



COUNCIL MEETING

AGENDA

Wednesday 29 March 2023

at 4:00 PM

COPACC

95 - 97 Gellibrand Street, Colac

Next Council Meeting: 26 April 2023



COLAC OTWAY SHIRE COUNCIL MEETING

Wednesday 29 March 2023

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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 29 March 2023 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 LEAVE 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 meetings will be live streamed and recorded when the meeting is held either at COPACC or online. This includes the public participation sections of the meetings. When meetings are held in other locations, Council will endeavour to make an audio recording of the meeting for community access. Matters identified as confidential items in the Agenda will not be live streamed or recorded regardless of venue or mode.

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 meetings and to ensure their accuracy. 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.

This meeting will be livestreamed to the public via Council's YouTube channel (search Colac Otway Shire Council at www.youtube.com).

5 QUESTION TIME

A maximum of 30 minutes is allowed for question time. Any person wishing to participate in public question time by videoconference will need to register their intention to do so by contacting the shire prior to 5pm on Monday 27 March 2023. 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. Question time is not a forum for public debate or statements.

1. Questions received in writing prior to the meeting. Written questions must be received by 5pm on Monday 27 March 2023.
2. Questions via videoconference by prior arrangement.
3. Questions from the floor.

6 PETITIONS / JOINT LETTERS

Nil

7 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.

8 CONFIRMATION OF MINUTES

- Council Meeting held on 22 February 2023.

RECOMMENDATION

That Council confirm the minutes of the Council Meeting held on 22 February 2023.

Item: 9.1

Planning Scheme Amendments - Colac West and J Barrys Road

OFFICER	Simon Clarke
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none">1. Proposed Changes to Clause 43.04 Development Plan Overlay - Schedule 2 - Colac West Development Plan Area [9.1.1 - 2 pages]2. Existing Clause 43.04 Development Plan Overlay - J Barrys Road Industrial Area (DPO7) [9.1.2 - 4 pages]3. Proposed Changes to Planning Provisions - J Barrys Road Development Plan Area [9.1.3 - 3 pages]

1. PURPOSE

To inform Council about a planning scheme amendment proposed in Colac and to obtain a resolution to seek authorisation from the Minister to exhibit the amendment.

2. EXECUTIVE SUMMARY

A planning scheme amendment is proposed affecting two parts of Colac. It proposes changes to the existing Development Plan Overlay Schedule (DPO2) in place over the Colac West Development Plan Area, with the objective of providing a higher level of detail of items to be included in a future plan and to include a requirement for a Shared Infrastructure Funding Plan. This will reflect the current work occurring by Council to prepare these plans. The amendment also includes a change to the schedule for the J Barrys Road Industrial Development Plan Area (DPO7) and Design and Development Overlay (DDO1) to provide flexibility in the minimum lot size requirement to align with market interest in industrial lots. This change would assist in the facilitation of development of the land for industrial purposes whilst retaining a requirement for larger lot sizes.

3. RECOMMENDATION

That Council:

- 1. Resolves to seek authorisation from the Minister for Planning to prepare and exhibit a proposed Planning Scheme Amendment as follows:***
 - a) Amend the Development Plan Overlay DPO2 – Future Residential Areas to include specific requirements for the Colac West Development Plan Area, including the need for a Shared Infrastructure Funding Plan.***
 - b) Amend the Development Plan Overlay DPO7 – ‘J Barrys Road, Colac Industrial Area’ and Design and Development Overlay DDO1 to remove the five hectare minimum lot size subdivision requirement and amend the policy references for industrial development at Clause 17.03.1.***
- 2. Authorises Council officers, in consultation with landowners and/or representatives, to make minor changes to the Amendment documentation prior to exhibition.***

4. KEY INFORMATION

Development Plans

Clause 43.04 of the Colac Otway Shire Planning Scheme refers to Development Plan Overlays. The purpose of the Overlay is to identify areas which require the future use and development to be shown on a Development Plan before a permit can be granted to use or develop the land. It ensures coordination of development across boundaries of lots in different ownerships and that the subdivision design reflects preferred planning outcomes. They can be accompanied by Shared Infrastructure Funding Plans (SIFPs) that provide for funding of required infrastructure by landowners where sharing of these costs is appropriate (i.e. allowing a central drainage treatment basin on one property that services other properties, and the cost is shared by the landowners). A development plan also exempts an application from notice if a development plan has been prepared to the satisfaction of the responsible authority.

Colac West Development Plan

A residentially zoned area at Colac West bounded by Lake Colac, Rifle Butts Road, Princes Highway, and existing residential development is subject to Development Plan Overlay DPO2 – Future Residential Areas. This land is to the north and west of the former Colac High School. The purpose of DPO2 is to ensure that subdivision and development of land is conducted in an orderly and coordinated manner.

The Planning scheme states that a Development Plan (DPO2) must address the following requirements:

- Internal road network.
- Public open space.
- Connectivity to other residential land and public open space.
- Diversity of lot sizes and proposed lot density.
- Provision of community facilities.
- Impact of development on flora, fauna, and cultural heritage.

Council has been assisting landowners in Colac West to prepare a development plan over a number of years. Whilst substantial progress has been made in the preparation of the plan, its finalisation is waiting on final decisions concerning the location of a key stormwater drainage facility. Alternative locations for this facility have been explored at the request of two key landowners. This work is ongoing.

There is no requirement in the Planning Scheme to prepare a Shared Infrastructure Funding Plan (SIFP) for the Colac West Development Plan Area. Over the years, Council has been developing the plan with the good faith of the landowners that a SIFP will form part of the development plan even though it is not explicitly set out as a requirement in the planning scheme for DPO2.

