council utilise the stringent criteria, and their discretion, contained within the policy to approve, or deny, any application for support under the policy.

## 2. RECOMMENDATION

***That Council:***

- 1. endorses the amended Council Policy 16.4 - Guarantee of Community Loans; and***
- 2. places it on public exhibition for a period of six weeks prior to considering its adoption.***

## 3. KEY INFORMATION

As part of the review cycle of policies, each policy is analysed to ensure that it sits in the correct place within our policy framework. Council policies are strategic statements of position and/or principle that address issues of significance across the whole of the Colac Otway Shire community and typically have a life measured in years. Policies can range from broad philosophies to specific objectives, but they should not contain procedural content. Policies provide a structured framework for consistent and transparent decision making.

Procedures, guidelines, standards and forms are administrative tools that sit under a policy to give it life and allow the policy to be implemented. These are supporting documents to the policy and as such should not be included as part of the policy. Effective procedures should be dynamic documents that are continuously reviewed and updated in response to changing context and opportunities for improvement.

Where Council policies contains a mixture of policy and procedure, they have been separated into a policy and procedure to allow them to stand apart. This in turn, enables the procedure to be responsive and improved through review on an as needs basis.

The purpose of Council policy 16.4 is simply to provide a framework for the approval of a Council Loan or for Council to act as a Loan Guarantor for community organisations that wish to self-fund capital asset projects on Council owned or controlled property.

The amended policy (attached) was presented to the Audit Committee on 10 February 2021 where it was generally supported and noted by the committee. It was then presented to Council at a briefing on 3 March 2021, where it was also generally supported with the following requested amendments:

1. Further clarify that the Council decision to approve/deny an application is to be made at a public Council meeting;
2. Include a maximum limit on the level of loans or guarantees outstanding at any given time; and
3. Include a requirement of regular reporting to Council on loans or guarantees provided under this policy.

The attached policy has been amended to reflect these three requests with the 'Purpose', Clause 3 and Clause 13 amended or added. A maximum limit of \$100,000 in community loans/guarantees has been recommended.

Apart from these three amendments the major proposed amendment to the policy is to remove the requirement for the self-funded capital asset to be on 'Council owned or controlled property'.

While this requirement provides Council with some additional security should the community organisation default on an approved loan, from a community perspective, it has the effect of favouring certain community organisations depending on the Committee of Management structure. E.g., Organisations managing Crown land via a local Committee of Management would not be eligible to apply for support under this policy, where organisations managing Crown land via a Council Committee of Management would be eligible.

It is recommended that the policy be amended to enable Council to support all community groups associated with public land and that Council utilise the stringent criteria, and their discretion, contained within the policy to approve any application for support under the policy.

Proposals for loan guarantees are required to satisfy the criteria identified in the policy as well as being the subject of a report to Council with a formal decision of Council required. Satisfaction of the criteria does not guarantee approval as all approvals are still at the discretion of Council.

## 4. COMMUNITY CONSULTATION & ENGAGEMENT

This policy was first adopted by Council in September 2013 following a six-week community consultation process. Given there has been some amendments that may be considered material it is recommended that, following Council endorsement, this policy be placed on informal exhibition for a period of six weeks prior to its adoption.

## 5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

Alignment to Council Plan 2017-2021:

Theme 2 - Our Places

1. Assets and infrastructure meet community needs.

Theme 4 - Our Leadership & Management

1. Effectively manage financial resources.
2. Openness and accountability in decision making.
4. Provide value for money services for our community.

## 6. CONSIDERATIONS

### ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

This policy enables Council to support community groups to deliver projects that may have environmental, social, cultural and economic outcomes.

### LEGAL & RISK

There are no legal or risk considerations in adopting the policy as it does not commit Council to any obligations. The policy is clear that Council will only consider an application for a Guarantee or Loan.



However, should Council resolve to provide a Guarantee or Loan to a community group there would be various legal and risk issues to consider. Clause 12 of the Statement of Policy outlines how these risks will be minimised.

### **FINANCIAL & BUDGETARY**

There are no immediate financial or budgetary considerations. These would be considered if/when Council were to receive an application under the policy.

## **7. IMPLEMENTATION STRATEGY**

The policy is already in place, so any amendment will be effective immediately upon adoption.

### **COMMUNICATION**

Following public exhibition any submissions will be presented to Council for consideration, prior to adoption. Once adopted it will be placed on Council's website.

### **TIMELINE**

It is expected this Policy will be adopted by 30 June 2021.

## **8. OFFICER DIRECT OR INDIRECT INTEREST**

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.



## Council Policy

### 16.4 GUARANTEE OF COMMUNITY LOANS

#### PURPOSE

The policy provides a framework for the approval of a Council Loan or for Council to act as a Loan Guarantor for community organisations that wish to self-fund capital asset projects, ~~on Council-owned or controlled property~~

The objective of the policy is to provide:

- ~~a mechanism to assist community organisations to self-fund community assets, on land that is owned or controlled by Council that will vest in or ultimately be controlled by Council.~~
- a means of supporting local communities and sporting organisations to self-fund capital asset projects.
- a funding solution that enables the community organisation to manage the resultant loan agreement directly with the lending institution.

Proposals for loan guarantees are required to satisfy the criteria identified in the policy as well as being the subject of a report to Council with a formal decision of Council required, at a public Council Meeting. Satisfaction of the criteria does not guarantee approval as all approvals are still at the discretion of Council.

#### SCOPE

The policy is applicable to community organisations applying to Council for a loan, or for Council to be guarantor on a loan secured, to self-fund capital asset projects, ~~on Council-owned or controlled property.~~

#### DEFINITIONS

~~Council Land~~ — ~~Any land owned by Council or land where control has been delegated to Council.~~

Community Organisation     An organisation operated by volunteer community members. Typically such organisations will support arts, culture, sport, recreation or social activities for the community.

Guarantee     Where Council enters an agreement to compensate a funding party for any losses in the event a community group defaults on their loan to the funding party.

#### REFERENCES

Local Government Act 1989

Local Government Act 2020

#### STATEMENT OF POLICY

Uncontrolled when printed

CM reference	D20/68116	Date of adoption	25 September 2013
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As a guiding principle, Council will not undertake to provide Guarantees for loans or other borrowings taken out by community or other organisations with Colac Otway unless there are exceptional reasons and benefits to the community in doing so. ~~In all circumstances, Council should only consider provision of a loan, or act to guarantee a commercial loan, where Council has ownership of the Asset that the project for the proposed loan or loan guarantee relates to, as well as the asset being on Council owned or controlled property~~

1. In considering applications or control to guarantee community projects, the following issues and factors are to be considered:

#### Benefits

- Benefit derived by Colac Otway citizens from the proposal.
- Capacity for the facility to be used by the broader community at times when it is not required for that organisation's purposes.
- Where the proposal satisfies an identified need in the community.

#### Risks

- Ability of the organisation to meet repayments of any borrowings undertaken and the likelihood of Council having to absorb debt.
  - Any impact the proposal may have on Council's budget in respect of revenue streams or operating expenditure such as grants, building maintenance etc.
  - Ability of the organisation to manage the proposal to ensure effective completion of project.
2. Council's preference will generally be to provide loan guarantees, rather than to loan funds directly to a community organisation.
  3. ~~Council may set a maximum limit of outstanding loans and/or outstanding loan guarantees -~~ In order to ensure that Council does not have excessive debt exposure and potential liabilities under this policy, Council has set a maximum total limit of \$100,000 in outstanding community loans and/or outstanding community loan guarantees.
  4. The provision of loans by Council or an agreement by Council to act as guarantor for a commercial loan to a community organisation will only be considered where the purpose of the loan is in keeping with the strategic community outcomes identified in the Council Plan.
  5. Council reserves the right to consider each application on its merits taking into account such issues as (but not limited to):
    - a) Purpose of loan.
    - b) Circumstances resulting in the request for Council to lend funds, or to act as a Guarantor for a commercial loan, to a Community organisation
    - c) Potential impact on community, Council and its ratepayers.
    - d) Any contributions made by the organisation.
    - e) Past record in terms of payment of debts, rental fees and performance under any agreements with Council.
    - f) Any other factors considered relevant by Council such as business plans, membership numbers and structure, growth projections and management.
  6. Subject to clauses 1 to 4 above, Council will only consider an application by a community organisation to loan or guarantee loan funds to that organisation in the following circumstances:
    - a) The application must clearly detail the aims, objectives, components and value (financial and otherwise) of the relevant project and its compliance with the provisions of this policy.

#### Uncontrolled when printed

CM reference	D20/68116	Date of adoption	25 September 2013
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- b) The application must demonstrate the organisation's capacity to manage the project within the established budget and timeframes.
- c) The purpose of the application must be for the renewal or upgrade of community assets, including the provision of new community infrastructure ~~where Council has ownership of the Asset that the project for the proposed loan or loan guarantee relates to, as well as the asset being on Council owned or controlled property~~
- d) ~~The assets referred to in clause 6(c) must be situated on lands owned and/or managed by Colac Otway Shire.~~
- e)d) The assets must have the capacity to deliver a demonstrable financial return to Council and/or the community organisation (and to Council specifically in the event of default).
- f)e) The application must be for no more than one-third of the total value of the asset improvement works, with the community organisation being able to clearly demonstrate its capacity to meet the remaining project costs as well as loan servicing costs associated with any arrangement entered into with Council.
- g)f) Where the application is for Council to guarantee a loan from a third-party provider, the community organisation must be able to demonstrate that the third-party provider has approved the loan subject to Council acting as guarantor and that the term of the loan is for a period not exceeding ten years.
7. In the case of applications for loan funding from Council, any such arrangements agreed to by Council will be strictly on commercial borrowing terms and will be secured against the relevant community asset or future revenue streams.
8. In the case of applications for Council to guarantee a loan for a community organisation from a third-party provider, such an arrangement will be secured against future revenue streams of the improved asset, at least to the value of works and funds outstanding in the event of default.
- Council is to agree to a community organisation entering into any further debt arrangements during the term of the loan. Any other proposed debt arrangements need to be clearly documented as part of the application to Council.
9. All arrangements agreed to by Council to loan funds to, or guarantee a loan for, a community organisation will also be subject to inclusion in Council's Annual Financial Statements.
10. An agreement between Council and the lending authority will be sought regarding procedural steps to be followed in the event of a loan default. Such issues to include:
- Communication between bank/financial institution and Council of any non-payment of loan instalments;
  - The right for Council to continue with the loan repayment schedule rather than lump sum payment; and
  - The procedure used by the bank/financial institution prior to calling upon the guarantee, including the giving of initial notification of intent and the provision of an agreed time period of rectification.
11. Approval Process
- The community organisation is to submit a written request to Council. The request should provide the following details:
- a detailed project brief;
  - outline of the benefit being provided to the community;
  - community support for the project;
  - governance and membership details of the organisation;
  - details of the loan amount and proposed loan term;
  - other funding arrangements;
  - audited financial statements for the community organisation for the previous three (3) years; and
  - projected profit and loss, cash flow and balance sheet for the term of the loan.

Uncontrolled when printed

CM reference	D20/68116	Date of adoption	25 September 2013
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12. Following Council approval for Council to lend funds or to act as Guarantor for a Commercial loan the community organisation is required to:

- a) Enter into a formal Loan Agreement with Council if the Council lends funds directly to the organisation.
- b) If Council acts as a Guarantor to a commercial loan then the organisation is to support any necessary amendments to the loan guarantee documentation to the satisfaction of Council. Council reserves the right to review and amend the loan guarantee documentation in order to minimise exposure from "generic" loan guarantee documents issued by lending institutions.
- c) Provide Council with bi-annual loan statements that demonstrate the status of loan repayments as well as immediately notify Council in the event that any repayments are in default of the loan schedule.
- d) Provide Council with bi-annual profit and loss, cash flow and balance sheet statements every six (6) months.
- e) Provide Council with minutes of the annual general meeting plus annual audited financial statements that have been approved by the Organisation. Such Minutes and audited financial statements to be provided to Council within two months from the end of the financial year.

13. The following will be reported to Council:

- a) Documents required within clause 12 (c), (d) and (e) above will be presented to Council on a bi-annual basis; and
- b) Any loan or bank guarantee balance approved under this policy will be reported each quarter as part of Council's quarterly budget report.

#### RELATED DOCUMENTS

Council Policy 4.2 – Council Property Leasing

Council Policy 13.7 – Asset Management

[Council Policy 15.2 – Section 86 Committees](#)

#### DOCUMENT CONTROL

Policy owner	Manager Financial Services	Division	Corporate Services
Adopted by council	25 September 2013	Policy Number	16.4
File Number	TBC	Review date	TBC

**Uncontrolled when printed**

CM reference	D20/68116	Date of adoption	25 September 2013
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Item: 10.9

## Update S6 Instrument of Delegation Council to Council Staff

<b>OFFICER</b>	Errol Lawrence
<b>GENERAL MANAGER</b>	Errol Lawrence
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1. Updates Document - S6 Instrument of Delegation - Maddocks Updates - January 2021 [<b>10.9.1</b> - 4 pages]</li> <li>2. S 6 Instrument of Delegation - Council to Members of staff - March 2021 [<b>10.9.2</b> - 65 pages]</li> </ol>
<b>PURPOSE</b>	Review and update Council's Instrument of Delegation to Members of Council Staff

### 1. EXECUTIVE SUMMARY

The new *Local Government Act 2020* (the Act) has been introduced with transitional arrangements. Section 11 – Power of Delegation, was proclaimed on 1 May 2020.

The Act has limited Council's power to delegate to Council staff. Section 11 (provided below) clearly details Council's rights of delegation under the Act.

There are a number of other Acts and Regulations where Council has express powers of delegation.

The purpose of this report is to review Council's Instrument of Delegations to members of Council staff for each of the relevant Acts and Regulations, align the Instrument with the requirements of the new Act and confer these duties to the relevant officers enabling enforcement of the statutory powers and responsibilities required within legislation.

The last review was completed in August 2020.

## 2. RECOMMENDATION

*That Council in the exercise of the powers conferred by section 11(1) of the Local Government Act 2020 (the Act) and the other legislation referred to in the tabled Instrument of Delegation, 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 Chief Executive Officer is authorised to affix the Common Seal to the Instrument. The Instrument comes into force immediately the Common Seal of Council is affixed.*
- 3. 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.*

## 3. KEY INFORMATION

### BACKGROUND

Councils have been given many powers, duties and functions under multiple pieces of legislation which are essential in fulfilling the wide-ranging responsibilities of Local Government.

Council must regularly update its Instrument of Delegations to enable enforcement of the statutory powers and responsibilities required within legislation and confer these duties to the relevant staff.

The organisation generally undertakes a review of delegations on a half yearly basis or where there have been changes to legislation. In addition, Council must specifically review delegations within 12 months of a general election.

### KEY INFORMATION

Under the Act, the ability of Council to delegate to members of Council staff (other than the CEO) has been removed. Delegations to members of Council staff, under the Act, are now the sole responsibility of the Chief Executive Officer.

Section 11 of the Act provides:

#### **11 Power of delegation**

- 1) *A Council may by instrument of delegation delegate to—*
  - a) the members of a delegated committee; or*
  - b) the Chief Executive Officer—*  
*any power, duty or function of a Council under this Act or any other Act other than a power, duty or function specified in subsection (2).*
- 2) *The following are specified for the purposes of subsection (1)—*
  - a) the power of delegation;*
  - b) the power to elect a Mayor or Deputy Mayor;*
  - c) the power to grant a reasonable request for leave under section 35;*

- d) *subject to subsection (3), the power to appoint the Chief Executive Officer, whether on a permanent or acting basis;*
  - e) *the power to make any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;*
  - f) *the power to approve or amend the Council Plan;*
  - g) *the power to adopt or amend any policy that the Council is required to adopt under this Act;*
  - h) *the power to adopt or amend the Governance Rules;*
  - i) *the power to appoint the chair or the members to a delegated committee;*
  - j) *the power to make, amend or revoke a local law;*
  - k) *the power to approve the budget or revised budget;*
  - l) *the power to borrow money;*
  - m) *subject to section 181H(1)(b) of the **Local Government Act 1989**, the power to declare general rates, municipal charges, service rates and charges and special rates and charges;*
  - n) *any power, duty or function prescribed by the regulations for the purposes of this subsection.*
- 3) *A Council may delegate to the Chief Executive Officer the power to appoint an Acting Chief Executive Officer for a period not exceeding 28 days.*
  - 4) *A delegation may be made subject to any conditions or limitations specified in the instrument of delegation.*
  - 5) *A delegation that includes the power to enter into a contract or make any expenditure must specify a maximum monetary limit that cannot be exceeded.*
  - 6) *A member of a delegated committee to whom a delegation is given under subsection (1)(a) can only exercise the delegation while acting as a member of the delegated committee at a meeting of the delegated committee.*
  - 7) *A Council must review, within the period of 12 months after a general election, all delegations which have been made under this section and are still in force.*
  - 8) *A Council must keep a public register of delegations made under this section.*
  - 9) *Unless sooner revoked, a delegation made by a Council under the **Local Government Act 1989** continues in force until 1 September 2020.*

**Note**

*See section 47 for the power of delegation of a Chief Executive Officer.*

Section 47 of the Act provides:

**47 Delegations by Chief Executive Officer**

- (1) *The Chief Executive Officer may by instrument of delegation delegate any power, duty or function of the Council that has been delegated to the Chief Executive Officer by the Council to—*
  - (a) *a member of Council staff; or*
  - (b) *the members of a Community Asset Committee.*
- (2) *The Chief Executive Officer may by instrument of delegation delegate any power, duty or function conferred by this Act or any other Act on the Chief Executive Officer, other than this power of delegation and the power of delegation under subsection (1), to a member of Council staff.*
- (3) *A delegation under this section to a member of Council staff may be made to—*
  - (a) *a person named in the delegation; or*



- (b) *the holder of an office or position specified in the delegation.*
- (4) *A delegation under this section to the members of a Community Asset Committee is to be exercised subject to the terms and conditions specified by the Chief Executive Officer, which must include the following—*
- (a) *the specified limit on any financial delegation and the specified purpose for which the financial delegation may be used;*
- (b) *compliance with specified governance requirements to ensure appropriate standards of probity are met;*
- (c) *specified monitoring and reporting of the activities and performance of the Community Asset Committee.*
- (5) *A member of a Community Asset Committee to whom a delegation is given under this section can only exercise the delegation while acting as a member of the Community Asset Committee at a meeting of the Community Asset Committee.*
- (6) *A Chief Executive Officer must submit an annual report to the Council in relation to the activities and performance of a Community Asset Committee in respect of which the members have been given a delegation under this section.*
- (7) *A Chief Executive Officer must keep a register of delegations made under this section.*
- (8) *Unless sooner revoked, a delegation made by a Chief Executive Officer under the **Local Government Act 1989** continues in force until 1 September 2020.*

Council subscribes to the regular update service offered by Maddocks Lawyers which provides updates on legislative amendments required to Councils Instrument of Delegation to ensure legislative compliance. Council also uses a software package (RelianSys) to automate the reporting and management of delegations.

Councillors are provided with an amendment document showing new provisions, changed provisions and deleted provisions from the Maddocks update, along with the updated complete Instrument of Delegation.

To update the Instrument of Delegation from Council to Members of Council Staff, consultation with relevant managers was undertaken to ensure the correct officers are delegated the powers to perform the duties required under the new legislation.

Amendments in this update reflect:

- the addition of new provisions under the *Food Act 1984*,
- the commencement of some changes to the *Residential Tenancies Act 1997* (Vic)
- the *Road Management Act 2004*,
- some amendments to officer titles and changes to responsible officers brought about by a minor organisation restructure.

## 4. COMMUNITY CONSULTATION & ENGAGEMENT

Not applicable.

## 5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

Alignment to Council Plan 2017-2021:

Theme 4 - Our Leadership & Management

3. Organisational development and legislative compliance.

## 6. CONSIDERATIONS

### ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

Not applicable.

### LEGAL & RISK

Maintaining the currency of delegations in our complex legal and legislative environment is challenging. To reduce the risk of non-compliance Council subscribes to an update service provided by Maddocks Lawyers. This service provides updates on legislative changes and therefore Council updates the delegations on a half yearly basis or more if required.

Council's policy framework and specific policy decisions provides guidance to staff in executing their delegated powers.

### FINANCIAL & BUDGETARY

The process to maintain delegations is complex to ensure legislative compliance. (Council works with over 90 different pieces of legislation.) Services provided by external providers such as Maddocks reduce this resource requirement and more importantly reduces the risk of non-compliance.

## 7. IMPLEMENTATION STRATEGY

The Instruments of Delegation will come into force following approval by Council and the affixing of the Common Seal.

### COMMUNICATION

Under section 11(8) of the Act:

*A Council must keep a public register of delegations made under this section.*

A register of delegations is maintained and held within the corporate office. The register is available on Council's website.

### TIMELINE

Updates are prepared when advised of changes to legislation received from Maddocks and submitted to Council for consideration.

## 8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

## **Colac Otway Shire**

### **RelianSys® Delegations - Export of Updates by Register - Complete**

#### **S6 Instrument of Delegation - Members of Staff**

Note - Exported provisions are separated by category into **NEW and then CHANGED and then DELETED.**

29 January 2021

Colac Otway Shire

**NEW Provisions**

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
483146	Food Act 1984	s 36A	Power to accept an application for registration or notification using online portal	HPC MPBH HPO	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier
483147	Food Act 1984	s 36B	Duty to pay the charge for use of online portal	HPC MPBH	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier
483148	Food Act 1984	s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	HPC MPBH HPO	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier
483149	Food Act 1984	s 38G(2)	Power to require the proprietor of the food premises to comply with any requirement of the Act	HPC MPBH HPO	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier
483150	Food Act 1984	s 40F	Power to cancel registration of food premises	HPC MPBH	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier

## Colac Otway Shire

**CHANGED Provisions**

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
334650	Residential Tenancies Act 1997	s 91ZU(1)	Power to give a renter a notice to vacate rented premises	CRS, HPC, MAPD, MFS, MHAC, MPBH, All GMs	Where Council is a public statutory authority engaged in the provision of housing Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier
334651	Residential Tenancies Act 1997	s 91ZZC(1)	Power to give a renter a notice to vacate rented premises	CRS, HPC, MAPD, MFS, MHAC, MPBH, All GMs	Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier
334652	Residential Tenancies Act 1997	s 91ZZE(1)	Power to give a renter a notice to vacate rented premises	CRS, HPC, MAPD, MFS, MHAC, MPBH, All GMs	Where Council is a public statutory authority engaged in the provision of housing Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier
334653	Residential Tenancies Act 1997	s 91ZZE(3)	Power to publish Council's criteria for eligibility for the provision of housing	CRS, HPC, MAPD, MFS, MHAC, MPBH, All GMs	Where Council is a public statutory authority engaged in the provision of housing Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier
334654	Residential Tenancies Act 1997	s 206AZA(2)	Function of receiving written notification	CRS, HPC, MAPD, MFS, MHAC, MPBH, All GMs	Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier
334655	Residential Tenancies Act 1997	s 207ZE(2)	Function of receiving written notification	CRS, HPC, MAPD, MFS, MHAC, MPBH, All GMs	Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier
286171	Road Management Act 2004	s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	GMEI	Where Council is the coordinating road authority If road is a municipal road or part thereof

Colac Otway Shire

**DELETED Provisions**

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286349	Local Government Act 1989	s 181H	Power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge	CEO	



**Colac Otway Shire**

**Instrument of Delegation**

**S6 Instrument of Delegation - Members of Staff**

**March 2021**

## S6 Instrument of Delegation – Members of Staff

In exercise of the powers conferred by the 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. record that references in the Schedule are as follows:

### Titles

- CEO Chief Executive Officer
- CRS Co-ordinator Revenue Services
- CUC Compliance Unit Co-ordinator
- EHTO Environmental Health Technical Officer
- GMCS General Manager Corporate Services
- GMDCS General Manager Development and Community Services
- GMEI General Manager Environment and Infrastructure
- HPC Health Protection Co-ordinator
- HPSO Health Protection Support Officer
- MAPD Manager Assets and Project Delivery
- MBS Municipal Building Surveyor
- MECS Manager Environment & Community Safety
- MEMC Municipal Emergency Management Co-ordinator
- MFS Manager Financial Services
- MHAC Manager Healthy Active Communities
- MPBH Manager Planning, Building and Health
- MPC Manager People and Culture
- MSO Manager Services and Operations
- N/A Not Applicable (items not delegated)
- PBAC Planning and Building Administration Co-ordinator
- PCofC Planning Committee of Council
- SPC Statutory Planning Co-ordinator
- SPMPC Strategic Planning and Major Projects Co-ordinator

### Title Groups

- All GMs All General Managers
- CO Compliance Officers
- CSO Customer Services Officers
- HPO Health Protection Officers
- PA Planning Administrators
- PLO Planning Officers

3. declares that:
  - 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 24 March 2021; and
  - 3.2 the delegation:
    - 3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
    - 3.2.2 remains in force until varied or revoked;
    - 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
    - 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and



Attachment 10.9.2 S 6 Instrument of Delegation - Council to Members of staff - March 2021  
Colac Otway Shire

- 3.3 the delegate must not determine the issue, take the action or do the act or thing:
  - 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
  - 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a:
    - a) policy; or
    - b) strategy adopted by Council;
  - 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
  - 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

This delegation was amended by resolution of the Colac Otway Shire Council on 24 March 2021.

THE COMMON SEAL of the                    )  
COLAC OTWAY SHIRE COUNCIL was        )  
hereunto affixed in the presence of:    )

\_\_\_\_\_  
Peter Brown  
Chief Executive

Date        /        /

## Delegation Sources

- Domestic Animals Act 1994
- Environment Protection Act 1970
- Food Act 1984
- Heritage Act 2017
- Local Government Act 1989
- Planning and Environment Act 1987
- Residential Tenancies Act 1997
- Road Management Act 2004
- Planning and Environment Regulations 2015
- Planning and Environment (Fees) Regulations 2016
- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015

### S6 Instrument of Delegation - Members of Staff

Domestic Animals Act 1994			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 41A(1)	Power to declare a dog to be a menacing dog	CUC, CO	Council may delegate this power to a Council authorised officer

Environment Protection Act 1970			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 53M(3)	Power to require further information	CUC, EHTO, HPC, HPSO, MECS, MPBH, CO, HPO	
s 53M(4)	Duty to advise applicant that application is not to be dealt with	CUC, EHTO, HPC, HPSO, MECS, MPBH, CO, HPO	
s 53M(5)	Duty to approve plans, issue permit or refuse permit	EHTO, HPC, HPO	Refusal must be ratified by Council or it is of no effect
s 53M(6)	Power to refuse to issue septic tank permit	EHTO, HPC, HPSO, HPO	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)	EHTO, HPC, HPO	Refusal must be ratified by Council or it is of no effect

Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	EHTO, HPC, HPSO, HPO	If s 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	EHTO, HPC, HPSO, HPO	If s 19(1) applies

Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	EHTO, HPC, HPO	If s 19(1) applies  Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	EHTO, HPC, HPSO, HPO	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	EHTO, HPC, HPSO, HPO	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	EHTO, HPC, HPSO, HPO	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	EHTO, HPC, HPSO, HPO	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	EHTO, HPC, HPSO, HPO	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	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	EHTO, HPC, HPO	Where Council is the registration authority

Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19NA(1)	Power to request food safety audit reports	EHTO, HPC, HPSO, HPO	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	EHTO, HPC, HPO	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	EHTO, HPC, HPSO, HPO	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	EHTO, HPC, HPSO, HPO	Where Council is the 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	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
	Power to register, renew or transfer registration	EHTO, HPC, HPSO, HPO	Where Council is the registration authority  refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see s 58A(2))
s 36A	Power to accept an application for registration or notification using online portal	HPC, HPO	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier
s 36B	Duty to pay the charge for use of online portal	HPC, MPBH	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier
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	EHTO, HPC, HPSO, HPO	Where Council is the registration authority

Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	EHTO, HPC, HPSO, HPO	Where Council is the registration authority not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	EHTO, HPC, HPSO, HPO	Where Council is the registration authority

Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	HPC, HPO	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier
s 38G(2)	Power to require the proprietor of the food premises to comply with any requirement of the Act	HPC, HPO	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier
s 39A	Power to register, renew or transfer food premises despite minor defects	EHTO, HPC, HPSO, HPO	Where Council is the registration authority  Only if satisfied of matters in s 39A(2)(a)-(c)
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	EHTO, HPC, HPSO, HPO	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	HPC	Where Council is the registration authority
s 40F	Power to cancel registration of food premises	HPC, MPBH	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier
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	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
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	EHTO, HPC, HPO	Where Council is the registration authority
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	EHTO, HPC, HPO	Where Council is the registration authority

Heritage Act 2017			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 116	Power to sub-delegate Executive Director's functions, duties or powers	GMDCS	Must first obtain Executive Director's written consent Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation

Local Government Act 1989			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	GMDCS, MPBH, PCofC, SPC, SPMP	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	GMDCS, MPBH, SPC, SPMP	
s 4H	Duty to make amendment to Victoria Planning Provisions available	GMDCS, MPBH, PBAC, SPC, SPMP, PLO	
s 4I	Duty to keep Victorian Planning Provisions and other documents available	GMDCS, MPBH, PBAC, SPC, SPMP, PLO	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	MPBH	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	GMDCS, MPBH, PBAC, PCofC, SPC, SPMPCC	
s 8A(5)	Function of receiving notice of the Minister's decision	GMDCS, MPBH, PBAC, SPC, SPMPCC	
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	GMDCS, MPBH, PCofC, SPC, SPMPCC	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	GMDCS, MPBH, PCofC	
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	GMDCS, MPBH, PCofC, SPC, SPMPCC	
s 12A(1)	Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s19 of the Planning and Environment (Planning Schemes) Act 1996)	GMDCS, MPBH, PCofC	
s 12B(1)	Duty to review planning scheme	GMDCS, MPBH, PCofC, SPC, SPMPCC	
s 12B(2)	Duty to review planning scheme at direction of Minister	GMDCS, MPBH, PCofC, SPC, SPMPCC	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	GMDCS, MPBH, PCofC, SPC, SPMPCC	
s 14	duties of a Responsible Authority as set out in s 14(a) to (d)	GMDCS, MPBH, PBAC, PCofC, SPC, SPMPCC, PLO	
s 17(1)	Duty of giving copy amendment to the planning scheme	GMDCS, MPBH, PBAC, SPC, SPMPCC, CSO, PA, PLO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 17(2)	Duty of giving copy s 173 agreement	GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA, PLO	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA, PLO	
s 18	Duty to make amendment etc. available	GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
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	GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or  Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	GMDCS, MPBH, PCofC, SPC, SPMP	
s 21(2)	Duty to make submissions available	GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA	
s 21A(4)	Duty to publish notice	GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 22	Duty to consider all submissions	GMDCS, MPBH, PCofC, SPC, SPMP	Except submissions which request a change to the items in s 22(5)(a) and (b)

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	GMDCS, MPBH, PCofC, SPC, SPMPC	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	GMDCS, MPBH, PCofC, SPC, SPMPC	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	GMDCS, MPBH, SPC, SPMPC, PLO	
s 26(1)	Power to make report available for inspection	GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	
s 26(2)	Duty to keep report of panel available for inspection	GMDCS, MPBH, PBAC, SPC, SPMPC, CSO, PA, PLO	
s 27(2)	Power to apply for exemption if panel's report not received	GMDCS, MPBH, PCofC, SPC, SPMPC	
s 28	Duty to notify the Minister if abandoning an amendment	GMDCS, MPBH, SPC, SPMPC	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	GMDCS, MPBH, PBAC, SPC, SPMPC	
s 30(4)(b)	Duty to provide information in writing upon request	GMDCS, MPBH, PBAC, SPC, SPMPC	
s 32(2)	Duty to give more notice if required	GMDCS, MPBH, PBAC, SPC, SPMPC	
s 33(1)	Duty to give more notice of changes to an amendment	GMDCS, MPBH, PBAC, SPC, SPMPC	
s 36(2)	Duty to give notice of approval of amendment	GMDCS, MPBH, PBAC, SPC, SPMPC	
s 38(5)	Duty to give notice of revocation of an amendment	GMDCS, MPBH, PBAC, SPC, SPMPC	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	GMDCS, MPBH, SPC, SPMP	
s 40(1)	Function of lodging copy of approved amendment	GMDCS, MPBH, PBAC, SPC, SPMP	
s 41	Duty to make approved amendment available	GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA, PLO	
s 42	Duty to make copy of planning scheme available	GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA, PLO	
s 46AW	Function of being consulted by the Minister	CEO, GMDCS, MPBH	Where Council is a responsible public entity
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	CEO, GMDCS, MPBH, SPC, SPMP	Where Council is a responsible public entity
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	CEO, GMDCS, MPBH, SPC, SPMP	Where Council is a responsible public entity
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	CEO, GMDCS, MPBH, SPC, SPMP	Where Council is a responsible public entity
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	CEO, GMCS, GMDCS, MFS, MPBH	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	CEO, GMCS, GMDCS, MFS, MPBH	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	CEO, GMCS, GMDCS, MFS, MPBH	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	CEO, GMCS, MFS	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	
s 46GP	Function of receiving a notice under s 46GO	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	CEO, GMCS, GMDCS, MFS, MPBH	
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	CEO, GMCS, GMDCS, MFS, MPBH	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	CEO, GMCS, MFS	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	CEO, GMCS, MFS	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	CEO, GMCS, MFS	
s 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	CEO, GMCS, GMDCS, MPBH, SPC, SPMP	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution Power to specify the manner in which the payment is to be made	CEO, GMCS, GMDCS, MPBH, SPC, SPMP	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	CEO, GMCS, GMDCS, MPBH, SPC, SPMP	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	CEO, GMDCS, MPBH, SPC, SPMP	Where Council is the development agency
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	CEO, GMDCS, MPBH, SPC, SPMP	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	CEO, GMDCS, MPBH, SPC, SPMP	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	CEO, GMDCS, MPBH, SPC, SPMP	Where Council is the collecting agency

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	CEO, GMCS, GMDCS, GMEI, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where the Council is the planning authority  This duty does not apply where Council is also the collecting agency
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan, as responsible for those works, services or facilities	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the relevant development agency

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZ(2)(b)	Function of receiving the monetary component	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the development agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the collecting agency
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the relevant development agency
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the development agency specified in the approved infrastructure contributions plan  This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency under an approved infrastructure contributions plan



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	<p>If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4)</p> <p>Where Council is the collecting agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the development agency</p>
s 46GZ(9)	Function of receiving the fee simple in the land	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	<p>Where Council is the development agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the collecting agency</p>
s 46GZA(1)	Duty to keep proper and separate accounts and records	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is a development agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	If the VPA is the collecting agency under an approved infrastructure contributions plan  Where Council is a development agency under an approved infrastructure contributions plan
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the development agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the collecting agency
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the development agency

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the development agency under an approved infrastructure contributions plan
s.46GZF(3)	Duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	s 46GZF(3)(a) function of receiving proceeds of sale	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collection agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the development agency
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	CEO, MFS, MHAC	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	CEO, GMCS, GMDCS, MHAC, MPBH	Where Council is a collecting agency or development agency
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	GMDCS, MPBH, PCofC, SPC, SPMP	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	GMDCS, MPBH, PCofC, SPC, SPMP	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	GMDCS, MPBH	
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	GMDCS, MBS, MPBH	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	GMDCS, MBS, MPBH, SPC, SPMP	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	GMDCS, MPBH, SPC, SPMP	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CEO, GMDCS, MPBH, SPC, SPMP	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46Q(1)	Duty to keep proper accounts of levies paid	GMCS, GMDCS, MFS, MPBH, SPC, SPMP	
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 or plan preparation costs incurred by a development agency or plan preparation costs incurred by a development agency	GMCS, GMDCS, MFS, MPBH, SPC, SPMP	
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	CEO, GMDCS, MPBH, SPC, SPMP	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	GMDCS, MPBH, SPC, SPMP	Only applies when levy is paid to Council as a 'development agency'
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	CEO, GMDCS, MPBH, SPC, SPMP	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
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	CEO, GMDCS, MPBH, SPC, SPMP	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	CEO, GMDCS, MPBH, SPC, SPMP	With the consent of, and in the manner approved by, the Minister
s 46QC	Power to recover any amount of levy payable under Part 3B	GMDCS, MFS, MPBH, SPC, SPMP	
s 46QD	Duty to prepare report and give a report to the Minister	GMDCS, MFS, MPBH, SPC, SPMP	Where Council is a collecting agency or development agency
s 47	Power to decide that an application for a planning permit does not comply with that Act	CEO, GMDCS, MPBH, SPC, SPMP	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 49(2)	Duty to make register available for inspection	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA, PLO	
s 50(4)	Duty to amend application	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 50(5)	Power to refuse to amend application	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 50(6)	Duty to make note of amendment to application in register	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 50A(1)	Power to make amendment to application	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 50A(4)	Duty to note amendment to application in register	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 51	Duty to make copy of application available for inspection	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA, PLO	
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	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PLO	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PLO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PLO	
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	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PLO	
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	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PLO	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PLO	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	CEO, GMDCS, MPBH, PBAC, PCofC, SPC, SPMP	
s 52(3)	Power to give any further notice of an application where appropriate	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PLO	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PLO	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	CEO, GMDCS, MPBH, PBAC, PCofC, SPC, SPMP, PLO	
s 54(1)	Power to require the applicant to provide more information	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PLO	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PLO	
s 54(1B)	Duty to specify the lapse date for an application	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PLO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CEO, GMDCS, MPBH, SPC, SPMP	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 57(5)	Duty to make available for inspection copy of all objections	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA, PLO	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 57A(5)	Power to refuse to amend application	CEO, GMDCS, MPBH, SPC, SPMP	
s 57A(6)	Duty to note amendments to application in register	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 57B(1)	Duty to determine whether and to whom notice should be given	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 57C(1)	Duty to give copy of amended application to referral authority	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 58	Duty to consider every application for a permit	CEO, GMDCS, MPBH, PCofC, SPC, SPMPCC, PLO	Save for permit applications to properties impacted by the 2015 Wye River/Separation bushfire
s 58A	Power to request advice from the Planning Application Committee	CEO, GMDCS, MPBH, SPC, SPMPCC	
s 60	Duty to consider certain matters	CEO, GMDCS, MPBH, PCofC, SPC, SPMPCC, PA, PLO	<p>Save for permit applications to properties impacted by the 2015 Wye River/Separation bushfire</p> <p>Save where the proposed use and/or development.</p> <ul style="list-style-type: none"> <li>• Is located in a Commercial 1 or 2 Zone, or a Township Zone, and does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme, where the number of spaces being waived/reduced exceeds five (5).</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> <li>• Or if the application seeks approval for works which had commenced under a lawful planning permit, where <ul style="list-style-type: none"> <li>o the works had not been completed prior to the expiry of the permit; and</li> <li>o the officer recommendation is for refusal, unless that</li> </ul> </li> </ul>

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			<p>recommendation is made due to the response of a referral authority under Section 55 of the Act</p> <ul style="list-style-type: none"> <li>• Or where the land is in the Farming or Rural Conservation Zones and:               <ol style="list-style-type: none"> <li>a) The officer recommendation is to refuse the application (except where a determining referral authority under the planning scheme has recommended refusal of the application); and;</li> <li>b) The proposal is to:                   <ol style="list-style-type: none"> <li>i. Use and/or develop land for a dwelling, with or without outbuildings; or</li> <li>ii. Excise an existing dwelling.</li> </ol> </li> </ol> <p>These criteria do not apply to decisions or applications on properties impacted by the 2015 Wye River/Separation Creek bushfire</p> </li></ul>
s 60(1A)	Duty to consider certain matters	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006Save for permit applications to properties

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			<p>impacted by the 2015 Wye River/Separation bushfire</p> <p>Save where the proposed use and/or development:</p> <ul style="list-style-type: none"> <li>• Is located in a Commercial 1 or 2 Zone, or a Township Zone, and does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme, where the number of spaces being waived/reduced exceeds five (5).</li> <li>• Or four (4) or more objections have been lodged against the grant of a permit. Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> <li>o the works had not been completed prior to the expiry of the permit; and</li> <li>o the officer recommendation is for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act.</li> </ul> </li> <li>• Or where the land is in the Farming or Rural Conservation Zones and: <ul style="list-style-type: none"> <li>a) The officer recommendation is to refuse the application (except where a determining referral authority under the planning</li> </ul> </li> </ul>

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			<p>scheme has recommended refusal of the application); and;</p> <p>b) The proposal is to:</p> <p>i. Use and/or develop land for a dwelling, with or without outbuildings; or</p> <p>ii. Excise an existing dwelling.</p> <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 Aboriginal Heritage Act 2006.</p> <p>These criteria do not apply to decisions or applications on properties impacted by the 2015 Wye River/Separation Creek bushfire</p>
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CEO, GMDCS, MPBH, PCofC, SPC, SPMP	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	CEO, GMDCS, MPBH, PCofC, SPC, SPMP	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	CEO, GMDCS, MPBH, PCofC, SPC, SPMP	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	CEO, GMDCS, MPBH, PCofC, SPC, SPMP	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	CEO, GMDCS, MPBH, PCofC, SPC, SPMPCC	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	CEO, GMDCS, MPBH, PCofC, SPC, SPMPCC, PLO	<p>Save for permit applications to properties impacted by the 2015 Wye River/Separation bushfire</p> <p>Save where the proposed use and/or development.</p> <ul style="list-style-type: none"> <li>• Is located in a Commercial 1 or 2 Zone, or a Township Zone, and does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme, where the number of spaces being waived/reduced exceeds five (5).</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> <li>• Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> <li>o the works had not been completed prior to the expiry of the permit; and</li> <li>o the officer recommendation is for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act</li> </ul> </li> </ul>

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			These criteria do not apply to decisions or applications on properties impacted by the 2015 Wye River/Separation Creek bushfire.
s 62(2)	Power to include other conditions	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	<p>Save for permit applications to properties impacted by the 2015 Wye River/Separation bushfire</p> <p>Save where the proposed use and/or development.</p> <ul style="list-style-type: none"> <li>• Is located in a Commercial 1 or 2 Zone, or a Township Zone, and does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme, where the number of spaces being waived/reduced exceeds five (5).</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> <li>• Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> <li>o the works had not been completed prior to the expiry of the permit; and</li> </ul> </li> </ul>

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			<p>o the officer recommendation is for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act</p> <p>These criteria do not apply to decisions or applications on properties impacted by the 2015 Wye River/Separation Creek bushfire</p>
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	CEO, GMDCS, MPBH, PCofC, SPC, SPMP, PLO	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	CEO, GMDCS, MPBH, PCofC, SPC, SPMP, PLO	
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 s 173 agreement	CEO, GMDCS, MPBH, PCofC, SPC, SPMP, PLO	<p>Save for permit applications to properties impacted by the 2015 Wye River/Separation bushfire</p> <p>Save where the proposed use and/or development.</p> <ul style="list-style-type: none"> <li>• Is located in a Commercial 1 or 2 Zone, or a Township Zone, and does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme, where the number of spaces being waived/reduced exceeds five (5).</li> <li>• Or four (4) or more objections have been lodged against the grant of a permit.</li> </ul>

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			<ul style="list-style-type: none"> <li>• Or where the application may have an affect on the broader community.</li> <li>• Or if the application seeks approval for works which had commenced under a lawful planning permit, where:                             <ul style="list-style-type: none"> <li>o the works had not been completed prior to the expiry of the permit; and</li> <li>o the officer recommendation is for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act</li> </ul> </li> </ul> <p>These criteria do not apply to decisions or applications on properties impacted by the 2015 Wye River/Separation Creek bushfire</p>
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	
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 ss 46N(1), 46GV(7) or 62(5)	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	
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)	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(3)	Duty not to issue a permit until after the specified period	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	This provision applies also to a decision to grant an amendment to a permit - see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s 69(1)	Function of receiving application for extension of time of permit	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA, PLO	
s 69(1A)	Function of receiving application for extension of time to complete development	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA, PLO	
s 69(2)	Power to extend time	CEO, GMDCS, MPBH, PCofC, SPC, SPMP, PLO	Delegation to officers applies save where the development has commenced lawfully under the planning permit and: <ul style="list-style-type: none"> <li>o the application seeks approval for an extension of time to complete the works; and</li> <li>o the officer recommendation is for refusal, unless that recommendation is made due to the recommendation of a referral authority under Section 55 of the Act.</li> </ul>
s 70	Duty to make copy permit available for inspection	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA, PLO	
s 71(1)	Power to correct certain mistakes	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PLO	
s 71(2)	Duty to note corrections in register	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 73	Power to decide to grant amendment subject to conditions	CEO, GMDCS, MPBH, PCofC, SPC, SPMP, PLO	
s 74	Duty to issue amended permit to applicant if no objectors	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s 76D	Duty to comply with direction of Minister to issue amended permit	CEO, GMDCS, MPBH, SPC, SPMP, PLO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 83	Function of being respondent to an appeal	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 83B	Duty to give or publish notice of application for review	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	CEO, GMDCS, MPBH, PCofC, SPC, SPMP	<p>Save for permit applications to properties impacted by the 2015 Wye River/Separation bushfire</p> <p>Save where the proposed use and/or development.</p> <ul style="list-style-type: none"> <li>• Is located in a Commercial 1 or 2 Zone, or a Township Zone, and does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme, where the number of spaces being waived/reduced exceeds five (5)</li> <li>• Or four (4) or more objections have been lodged against the grant of a permit.</li> <li>• Or the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> <li>o the works had not been completed prior to the expiry of the permit; and</li> <li>o the officer recommendation is for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act</li> </ul> </li> </ul>

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			<ul style="list-style-type: none"> <li>• Or where the land is in the Farming or Rural Conservation Zones and:                             <ul style="list-style-type: none"> <li>a) The officer recommendation is to refuse the application (except where a determining referral authority under the planning scheme has recommended refusal of the application); and;</li> <li>b) The proposal is to:                                     <ul style="list-style-type: none"> <li>i. Use and/or develop land for a dwelling, with or without outbuildings; or</li> <li>ii. Excise an existing dwelling.</li> </ul> </li> </ul> </li> </ul> <p>Save where the application may have an affect on the broader community.</p> <p>These criteria do not apply to decisions or applications for properties in the area impacted by the 2015 Wye River Separation Creek bushfire</p>
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	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
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	CEO, GMDCS, MPBH, SPC, SPMP	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 84AB	Power to agree to confining a review by the Tribunal	CEO, GMDCS, MPBH, SPC, SPMP, PLO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 86	Duty to issue a permit at order of Tribunal within 3 working days	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	CEO, GMDCS, MPBH, SPC, SPMP	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 91(2)	Duty to comply with the directions of VCAT	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 93(2)	Duty to give notice of VCAT order to stop development	CEO, CUC, GMDCS, MPBH, SPC, SPMP, CO, PLO	
s 95(3)	Function of referring certain applications to the Minister	CEO, GMDCS, MPBH, SPC, SPMP	
s 95(4)	Duty to comply with an order or direction	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	CEO, GMDCS, MPBH, SPC, SPMP	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	CEO, GMDCS, MPBH, SPC, SPMP	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	CEO, GMDCS, MPBH, SPC, SPMP	
s 96F	Duty to consider the panel's report under s 96E	CEO, GMDCS, MPBH, SPC, SPMP	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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 Planning and Environment (Planning Schemes) Act 1996)	CEO, GMDCS, MPBH, PCofC, SPC, SPMPCC	<p>Save for permit applications to properties Impacted by the 2015 Wye River/Separation bushfire</p> <p>Save where the proposed use and/or development.</p> <ul style="list-style-type: none"> <li>• Is located in a Commercial 1 or 2 Zone, or a Township Zone, and does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme, where the number of spaces being waived/reduced exceeds five (5).</li> <li>• Or four (4) or more objections have been lodged against the grant of a permit.</li> <li>• Or the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> <li>o the works had not been completed prior to the expiry of the permit; and</li> <li>o the officer recommendation is for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act</li> </ul> </li> <li>• Or where the application may have an affect on the broader community.</li> </ul>

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			<ul style="list-style-type: none"> <li>• Or where the land is in the Farming or Rural Conservation Zones and:                             <ul style="list-style-type: none"> <li>a) The officer recommendation is to refuse the application (except where a determining referral authority under the planning scheme has recommended refusal of the application); and;</li> <li>b) The proposal is to:                                     <ul style="list-style-type: none"> <li>i. Use and/or develop land for a dwelling, with or without outbuildings; or</li> <li>ii. Excise an existing dwelling.</li> </ul> </li> </ul> </li> </ul> <p>These criteria do not apply to decisions or applications for properties in the area impacted by the 2015 Wye River Separation Creek bushfire</p>
s 96H(3)	Power to give notice in compliance with Minister's direction	CEO, GMDCS, MPBH, SPC, SPMP	
s 96J	Power to issue permit as directed by the Minister	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 97C	Power to request Minister to decide the application	CEO, GMDCS, MPBH, SPC, SPMP	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	CEO, GMDCS, MPBH, SPC, SPMP, PLO	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 97G(6)	Duty to make a copy of permits issued under s 97F available for inspection	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA, PLO	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	GMDCS, MPBH, SPC, SPMP	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 97Q(4)	Duty to comply with directions of VCAT	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	CEO, GMDCS, MPBH	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	CEO, GMDCS, MPBH	
s 101	Function of receiving claim for expenses in conjunction with claim	CEO, GMDCS, MPBH	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 103	Power to reject a claim for compensation in certain circumstances	CEO, GMDCS, MPBH	
s.107(1)	function of receiving claim for compensation	CEO, GMDCS, MPBH	
s 107(3)	Power to agree to extend time for making claim	CEO, GMDCS, MPBH	
s 114(1)	Power to apply to the VCAT for an enforcement order	CEO, CUC, GMDCS, MECS, MPBH, SPC, SPMP, CO	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	CEO, CUC, GMDCS, MECS, MPBH, SPC, SPMP, CO, PLO	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CEO, CUC, GMDCS, MECS, MPBH, SPC, SPMP, CO	
s 123(1)	Power to carry out work required by enforcement order and recover costs	CEO, CUC, GMDCS, MECS, MPBH, SPC, SPMP, CO	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	CEO, CUC, GMDCS, MECS, MPBH	Except Crown Land
s 129	Function of recovering penalties	CEO, CUC, GMDCS, MECS, MFS, MPBH, CO	
s 130(5)	Power to allow person served with an infringement notice further time	CEO, CUC, GMDCS, MECS, MPBH, SPC, SPMP, CO, PLO	
s 149A(1)	Power to refer a matter to the VCAT for determination	CEO, CUC, GMDCS, MECS, MPBH, SPC, SPMP, CO	
s 149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	CEO, CUC, GMDCS, MECS, MPBH, SPC, SPMP, CO	
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs	CEO, GMDCS, MPBH, SPC, SPMP	Where Council is the relevant planning authority

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B) power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)		
s 171(2)(f)	Power to carry out studies and commission reports	CEO, GMDCS, MPBH, SPC, SPMP	
s 171(2)(g)	Power to grant and reserve easements	CEO, GMDCS, MPBH, PCofC, SPC, SPMP	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	CEO, GMCS, GMDCS	Where Council is a development agency specified in an approved infrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	CEO, GMCS, GMDCS	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	CEO, GMCS, GMDCS	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	CEO, GMDCS, GMEI, MPBH, SPC, SPMP	
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	CEO, GMCS, GMDCS, GMEI, MPBH	Where Council is the relevant responsible authority
	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
	Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires that	CEO, GMDCS, MPBH, SPC, SPMP	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	something may not be done without the consent of Council or Responsible Authority		
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, GMDCS, MPBH, SPC, SPMP	
s 178	power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, GMDCS, MPBH, PCofC, SPC, SPMP	
s 178A(1)	Function of receiving application to amend or end an agreement	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PLO	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PLO	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PLO	
s 178A(5)	Power to propose to amend or end an agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 178C(4)	Function of determining how to give notice under s 178C(2)	CEO, GMDCS, MPBH, SPC, SPMP, PLO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, GMDCS, MPBH, SPC, SPMP, PLO	If no objections are made under s 178D  Must consider matters in s 178B
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, GMDCS, MPBH, SPC, SPMP, PLO	If no objections are made under s 178D  Must consider matters in s 178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	If no objections are made under s 178D  Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, GMDCS, MPBH, SPC, SPMP, PLO	After considering objections, submissions and matters in s 178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, GMDCS, MPBH, SPC, SPMP, PLO	After considering objections, submissions and matters in s 178B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	CEO, GMDCS, MPBH, SPC, SPMP, PLO	After considering objections, submissions and matters in s.178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	After considering objections, submissions and matters in s 178B
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	CEO, GMDCS, MPBH, SPC, SPMP, PLO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 179(2)	Duty to make available for inspection copy agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 182	Power to enforce an agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 184G(2)	Duty to comply with a direction of the Tribunal	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 184G(3)	Duty to give notice as directed by the Tribunal	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 198(1)	Function to receive application for planning certificate	N/A	Certificates not issued by Council
s 199(1)	Duty to give planning certificate to applicant	N/A	Certificates not issued by Council
s 201(1)	Function of receiving application for declaration of underlying zoning	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA, PLO	
s 201(3)	Duty to make declaration	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
	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	CEO, CUC, GMDCS, MECS, MPBH, PCofC, SPC, SPMP, CO, PLO	
	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	CEO, GMDCS, MPBH, PCofC, SPC, SPMP, PLO	
	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
	Power to give written authorisation in accordance with a provision of a planning scheme	CEO, GMDCS, MPBH, PCofC, SPC, SPMP, PLO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	CEO, GMDCS, MPBH, SPC, SPMP	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	CEO, GMDCS, MPBH, SPC, SPMP	

Residential Tenancies Act 1997			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 91ZU(1)	Power to give a renter a notice to vacate rented premises	CRS, HPC, MAPD, MFS, MHAC, MPBH, All GMs	Where Council is a public statutory authority engaged in the provision of housing  Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier
s 91ZZC(1)	Power to give a renter a notice to vacate rented premises	CRS, HPC, MAPD, MFS, MHAC, MPBH, All GMs	Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes  Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier
s 91ZZE(1)	Power to give a renter a notice to vacate rented premises	CRS, HPC, MAPD, MFS, MHAC, MPBH, All GMs	Where Council is a public statutory authority engaged in the provision of housing  Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier
s 91ZZE(3)	Power to publish Council's criteria for eligibility for the provision of housing	CRS, HPC, MAPD, MFS, MHAC, MPBH, All GMs	Where Council is a public statutory authority engaged in the provision of housing  Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier



<b>Residential Tenancies Act 1997</b>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 142D	Function of receiving notice regarding an unregistered rooming house	HPC	
s 142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district	EHTO, HPC, HPSO, HPO	
s 142G(2)	Power to enter certain information in the Rooming House Register	EHTO, HPC, HPSO, HPO	
s 142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	EHTO, HPC, HPO	
s 206AZA(2)	Function of receiving written notification	CRS, HPC, MAPD, MFS, MHAC, MPBH, All GMs	Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier
s 207ZE(2)	Function of receiving written notification	CRS, HPC, MAPD, MFS, MHAC, MPBH, All GMs	Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier
s 311A(2)	Function of receiving written notification	CRS, HPC, MAPD, MFS, MHAC, MPBH, All GMs	
s 317ZDA(2)	Function of receiving written notification	HPC, MAPD, MHAC, MPBH, All GMs	
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	HPC, MECS, MPBH	
s 522(1)	Power to give a compliance notice to a person	CRS, CUC, MECS, MFS, MPBH, CO	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	All GMs	
s 525(4)	Duty to issue identity card to authorised officers	All GMs	

<b>Residential Tenancies Act 1997</b>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 526(5)	Duty to keep record of entry by authorised officer under s 526	CRS, CUC, MFS	
s 526A(3)	Function of receiving report of inspection	CRS, CUC, MFS	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CUC, MECS, CO	

<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	GMEI, MAPD	Obtain consent in circumstances specified in s 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	CRS, GMCS, GMEI, MAPD	
s 11(9)(b)	Duty to advise Registrar	CRS, GMCS, GMEI, MAPD	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	CRS, GMEI, MAPD	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	GMEI, MAPD, MSO	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	GMEI, MAPD	Where Council is the coordinating road authority
s 12(4)	Duty to publish, and provide copy, notice of proposed discontinuance	GMEI, MAPD	Power of coordinating road authority where it is the discontinuing body  Unless s 12(11) applies

<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 12(5)	Duty to consider written submissions received within 28 days of notice	GMEI, MAPD	Duty of coordinating road authority where it is the discontinuing body  Unless s 12(11) applies
s 12(6)	Function of hearing a person in support of their written submission	GMEI, MAPD	Function of coordinating road authority where it is the discontinuing body  Unless s 12(11) applies
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	GMEI, MAPD	Duty of coordinating road authority where it is the discontinuing body  Unless s 12(11) applies
s 12(10)	Duty to notify of decision made	GMEI, MAPD	Duty of coordinating road authority where it is the discontinuing body  Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	GMEI, MAPD	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	GMEI, MAPD	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	GMEI	
s 15(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	GMEI	

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	GMEI, MAPD	
s 15(2)	Duty to include details of arrangement in public roads register	GMEI, MAPD	
s 16(7)	Power to enter into an arrangement under s 15	GMEI	
s 16(8)	Duty to enter details of determination in public roads register	GMEI, MAPD	
s 17(2)	Duty to register public road in public roads register	GMEI, MAPD	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	GMEI, MAPD	Where Council is the coordinating road authority
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	GMEI, MAPD	Where Council is the coordinating road authority
s 17(4)	Power to decide that a road is no longer reasonably required for general public use	GMEI	Where Council is the coordinating road authority
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	GMEI, MAPD	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	GMEI	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s 18(3)	Duty to record designation in public roads register	GMEI, MAPD	Where Council is the coordinating road authority
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	GMEI, MAPD	
s 19(4)	Duty to specify details of discontinuance in public roads register	GMEI, MAPD	
s 19(5)	Duty to ensure public roads register is available for public inspection	GMEI, MAPD	

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 21	Function of replying to request for information or advice	GMEI, MAPD	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	GMEI, MAPD	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	GMEI, MAPD	
s 22(5)	Duty to give effect to a direction under s 22	GMEI, MAPD	
s 40(1)	Duty to inspect, maintain and repair a public road.	GMEI, MAPD, MSO	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	GMEI, MAPD	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	GMEI, MAPD, MSO	
s 42(1)	Power to declare a public road as a controlled access road	GMEI	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	GMEI	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	GMEI	Where Council is the coordinating road authority 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	GMEI, MAPD	Where Council is the coordinating road authority If road is a municipal road or part thereof and where road is to be specified a freight road

<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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)	GMEI, MAPD	Where Council is the responsible road authority, infrastructure manager or works manager
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	GMEI, MAPD	
s 49	Power to develop and publish a road management plan	GMEI, MAPD	
s 51	Power to determine standards by incorporating the standards in a road management plan	GMEI, MAPD	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	GMEI, MAPD	
s 54(2)	Duty to give notice of proposal to make a road management plan	GMEI, MAPD	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	GMEI, MAPD	
s 54(6)	Power to amend road management plan	GMEI, MAPD	
s 54(7)	Duty to incorporate the amendments into the road management plan	GMEI, MAPD	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	GMEI, MAPD	
s 63(1)	Power to consent to conduct of works on road	GMEI, MAPD, MSO	Where Council is the 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	GMEI, MAPD, MECS, MEMC, MSO	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	GMEI, MAPD, MSO	Where Council is the infrastructure manager or works manager

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 66(1)	Power to consent to structure etc	CUC, MECS, CO	Where Council is the coordinating road authority
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	CUC, MECS, CO	Where Council is the coordinating road authority
s 67(3)	Power to request information	CUC, MECS, CO	Where Council is the coordinating road authority
s 68(2)	Power to request information	CUC, MECS, CO	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	GMCS, GMDCS, GMEI	
s 72	Duty to issue an identity card to each authorised officer	GMCS, MPC	
s 85	Function of receiving report from authorised officer	GMEI, MAPD, MSO	
s 86	Duty to keep register re s 85 matters	GMEI	
s 87(1)	Function of receiving complaints	GMEI, MAPD, MSO	
s 87(2)	Duty to investigate complaint and provide report	GMEI	
s 112(2)	Power to recover damages in court	GMEI, MAPD, MSO	
s 116	Power to cause or carry out inspection	GMEI, MAPD, MSO	
s 119(2)	Function of consulting with the Head, Transport for Victoria	GMEI, MAPD, MSO	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	GMEI, MAPD, MSO	

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	GMEI	
s 121(1)	Power to enter into an agreement in respect of works	GMEI	
s 122(1)	Power to charge and recover fees	GMEI, MAPD	
s 123(1)	Power to charge for any service	GMEI, MAPD	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	GMEI	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	GMEI	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	GMEI	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	GMEI, MAPD	
sch 2 cl 5	Duty to publish notice of declaration	GMEI	
sch 7 cl 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	GMEI, MAPD	Where Council is the infrastructure manager or works manager
sch 7 cl 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	GMEI, MAPD, MSO	Where Council is the infrastructure manager or works manager
sch 7 cl 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	GMEI, MAPD	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
sch 7 cl 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	GMEI, MAPD, MSO	Where Council is the infrastructure manager or works manager



<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	GMEI, MAPD	Where Council is the infrastructure manager or works manager
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	GMEI	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	GMEI, MAPD	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	GMEI, MAPD	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	GMEI, MAPD, MFS	Where Council is the coordinating road authority
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	GMEI, MAPD, MSO	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	GMEI, MAPD, MSO	Where Council is the coordinating road authority
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	GMEI	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	GMEI, MAPD, MSO	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	GMEI, MAPD, MSO	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	GMEI, MAPD	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	GMEI, MAPD	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	GMEI, MAPD	Where Council is the coordinating road authority
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	GMEI	Where Council is the coordinating road authority

<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
sch 7 cl 18(1)	Power to enter into an agreement	GMEI, MAPD	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	GMEI, MAPD	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	GMEI, MAPD	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	CUC, GMEI, MAPD, CO	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	GMEI, MAPD	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	GMEI, MAPD	Where Council is the responsible road authority
sch 7A cl 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	GMEI, MAPD	Where Council is the responsible road authority
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4	GMEI, MAPD	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

<b>Planning and Environment Regulations 2015</b>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	GMDCS, MPBH, SPC, SPMPD	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.

Planning and Environment Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA, PLO	where Council is the responsible authority
r.25(b)	function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA, PLO	where Council is not the responsible authority but the relevant land is within Council's municipal district
r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	CEO, GMDCS, MPBH, SPC, SPMP	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.

Planning and Environment (Fees) Regulations 2016			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CEO, GMDCS, MPBH, SPC, SPMP	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CEO, GMDCS, MPBH, SPC, SPMP	
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r 19 or 20	CEO, GMDCS, MPBH, SPC, SPMP	

<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020</b>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 7	Function of entering into a written agreement with a caravan park owner	EHTO, HPC, HPO	
r 10	Function of receiving application for registration	EHTO, HPC, HPSO, HPO	
r 11	Function of receiving application for renewal of registration	EHTO, HPC, HPO	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	EHTO, HPC, HPSO, HPO	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHTO, HPC, HPO	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	EHTO, HPC, HPSO, HPO	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHTO, HPC, HPO	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	EHTO, HPC, HPO	
r 12(4) & (5)	Duty to issue certificate of registration	EHTO, HPC, HPSO, HPO	
r 14(1)	Function of receiving notice of transfer of ownership	EHTO, HPC, HPSO, HPO	
r 14(3)	Power to determine where notice of transfer is displayed	EHTO, HPC, HPSO, HPO	
r 15(1)	Duty to transfer registration to new caravan park owner	EHTO, HPC, HPSO, HPO	
r 15(2)	Duty to issue a certificate of transfer of registration	EHTO, HPC, HPSO, HPO	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	EHTO, HPC, HPO	
r 17	Duty to keep register of caravan parks	EHTO, HPC, HPSO, HPO	

<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020</b>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 18(4)	Power to determine where the emergency contact person's details are displayed	EHTO, HPC, HPSO, HPO	
r 18(6)	Power to determine where certain information is displayed	EHTO, HPC, HPSO, HPO	
r 22(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	EHTO, HPC, HPSO, HPO	
r 22(2)	Duty to consult with relevant emergency services agencies	EHTO, HPC, HPO	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	EHTO, HPC, HPSO, HPO	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	EHTO, HPC, HPSO, HPO	
r 25(3)	Duty to consult with relevant floodplain management authority	EHTO, HPC, HPO	
r 26	Duty to have regard to any report of the relevant fire authority	EHTO, HPC, HPO	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	EHTO, HPC, HPSO, HPO	
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	EHTO, HPC, HPSO, HPO	
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	EHTO, HPC, HPSO, HPO	
r 41(4)	Function of receiving installation certificate	EHTO, HPC, HPSO, HPO	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	EHTO, HPC, HPSO, HPO	
sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	EHTO, HPC, HPSO, HPO	

<b>Road Management (General) Regulations 2016</b>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 8(1)	Duty to conduct reviews of road management plan	GMEI	
r 9(2)	Duty to produce written report of review of road management plan and make report available	GMEI	
r 9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	GMEI	Where Council is the coordinating road authority
r.10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	GMEI	
r 13(1)	Duty to publish notice of amendments to road management plan	GMEI	where Council is the coordinating road authority
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	GMEI	
r 16(3)	Power to issue permit	GMEI	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	GMEI	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	GMEI	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	GMEI	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	GMEI	Where Council is the responsible road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	GMEI	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	GMEI	

<b>Road Management (Works and Infrastructure) Regulations 2015</b>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	GMEI	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive whole or part of fee in certain circumstances	GMEI	Where Council is the coordinating road authority

Item: 10.10

**Audit and Risk Committee Minutes - 2 December 2020**

<b>OFFICER</b>	Lyndal McLean
<b>CHIEF EXECUTIVE</b>	Peter Brown
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	1. Audit and Risk Committee Meeting - Minutes - Signed - 2 December 2020 [10.10.1 - 26 pages]
<b>PURPOSE</b>	To receive for information the Colac Otway Shire Audit and Risk Committee minutes dated 2 December 2020.

**RECOMMENDATION**

*That Council receives for information the Colac Otway Shire Audit and Risk Committee minutes dated 2 December 2020.*





**AUDIT AND RISK COMMITTEE MEETING**

**MINUTES**

**Wednesday 2 December 2020**

**at 9:00 am**

**by videoconference**



**COLAC OTWAY SHIRE AUDIT AND RISK COMMITTEE MEETING**

Wednesday 2 December 2020

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## COLAC OTWAY SHIRE AUDIT AND RISK COMMITTEE MEETING

MINUTES of the *AUDIT AND RISK COMMITTEE MEETING OF THE COLAC OTWAY SHIRE* held by videoconference on Wednesday 2 December 2020 at 9:00 am.

### MINUTES

#### **1 DECLARATION OF OPENING OF MEETING**

#### **2 PRESENT**

Mike Said (Chair)

Brian Keane

Richard Trigg

Cr Graham Costin

Cr Stephen Hart

Peter Brown, Chief Executive

Errol Lawrence, General Manager, Corporate Services

Tony McGann, General Manager, Infrastructure & Leisure Services

Ian Seuren, General Manager, Development & Community Services

Tamara Stewart, Acting Manager, Governance

Lyndal McLean, Governance Coordinator

Andrew Zavitsanos (Crowe)

Jason Clissold, Manager, Financial Services

Nick Howard, Finance Coordinator

Ben McLaughlin, Coordinator, Procurement and Tenders

Steven Crawford, Manager, Information Services

Samara Riley, Information Management Coordinator

Marni Young, Risk and OHS Coordinator

Paul Ausitin, Contractor

Madeleine Bisits, Manager, Assets & Project Delivery

Buddhima Edi, Assets Management Coordinator

#### **3 APOLOGIES**

Christopher Kol (McLaren Hunt)

#### **4 DECLARATIONS OF INTEREST**

Nil

5 CONFIRMATION OF MINUTES

- Audit and Risk Committee Meeting held on 14 October 2020.

*RESOLUTION*

*MOVED Brian Keane, SECONDED Cr Stephen Hart*

*That the Audit and Risk Committee confirm the minutes from the Audit and Risk Committee Meeting held on 14 October 2020.*

*CARRIED 5 : 0*

6 BUSINESS ARISING FROM THE PREVIOUS MEETING

Nil



Item: 7.1

**Other: Appointment of Audit and Risk Committee Chairperson**

<b>OFFICER</b>	Maree Powell
<b>GENERAL MANAGER</b>	Errol Lawrence
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	Nil
<b>PURPOSE</b>	The purpose of this report is to recommend appointment of a Chairperson and a Deputy Chairperson of the Audit and Risk Committee.

**RECOMMENDATION**

*That the Audit and Risk Committee recommends the appointment of:*

- ..... *as the Chairperson; and*
- ..... *as the Deputy Chairperson*

*of the Audit and Risk Committee until 1 December 2021.*

The Chief Executive chaired the meeting until the recommended appointment of the Chair was determined.

*The Chief Executive called for nominations for the recommended appointment of the Chair of the Audit and Risk Committee.*

**NOMINATION - Mike Said**

**MOVED Brian Keane, SECONDED Cr Stephen Hart**

*No further nominations were received.*

*Having received no further nominations, the Audit and Risk Committee recommends the appointment of Mike Said as the Chairperson of the Audit and Risk Committee until 1 December 2021.*

Mike Said assumed the chair for the remainder of the meeting.

*The Chair called for nominations for the recommended appointment of the Deputy Chair of the Audit and Risk Committee.*

**NOMINATION - Brian Keane**

**MOVED Mike Said, SECONDED Cr Stephen Hart**

*No further nominations were received.*

*Having received no further nominations, the Audit and Risk Committee recommends the appointment of Brian Keane as the Deputy Chairperson of the Audit and Risk Committee until 1 December 2021.*



**Item: 7.2**

**Organisational Governance: Chief Executive Statement of Compliance**

<b>OFFICER</b>	Peter Brown
<b>CHIEF EXECUTIVE</b>	Peter Brown
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	Nil
<b>PURPOSE</b>	To update the Audit and Risk Committee on compliance matters across the municipality

**RECOMMENDATION**

*That the Audit and Risk Committee notes the Chief Executive Statement of Compliance.*

**ALTERNATIVE MOTION**

*MOVED Brian Keane, SECONDED Cr Graham Costin*

*That the Audit and Risk Committee:*

- 1. notes the Chief Executive Statement of Compliance; and*
- 2. requests that a further update on the Old Beechy Rail Trail be provided to the February 2021 Audit and Risk Committee meeting.*

**CARRIED 5 : 0**





Item: 7.3

**Financial Reporting: Review significant variances between actual and budget**

<b>OFFICER</b>	Nick Howard
<b>GENERAL MANAGER</b>	Errol Lawrence
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. Quarterly Budget Report - 3 Months Ending 30 September 2020 - PDF [7.3.1 - 9 pages]</li><li>2. 2020-21 Financial Statements - September 20 [7.3.2 - 3 pages]</li><li>3. 2020-21 Services Area Report - September 20 [7.3.3 - 9 pages]</li><li>4. 2020-21 Major Initiatives Report - September 20 [7.3.4 - 7 pages]</li><li>5. 2020-21 Capex Report - September 20 [7.3.5 - 6 pages]</li></ol>
<b>PURPOSE</b>	To present the Budget Report for the 3 months ending 30 September 2020

**RESOLUTION**

*MOVED Cr Stephen Hart, SECONDED Richard Trigg*

*That the Audit and Risk Committee notes the attached Budget Report for the 3 months ending 30 September 2020.*

*CARRIED 5 : 0*

Lyndal McLean left the meeting at 9.31am.  
Lyndal McLean returned to the meeting at 9.32am.  
Ben McLaughlin attended the meeting at 9.32am.



**Item: 7.4**

**Internal Control: Policy review - Policies relating to procurement, tenders and contract management**

<b>OFFICER</b>	Ben McLaughlin
<b>GENERAL MANAGER</b>	Errol Lawrence
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. PRO - Procurement Policy - Version 3.3 [7.4.1 - 13 pages]</li><li>2. PRO - Procurement Procedure - Version 1.5 [7.4.2 - 48 pages]</li><li>3. PRO - Contract Management Procedure - Version 1.1 [7.4.3 - 52 pages]</li><li>4. PRO - Template - Contract Management Plan [7.4.4 - 6 pages]</li><li>5. PRO - Template - Contract Performance Report [7.4.5 - 13 pages]</li></ol>
<b>PURPOSE</b>	To provide audit committee the policy and procedure relating to procurement and contract management.

**RECOMMENDATION**

*That the Audit and Risk Committee note the policy and procedure relating to procurement and contract management and the steps undertaken in response to the recent internal audit on contract management.*

**ALTERNATIVE MOTION**

*MOVED Brian Keane, SECONDED Cr Graham Costin*

*That the Audit and Risk Committee:*

- 1. note the policy and procedure relating to procurement and contract management and the steps undertaken in response to the recent internal audit on contract management; and*
- 2. recommend that when the Procurement Policy is reviewed in 2021, the comments made in respect to it at this meeting are taken into consideration*

**CARRIED 5 : 0**

**Steven Crawford attended the meeting at 9.39am.**  
**Samara Riley attended the meeting at 9.39am.**  
**Marni Young attended the meeting at 9.42m.**  
**Ben McLaughlin left the meeting at 9.52am.**



**Item: 7.5**

**Internal Control: Consider the effectiveness of Council's internal control system, including IT security and control and any significant changes to procedures.**

<b>OFFICER</b>	Samara Riley
<b>GENERAL MANAGER</b>	Errol Lawrence
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	1. VPDSF - The Five- Step Action Plan - OVIC [7.5.1 - 9 pages]
<b>PURPOSE</b>	To report on the progress of the effectiveness of Council's internal control system, including IT security and control and report significant changes to procedures.

**RESOLUTION**

*MOVED Cr Stephen Hart, SECONDED Richard Trigg*

*That the Audit and Risk Committee note the Internal Control report on the effectiveness of Council's internal control system.*

*CARRIED 5 : 0*

Samara Riley left the meeting at 9.59am.



Item: 7.6

## Internal Control: Policy Review - Procurement Card Operating Policy and Procedure

<b>OFFICER</b>	Nick Howard
<b>GENERAL MANAGER</b>	Errol Lawrence
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. Corporate Procurement Card Operational Policy [7.6.1 - 4 pages]</li><li>2. Corporate Procurement Card Procedure [7.6.2 - 8 pages]</li><li>3. Corporate Procurement Card Statement of Compliance Form [7.6.3 - 1 page]</li><li>4. Corporate Procurement Card Request Form [7.6.4 - 1 page]</li><li>5. FI N-01 Business Credit Cards 2014 [7.6.5 - 7 pages]</li></ol>
<b>PURPOSE</b>	To present the Corporate Procurement Card Operational Policy & Corporate Procurement Card Procedure for review.

### RECOMMENDATION

*That the Audit and Risk Committee notes and provides feedback on the attached Corporate Procurement Card Operational Policy and Corporate Procurement Card Procedure.*

### ALTERNATIVE MOTION

*MOVED Brian Keane, SECONDED Cr Graham Costin*

*The Audit and Risk Committee notes the attached Corporate Procurement Card Operational Policy and Corporate Procurement Card Procedure.*

*CARRIED 5 : 0*



**Item: 7.7**

**Risk Management: Review Council's insurance program**

<b>OFFICER</b>	Marni Young
<b>GENERAL MANAGER</b>	Errol Lawrence
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	Nil
<b>PURPOSE</b>	This report provides a review of Council's current insurance program.

**RESOLUTION**

*MOVED Cr Stephen Hart, SECONDED Cr Graham Costin*

*That the Audit and Risk Committee receive the Risk Management – Review Council's insurance program report.*

*CARRIED 5 : 0*

Paul Austin attended the meeting at 10.23am.  
Steven Crawford left the meeting at 10.23am.  
Steven Crawford returned to the meeting at 10.25am.  
Marni Young left the meeting at 10.25am.



Item: 7.8

**Risk Management: Review IT Disaster Recovery Plan framework and testing regime including cyber security**

<b>OFFICER</b>	Steven Crawford
<b>GENERAL MANAGER</b>	Errol Lawrence
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	Nil
<b>PURPOSE</b>	Progress Report

**RESOLUTION**

*MOVED Brian Keane, SECONDED Cr Graham Costin*

*That the Audit and Risk Committee note this statement of progress on Business Continuity – Disaster Recovery Planning.*

*CARRIED 5 : 0*

Steven Crawford left the meeting at 10.27am.



Item: 7.9

**Fraud & Corruption Prevention Systems & Controls:  
Review reports on any instances of unethical behaviour,  
fraud and corruption and review actions taken to report any  
such incidents**

<b>OFFICER</b>	Nick Howard
<b>GENERAL MANAGER</b>	Errol Lawrence
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	1. Fraud Control Program - 1 May 2020 - 31 July 2020 [7.9.1 - 2 pages]
<b>PURPOSE</b>	To monitor our internal controls and processes in order to assist in the detection and prevention of fraud.

**RESOLUTION**

*MOVED Cr Stephen Hart, SECONDED Richard Trigg*

*That the Audit and Risk Committee receive the Fraud Control Program Report for the period 1 May 2020 to 31 July 2020.*

*CARRIED 5 : 0*





Item: 7.10

**Internal Audit: Review & approve Internal Audit scopes and progress**

<b>GENERAL MANAGER</b>	Errol Lawrence
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. Draft Memorandum of Audit Planning v2.1 - Tendering Processes [7.10.1 - 4 pages]</li><li>2. Internal Audit Progress Report as at 13 November 2020 - Crowe [7.10.2 - 2 pages]</li><li>3. Curious Eyes - Crowe Publication of Interest - July - September 2020 [7.10.3 - 13 pages]</li></ol>
<b>PURPOSE</b>	To Review and Approve Internal Audit Scopes and Progress

**RESOLUTION**

*MOVED Brian Keane, SECONDED Cr Graham Costin*

*That the Audit and Risk Committee:*

- 1. notes the Internal Audit Progress Report as at 13 November 2020;*
- 2. approves the Memorandum of Audit Plan for the internal audit of the Tendering Processes to be conducted during February to March 2021; and*
- 3. notes receipt of Crowe's publication "Curious Eyes".*

*CARRIED 5 : 0*



**Item: 7.11**

**Internal Audit: Review reports on Internal Audit reviews**

<b>GENERAL MANAGER</b>	Errol Lawrence
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. Internal Audit - Fleet Management Final Report [7.11.1 - 23 pages]</li><li>2. Internal Audit - Payroll Management including data analytics [7.11.2 - 32 pages]</li></ol>
<b>PURPOSE</b>	To present the Fleet Management and Payroll Management internal audit reports to the Audit and Risk Committee.

**RESOLUTION**

*MOVED Cr Stephen Hart, SECONDED Cr Graham Costin*

*That the Audit and Risk Committee receive the Internal Audit Reports for the Fleet Management and the Payroll Management internal audits, noting management comments.*

*CARRIED 5 : 0*



Item: 7.12

**Internal Audit: Review progress by management on open Internal Audit recommendations**

<b>OFFICER</b>	Lyndal McLean
<b>CHIEF EXECUTIVE</b>	Peter Brown
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. Audit Actions Matrix - Actions completed since 13 May 2020 - printed 6 November 2020 [7.12.1 - 16 pages]</li><li>2. Audit Actions Matrix - Incomplete Actions - Audits prior to 2019 - printed 12 November 2020 [7.12.2 - 10 pages]</li><li>3. Audit Actions Matrix - Incomplete Actions - Audits from 2019 - printed 6 November 2020 [7.12.3 - 7 pages]</li></ol>
<b>PURPOSE</b>	To review high and medium risk rating recommendations from previous internal audit reports.

**RESOLUTION**

*MOVED Brian Keane, SECONDED Cr Graham Costin*

*That the Audit and Risk Committee:*

- 1. receives an update on Internal Audit reports of high and medium risk rating recommendations as at November 2020; and*
- 2. notes the removal of the following action from the Audit Actions Matrix due to it being considered to be no longer relevant:*
  - a) Risk Management and Insurance – Finding Number 3.1 - part (d).*

**CARRIED 5 : 0**



Item: 7.13

**Compliance: To review Councils responses to recommendations from the Investigation into corporate credit card misuse at Warrnambool City Council**

<b>OFFICER</b>	Tamara Stewart
<b>GENERAL MANAGER</b>	Peter Brown
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	1. Investigation-into-corporate-credit-card-misuse-at-Warrnambool- City- Council - October 2020 [7.13.1 - 80 pages]
<b>PURPOSE</b>	To review Councils Response to recommendations from the Victorian Ombudsman's report – Investigation into corporate credit card misuse at Warrnambool City Council

**RESOLUTION**

*MOVED Cr Stephen Hart, SECONDED Richard Trigg*

*That the Audit and Risk Committee receive for information the Ombudsman's report into the Investigation into corporate credit card misuse at Warrnambool City Council.*

*CARRIED 5 : 0*



Item: 7.14

**Compliance: Lessons Learnt - Credit Card Misuse**

<b>OFFICER</b>	Nick Howard
<b>GENERAL MANAGER</b>	Errol Lawrence
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	1. Media Release - Credit card deception by former Warrnambool Council Manager [7.14.1 - 3 pages]
<b>PURPOSE</b>	Discussing the lessons learnt from the credit card deception by former Warrnambool Council Manager

**RESOLUTION**

*MOVED Brian Keane, SECONDED Cr Graham Costin*

*That the Audit and Risk Committee notes the content of this report which is provided for information only.*

*CARRIED 5 : 0*

Madeleine Bisits attended the meeting at 11.06am.

Buddhima Edi attended the meeting at 11.07am.

Tamara Stewart left the meeting at 11.07am.

Tamara Stewart returned to the meeting at 11.10am.



**Item: 7.15**

**Other: Building Integrity during times of crisis or emergency  
- a response to COVID-19**

<b>OFFICER</b>	Maree Powell
<b>GENERAL MANAGER</b>	Errol Lawrence
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	Nil
<b>PURPOSE</b>	The purpose of this report is to respond to COVID-19 red flags check list suggested by the Auditor General.

**RESOLUTION**

*MOVED Cr Stephen Hart, SECONDED Richard Trigg*

*That the Audit and Risk Committee acknowledges and notes the responses to the Auditor General's COVID-19 red flag check list.*

*CARRIED 5 : 0*



Item: 7.16

**Other: Asset Management Plans**

<b>OFFICER</b>	Buddhima Edi
<b>GENERAL MANAGER</b>	Tony McGann
<b>DIVISION</b>	Environment & Infrastructure
<b>ATTACHMENTS</b>	Nil
<b>PURPOSE</b>	To provide a progress update on asset planning at COS and next steps.

**RESOLUTION**

*MOVED Brian Keane, SECONDED Cr Graham Costin*

*That the Audit and Risk Committee note the current status of asset planning and the program for further asset management work.*

*CARRIED 5 : 0*

Paul Austin left the meeting at 11.33am.  
Madeleine Bisits left the meeting at 11.33am.  
Buddhima Edi left the meeting at 11.33am.



**Item: 7.17**

**Meeting Schedule: Review Audit Committee Plan**

<b>OFFICER</b>	Lyndal McLean
<b>CHIEF EXECUTIVE</b>	Peter Brown
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. Audit Committee Plan 2020 - printed 30 October 2020 - final [7.17.1 - 2 pages]</li><li>2. Audit &amp; Risk Committee Plan 2021 - printed 30 October 2020 [7.17.2 - 2 pages]</li><li>3. Policy Review Plan - Audit &amp; Risk Committee [7.17.3 - 1 page]</li></ol>
<b>PURPOSE</b>	To review the Audit and Risk Committee Plan

**RESOLUTION**

*MOVED Cr Stephen Hart, SECONDED Richard Trigg*

*That the Audit and Risk Committee notes the updated 2020 Audit Committee Plan.*

*CARRIED 5 : 0*

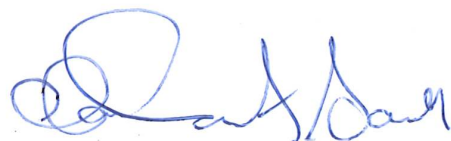


## GENERAL BUSINESS

- Mike Said congratulated Cr Graham Costin and Cr Stephen Hart on their election and welcomed them to the Audit and Risk Committee.
- Reports for future agendas:
  - review of agenda items for the following meeting
  - review of compliance of the transition to the *Local Government Act 2020*

*The meeting was declared closed at 11.41am.*

*CONFIRMED AND SIGNED at the meeting held on 10 February 2020.*



.....CHAIR



## 10.11

### Notice of Motion - Resolution for Municipal Association of Victoria (MAV) State Council regarding Enforcement of noxious weed control

**COUNCILLOR** Cr Stephen Hart

**ATTACHMENTS** Nil

#### 1. COUNCILLOR COMMENT (OPTIONAL)

You need only travel around the municipality at this time of year to see the extent to which noxious weeds have taken hold on some properties. In the south of the Shire ragwort and blackberry is particularly prevalent. In some cases farms that are virtually clean of weeds have properties nearby that are infested with weeds. As well as reducing the productivity of the land for the affected property, this imposes additional costs on the neighbouring property as they have to repeatedly eradicate weeds that result from the seed from infested properties.

A local Progress Association wrote to the State Government about the lack of enforcement of the requirement to control noxious weeds on private property. The reply from the Minister referred the Progress Association to the local Landcare group. Whilst the local Landcare groups do an excellent job working with landowners who want to control their weeds, the real problem is landholders that are taking no action and, in some cases, have ignored weed control for many years. Landcare doesn't have the resources or the legal backing to require landholders to control weeds. That is a role of the State Government Department.

A similar resolution was adopted by Council at the meeting on 28 January 2015. Unfortunately, the lack of enforcement action in relation to controlling noxious weeds has continued to be a problem. Key differences in this resolution are point 3 and point 5. Point 3 requests a meeting with the relevant Minister. Point 5 effectively asks the Mayor and Chief Executive Officer to raise this issue whenever meeting with relevant officials, including candidates for the next State election.

In relation to the Municipal of Association (MAV) resolution (point 4 refers) it is important to recall the unreasonable restriction imposed on resolutions by the MAV at the last State Council meeting. The resolution for the MAV would need to be written in a way that makes it relevant State wide. The intent is to give the Chief Executive Officer sufficient flexibility to word the resolution to accommodate the restrictive way the MAV allows resolutions to be considered.

## 2. OFFICER COMMENT

In response to point 4 of the motion below, the following resolution has been drafted for submission to the Municipal Association of Victoria (MAV) State Council meeting:

Noxious weed control

### Resolution

*That the Municipal Association of Victoria call on the State Government to properly enforce the requirements of the Catchment and Land Protection Act 1994 to control noxious weeds on private land and to also increase the resourcing of weed control on Crown land.*

## 3. NOTICE OF MOTION

TAKE NOTICE that it is my intention to move at the Council Meeting of the Colac Otway Shire to be held on 24 March 2021:

***That Council:***

- 1. Notes that the enforcement of noxious weed control on private land is a State Government Department responsibility;***
- 2. Notes that the lack of effective enforcement and control of noxious weeds over many years has resulted in many rural properties becoming infested with noxious weeds;***
- 3. Requests the Chief Executive to request a meeting with the relevant Minister to discuss Council's concerns;***
- 4. Requests the Chief Executive to prepare an appropriately worded resolution for the Municipal Association of Victoria to consider at their next State Council meeting;***
- 5. Requests that the Chief Executive and / or Mayor raise this issue whenever possible when meeting with State MPs, candidates for the next election in Victoria and/or relevant departmental officials; and***
- 6. Notes that nothing in this resolution is intended to limit the people with whom this issue may be raised.***

## 10.12

### Notice of Motion - Australia Day

<b>COUNCILLOR</b>	Cr Joe McCracken
<b>ATTACHMENTS</b>	Nil

#### 1. COUNCILLOR COMMENT (OPTIONAL)

Colac-Otway Shire does not have an Australia Day event scheduled for 2022 and beyond. This was a decision made in the past, with a view to review the event, and how it can be as inclusive as possible.

The aim of this Notice of Motion is to ensure that this review takes place in a timely manner, and the community are included in shaping how we mark the day and set out a process to move forward to make preparations for 2022 and beyond.

I acknowledge there are different perspectives on the matter.

This is not about cancelling Australia Day. The current way that Australia Day is commemorated and celebrated in Colac-Otway has served us well in the past, recognising citizens who make an outstanding contribution to our community whilst also welcoming new citizens into our community. The intent of this notice of motion is not to diminish this aspect of the day. But could things be done differently?

The Australia Day event should be inclusive of everyone. Regardless of race, gender, ethnicity, sexuality, or any other identity factor. This includes our Aboriginal community. I'd like to see council find a way to ensure our event is as inclusive as possible, including our Indigenous community – but also migrant groups and other diverse parts of our community, and report back with community feedback and suggestions for 2022 and beyond.

#### 2. OFFICER COMMENT

For many years Council has conducted an annual Australia Day celebration inclusive of a range of activities including recognising community citizens through a number of award categories. Typically the celebrations have rotated around the Shire with events held in Colac, Apollo Bay, Beeac, Birregurra and Forrest in recent years.

Council's 2021 Australia Day event received positive feedback from attendees, which were unfortunately somewhat restricted due to COVID19 restrictions. In recent years, Council has reviewed the Australia Day Award categories, but has not conducted a full review with community consultation on all elements of the Australia Day event. It is well understood that our community's views on

Australia Day celebrations are varied and it is important that a review of Council's activities are undertaken. Prior to the 2021 event, officers discussed with Councillors a preference to undertake community consultation on all elements of the Australia Day event and awards during 2021, to ensure any future event aligns with community expectations. It was discussed that this review, including thorough consultation, would occur prior to the commencement of planning for Australia Day 2022.

With the aim of ensuring future Australia Day events are inclusive and encompass the views and preferences of our community, officers have prepared a report for an April 2021 Council briefing session that provides a full background of Australia Day and the Australia Day events conducted by Council. Importantly, the report will discuss opportunities for engagement with our community. It is intended that a decision on the future of Council's Australia Day awards and event would be made at a future Ordinary Council Meeting later in 2021, considering the outcomes of community *consultation*.

### 3. NOTICE OF MOTION

**TAKE NOTICE** that it is my intention to move at the Council Meeting of the Colac Otway Shire to be held on 24 March 2021:

***That Council conducts an independent review of the Australia Day Awards and ceremony including:***

- a) establishing a consultation process that seeks to understand views and perceptions on the current Australia Day event. The review may look at, but is not limited to:***
  - Award categories***
  - Indigenous inclusion***
  - Citizenship ceremonies.***
  
- b) a report to be prepared for the September 2021 Council meeting showing the results of the community consultation, with suggestions for the 2022 Australia Day event and beyond.***

## 10.13

### Notice of Motion - Apollo Bay Streetscape

<b>COUNCILLOR</b>	Cr Joe McCracken
<b>ATTACHMENTS</b>	Nil

#### 1. COUNCILLOR COMMENT (OPTIONAL)

Many local traders and businesses are frustrated by the lack of care shown along one of our premiere shopping strips in Colac-Otway Shire. Collingwood Boulevard in Apollo Bay, which is the Great Ocean Road for a distance, should be a place where traders, tourists and locals can feel proud.

However, due to busy volumes of people this isn't always the case. The footpath often has a build-up of dirt, bubble gum and other unattractive materials which are visually unappealing. This creates a certain amenity – and it can certainly be improved.

This motion seeks to ensure council provides at least two “hard cleans” with appropriate equipment to remove hard-to-get material which builds up on the footpath surface. Ensuring we have a minimum standard for our prime tourist town within the shire is important for traders, tourists and locals as we begin to recover from the COVID-19 pandemic. Given there are significant federal and state incentives to facilitate tourism, Apollo Bay and the Otways is primed to take advantage of this. Council can play its part in supporting our community by providing clean, aesthetically pleasing streetscapes.

#### 2. OFFICER COMMENT

Colac Otway Shire (Services and Operations) as a component of:

*Council Plan item 2.3.1.1*

*Enhance the attractiveness of towns in the Shire for both residents and tourists/visitors*

have developed a program for cleaning the streetscapes of Apollo Bay and Colac; which includes pressure washing of the footpaths twice annually. This activity is undertaken with Council owned equipment and staff.

Timing of cleaning for Apollo Bay is to be scheduled prior to peak tourism periods ie;

1. Pre-Easter, and
2. Early December prior to the tourist influx.

Council on all occasions will advise traders of scheduled works (letter drop) to gain cooperation in the cleaning activities, particularly in relation to the movement of street furniture and to advise of any

noise impact. Council will also advise traders and residents via social media channels of upcoming works and impact.

Services and Operations will report on completed program works via the Councillor Bulletin.

The next scheduled clean for Apollo Bay is Thursday 25 March.

### 3. NOTICE OF MOTION

TAKE NOTICE that it is my intention to move at the Council Meeting of the Colac Otway Shire to be held on 24 March 2021:

***That Council:***

- a) commits to at least a two 'hard cleans' of the Apollo Bay shopping strip footpath over the course of a calendar year; and***
- b) that the community is given reasonable notice of these cleans.***



Item: 10.14

## Report of Informal Meetings of Councillors

<b>OFFICER</b>	Lyndal McLean
<b>CHIEF EXECUTIVE</b>	Peter Brown
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1. Informal Meeting of Councillors Councillor Briefing 18 February 2021 [10.14.1 - 2 pages]</li> <li>2. Informal Meeting of Councillors Community Engagement Discussion 24 February 2021 [10.14.2 - 1 page]</li> <li>3. Informal Meeting of Councillors Council Preparation Meeting 24 February 2021 [10.14.3 - 1 page]</li> <li>4. Informal Meeting of Councillors Councillor Briefing 4 March 2021 [10.14.4 - 2 pages]</li> <li>5. Informal Meeting of Councillors Record City Deals Executive Steering Committee Meeting 9 March 2021 [10.14.5 - 1 page]</li> <li>6. Informal Meeting of Councillors Councillor Briefing 10 March 2021 [10.14.6 - 2 pages]</li> </ol>
<b>PURPOSE</b>	To report the Informal Meetings of Councillors.

### 1. EXECUTIVE SUMMARY

#### INFORMAL MEETINGS OF COUNCILLORS

The Colac Otway Shire Governance Rules require that records of informal meetings of Councillors which meet the following criteria:

*If there is a meeting of Councillors that:*

- *is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;*
- *is attended by at least one member of Council staff; and*
- *is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting*

be tabled at the next convenient meeting of Council and recorded in the minutes of that Council meeting.

All relevant meetings have been recorded and documented, as attached.

## 2. REPORTING

*The Informal Meetings of Councillors are reported herewith:*

- **Councillor Briefing** **18 February 2021**
- **Community Engagement Discussion** **24 February 2021**
- **Council Meeting Preparation** **24 February 2021**
- **Councillor Briefing** **4 March 2021**
- **City Deals Project – Executive Steering Committee** **9 March 2021**
- **Councillor Briefing** **10 March 2021**

## 3. KEY INFORMATION

The following Informal Meetings of Councillors have been held and are attached to this report:

- Councillor Briefing 18 February 2021
- Community Engagement Discussion 24 February 2021
- Council Meeting Preparation 24 February 2021
- Councillor Briefing 4 March 2021
- City Deals Project – Executive Steering Committee 9 March 2021
- Councillor Briefing 10 March 2021

## 4. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.



## Informal Meeting of Councillors Record

### Councillor Briefing

**Date:** 18 February 2021

**Time:** 12:45pm

**Meeting Location:** Meeting Room 1 and 2 COPACC and by videoconference

<b>Invitees:</b>
Cr Jamie Bell, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Margaret White, Peter Brown, Errol Lawrence, Tony McGann, Ian Seuren, Marlo Emmitt
<b>Attendees:</b>
Cr Jamie Bell (videoconference), Cr Graham Costin (videoconference), Cr Kate Hanson, Cr Stephen Hart (videoconference), Cr Chris Potter, Cr Margaret White, Peter Brown, Errol Lawrence, Tony McGann, Ian Seuren, Marlo Emmitt, Melanie Duvé, Nick Howard, Jason Clissold, Paul Carmichael, Lyndal McLean, Doug McNeill, Simon Clarke, Erin Sonogo, James Myatt, Tamzin McLennan, Tony Gullone
<b>External attendees:</b>
Nil
<b>Apologies:</b>
Cr Joe McCracken
<b>Absent:</b>
Nil

**Meeting Commenced at:** 1:00pm

### Declarations of Interest:

Name	Item	Reason
Nil		



<b>Councillor Briefing 18 February 2021 (continued)</b>		
<b>Time</b>	<b>Item</b>	<b>Attendees</b>
1:00pm – 1:10pm	Quarterly Performance Report - October to December 2020	Melanie Duvé Nick Howard
1:10pm – 2:48pm	Introduction to Council Rates	Jason Clissold Paul Carmichael
2:48pm – 3:08pm	Break	
3:08pm – 3:11pm	4.1 Gifts, Benefits and Hospitality Policy Review  Cr Hanson left the meeting at 3:12pm and did not return.	Marlo Emmitt Lyndal McLean
3:11pm – 3:57pm	Affordable & Social Housing Update	Doug McNeill Tamzin McLennan James Myatt
3:57pm – 4:14pm	Lake Colac	Tony Gullone Doug McNeill
4:14pm – 4:26pm	Councillor update from Committee Meetings	
4:26pm – 4:50pm	General Business <ul style="list-style-type: none"> <li>▪ Irwillipe Basin</li> <li>▪ Blue Sky Thinking</li> <li>▪ Apollo Bay Petitions</li> <li>▪ Deliberative Engagement</li> </ul>	Doug McNeill James Myatt
4:50pm	Meeting closed	



## Informal Meeting of Councillors Record

### Community Engagement Discussion

**Date:** 24 February 2021

**Time:** 1:30pm

**Meeting Location:** Meeting Room 1 and 2, COPACC

<b>Invitees:</b>
Cr Jamie Bell, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Margaret White, Peter Brown, Ian Seuren
<b>Attendees:</b>
Cr Jamie Bell, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Margaret White, Peter Brown, Ian Seuren
<b>External attendees:</b>
Nil
<b>Apologies:</b>
Nil
<b>Absent:</b>
Nil

**Meeting Commenced at:** 1:30pm

### Declarations of Interest:

Name	Item	Reason
Nil		

Community Engagement Discussion 24 February 2021		
Time	Item	Attendees
1:30pm – 2:30pm	Community Engagement Discussion	
2:30pm	Meeting closed	



## Informal Meeting of Councillors Record

### Council Meeting Preparation

**Date:** 24 February 2021

**Time:** 2:00pm

**Meeting Location:** Meeting Room 1 and 2, COPACC

<b>Invitees:</b>
Cr Jamie Bell, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Margaret White, Peter Brown, Errol Lawrence, Tony McGann, Ian Seuren, Marlo Emmitt, Lyndal McLean
<b>Attendees:</b>
Cr Jamie Bell, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Margaret White, Peter Brown, Errol Lawrence, Tony McGann, Ian Seuren, Marlo Emmitt, Lyndal McLean, Nick Howard, Frank Castles, Tamzin McLennan, Mark McLennan, Nicole Frampton, James Myatt, Paul Austin
<b>External attendees:</b>
Nil
<b>Apologies:</b>
Nil
<b>Absent:</b>
Nil

**Meeting Commenced at:** 2:35pm

### Declarations of Interest:

Name	Item	Reason
Nil		

Council Meeting Preparation 24 February 2021		
Time	Item	Attendees
2:35pm – 3:42pm	Council Meeting preparation	
3:42pm	Meeting closed	



## Informal Meeting of Councillors Record

### Councillor Briefing

**Date:** 4 March 2021

**Time:** 11:00am

**Meeting Location:** Meeting Room 1 and 2 COPACC and by videoconference

<b>Invitees:</b>
Cr Jamie Bell, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Margaret White, Peter Brown, Errol Lawrence, Tony McGann, Ian Seuren, Marlo Emmitt
<b>Attendees:</b>
Cr Jamie Bell, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart (by videoconference), Cr Joe McCracken (by videoconference), Cr Chris Potter, Cr Margaret White, Peter Brown, Errol Lawrence, Tony McGann, Ian Seuren, Jason Clissold (by videoconference), Marlo Emmitt, Lyndal McLean, Dora Novak, Cameron Duthie, Nicole Frampton, Madeleine Bisits, Mark Robinson
<b>External attendees:</b>
Acting Manager, Freshwater Fisheries - Victoria Fisheries Authority (by videoconference), Reltuc Consulting, Director and Principal Ecologist - Ecology & Infrastructure International
<b>Apologies:</b>
Peter Brown
<b>Absent:</b>
Nil

**Meeting Commenced at:** 11:12am

### Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Nil			



<b>Councillor Briefing 4 March 2021 (continued)</b>		
<b>Time</b>	<b>Item</b>	<b>Attendees</b>
11:12am – 11:28am	Policy Review - 16.4 Guarantee of Community Loans	Jason Clissold
11:28am – 11:34am	Councillor update on Committee Meetings	
11:34am – 11:52am	Council Meeting Processes - en bloc and consent calendar	Marlo Emmitt Lyndal McLean
11:52am – 12:11pm	Resolution for the Municipal Association of Victoria State Council regarding enforcement of noxious weed control  Cr McCracken attended the meeting (by videoconference) at 11:56am.	Dora Novak Cameron Duthie
12:11pm – 12:30pm	Break	
12:30pm – 12:52pm	Releasing Fish into the Lake Update	Acting Manager, Freshwater Fisheries - Victoria Fisheries Authority  Dora Novak
12:52pm – 1:56pm	Governance Evaluator Cr McCracken left the meeting at 12:52pm and did not return.	Reltuc Consulting  Marlo Emmitt
1:56pm – 2:11pm	Break	
2:11pm – 2:15pm	General Business <ul style="list-style-type: none"> <li>▪ Apollo Bay Chamber of Commerce</li> <li>▪ Electric Car Charging Points Apollo Bay</li> </ul>	
2:15pm – 2:43pm	Memorial Square Playspace Project Update	Nicole Frampton Madeleine Bisits
2:43pm – 3:12pm	Grey Headed Flying Foxes Update	Director and Principal Ecologist - Ecology & Infrastructure International  Dora Novak Cameron Duthie Mark Robinson
3:12pm	Meeting closed	





## Informal Meeting of Councillors Record

This form must be completed by the attending Council Officer and the completed form must be provided to [governance@colacotway.vic.gov.au](mailto:governance@colacotway.vic.gov.au) for reporting at the next practicable Council Meeting.

Please refer to Chapter 5 (Disclosure of Conflict of Interest) and Chapter 6 (Informal Meetings of Councillors) of the Governance Rules and the guidelines over page.

**Meeting Details**

**Meeting name:** City Deal Projects COS Executive Steering Committee Meeting

**Date:** 9/03/2021                      **Time:** 11:15 am

**Meeting Location:** Online – Microsoft Teams  
(eg. COPACC; Colac Otway Shire Offices – 2-6 Rae Street, Colac; Shire Offices – Nelson Street, Apollo Bay)

**Matter/s Discussed:** Kennett River Tourism Infrastructure Improvements City Deal, Apollo Bay to Skenes Creek Coastal Trail City Deal, Redevelopment of Apollo Bay Harbour City Deal and Geelong City Deal

(eg. Discussions 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.)

**In Attendance:**

<b>Councillors:</b>
Cr Stephen Hart
<b>Officers:</b>
Peter Brown (COS CE), Errol Lawrence (COS GM Corporate Services), Tony McGann (COS GM Environment & Infrastructure), Ian Seuren (COS GM Development & Community), Marlo Emmit (Manager COS Governance), Frank Castles (City Deals - Project Director), Lisa Healey (City Deals - Administrator & Projects)

**Conflict of Interest Disclosures for Councillors and Officers:** (refer to over page for guidelines)

Name	Type of interest	Left meeting at	Returned to meeting at
Nil			

**Completed by:** Lisa Healey

Updated 24 October 2020



## Informal Meeting of Councillors Record

### Councillor Briefing

**Date:** 10 March 2021

**Time:** 11:00am

**Meeting Location:** Meeting Room 1 and 2 COPACC and by videoconference

<b>Invitees:</b>
Cr Jamie Bell, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Margaret White, Peter Brown, Errol Lawrence, Tony McGann, Ian Seuren, Marlo Emmitt
<b>Attendees:</b>
Cr Jamie Bell, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Margaret White, Peter Brown, Errol Lawrence, Tony McGann, Ian Seuren, Simon Clarke, James Myatt, Mark McLennan (by videoconference), Marlo Emmitt, Timothy Brain (by videoconference), Madeleine Bisits, Tamzin McLennan, Peter Macdonald, Emma Ashton
<b>External attendees:</b>
Representatives of the Forrest & District Community Group
<b>Apologies:</b>
Nil
<b>Absent:</b>
Nil

**Meeting Commenced at:** 10:35am

### Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Cr Graham Costin	General Conflict of Interest	Petition – Traffic Management on Old Coach Road	Signed petition in Feb '20.
Emma Ashton	General Conflict of Interest	Forrest 2030 Plan	I was a co-author of the Forrest Plan > Towards 2030.



<b>Councillor Briefing 10 March 2021 (continued)</b>		
<b>Time</b>	<b>Item</b>	<b>Attendees</b>
10:35am – 10:45am	Petition - Old Coach Road Traffic Management Cr Costin declared a conflict of interest and left the meeting at 10:35am. Cr Bell attended the meeting at 10:39am. Cr Costin returned to the meeting at 10:45am.	Madeleine Bisits Timothy Brain
10:45am – 11:06am	Petition - Surf Avenue, Skenes Creek	Madeleine Bisits Timothy Brain
11:06am – 11:51am	Bruce Street Land Sale Options & Colac Residential Land Update Cr McCracken attended the meeting at 11:13am.	Simon Clarke James Myatt Mark McLennan
11:51am – 11:58am	Review of Mayor and Councillor Allowances	Marlo Emmitt
11:58am – 12:20pm	Break	
12:20pm – 12:33pm	Deliberative Community Engagement	Tamzin McLennan Peter Macdonald Emma Ashton
12:33pm – 12:37pm	Break	
12:37pm – 1:23pm	Forrest 2030 Plan	Representatives of the Forrest & District Community Group  Emma Ashton
1:23pm – 1:28pm	Break	
1:28pm – 4:00pm	Blue Sky Thinking session Cr Bell left the meeting at 3:00pm and did not return.	Peter Brown Marlo Emmitt
4:00pm	Meeting closed	