It is clear that there are a number of assets within the Colac West Development Plan Area that are key shared infrastructure items that will need to be funded across the Development Plan Area. Council needs to ensure that a SIFP forms part of the schedule to DPO2 to ensure key shared infrastructure is provided in an equitable manner and to collect contributions from those who benefit from the infrastructure and to reimburse those that are affected by the infrastructure or build the infrastructure as works in kind. Without the SIFP being an explicit requirement in the planning scheme Council exposes itself to potential legal challenge and financial risk.

In addition to including the SIFP into the schedule for DPO2 for Colac West, it is proposed to strengthen the requirements of the Development Plan Overlay to include key design elements that are part of the draft development plan that has been prepared to date. This includes:

- the north-south boulevard from Murray Street to the Lake Colac foreshore along the western boundary of the former high school land.
- the east-west extension of Moore St across to Rifle Butts Road.
- a flood free shared pathway along the Lake Colac foreshore.
- a stormwater wetland detention basin to treat run off from the land before it enters Lake Colac.

The draft schedule is included at **Attachment 1**.

J Barrys Road Development Plan

The J Barrys Road Industry 1 zoned land (southeast of the intersection between Forest Street and J Barrys Road, Colac) is subject to Development Plan Overlay – Schedule 7 (DPO7 – J Barrys Road, Colac Industrial Area). The purpose of the DPO7 is, amongst other things, to ensure that the industrial land is developed in a coordinated manner. At present the land is within three ownerships. The requirements of DPO7 are quite extensive and are included at **Attachment 2**.

Over the past couple of years, Council has been preparing a Development Plan for the J Barrys Road Industrial Area utilising funding from the Victorian Planning Authority. Schedule 7 to DPO7 states that the development plan must include the following requirements:

- *The general subdivision layout including location and distribution of lots showing a variety of lot sizes with a minimum size of five hectares. The layout is to maximise solar efficiency to as many lots as possible.*

This reflects a minimum lot size of five hectares specified for all industrial areas of Colac, including this land, affected by the Design and Development Overlay (DDO1).

The original strategic planning intention for the J Barrys Road industrial land was for lots with a minimum size of five hectares to attract industrial development that required a larger footprint than the smaller scale industrial areas elsewhere in Colac, such as Rossmoyne Road and Hugh Murray Drive. It is still intended that the J Barrys Road Industrial Area cater for larger lot sizes. However, a minimum lot size of five hectares is not what the market is seeking. Advice received from the development/real estate industry suggests that there is a competitive market for lots in the one to two hectare and greater range.

The planning scheme needs to be amended to remove the mandatory five-hectare minimum requirement from both the DPO7 and DDO1 planning controls to ensure there is greater flexibility in development options moving forward. The schedules will be amended to build in flexibility to meet market demand while still catering for a mix of lots, including some up to the five-hectare range.

Anecdotally, there has been interest from private companies seeking to secure land for industrial use in the J Barrys Road Industrial Area, but the current five-hectare minimum lot size has proven to be a disincentive.

The proposed amendment to the schedules is included at **Attachment 3**.

5. CONSIDERATIONS

Overarching Governance Principles (s(9)(2) LGA 2020)

The recommendation is consistent with the following overarching governance principles:

- a) Council decisions are made and actions taken in accordance with the relevant law.
- b) Priority is given to achieving best outcomes for the municipal community, including future generations.
- c) The municipal community is engaged in strategic planning and strategic decision-making.

Policies and Relevant Law (s(9)(2)(a) LGA 2020)

The Amendments are being processed in accordance with the provisions of the *Planning and Environment Act 1987* and relevant Ministerial Directions and the Colac Otway Planning Scheme.

Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)

There are no environmental implications arising from the proposed changes.

Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)

All planning scheme amendment documentation will be made publicly available as part of the customary planning scheme amendment process. The community will still be able to make submissions and have them heard by an independent planning panel, should the need arise.

Public Transparency (s58 LGA 2020)

All amendment documentation will be publicly available as part of the exhibition process consistent with the relevant planning legislation.

Alignment to Plans and Strategies

Alignment to Council Plan 2021-2025:

Theme 1 - Strong and Resilient Community

Objective 1: Affordable and available housing will support our growing community and economy

Objective 2: Attract, retain, and grow business in our Shire

Objective 3: Key infrastructure investment supports our economy and liveability

The proposed amendment would support these strategies by promoting effective planning for the Colac West residential area, ensuring that appropriate infrastructure contributions are sought from land developers, and that industrial development is promoted in zoned areas of Colac for this purpose.

Financial Management (s101 *Local Government Act 2020*)

The planning scheme amendment forms part of Council's strategic planning budget and will be managed using Council's planning staff.

Service Performance (s106 *Local Government Act 2020*)

Not applicable.

Risk Assessment

The proposed amendments to the DPO2 Schedule for Colac West will minimise the risk to Council of future legal challenges to the requirements of a Shared Infrastructure Funding Plan implemented for that area.

Communication/Implementation

The amendment request will be formally exhibited for a period of six (6) weeks by way of a notice in the Colac Herald and letters to affected landowners.

Human Rights Charter

No impact.

Officer General or Material Interest

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

Options

Option 1 – Adopt the recommendation

This option is recommended by officers as it will improve the operation of the planning scheme, reduce the risk to Council of challenges by landowners to the Colac West Development Plan and Shared Infrastructure Funding Plan. The amendment would also promote economic development and utilisation of zoned industrial land in Colac.

Option 2 – Adopt the recommendation with amendments

This option is not recommended by officers as other changes might not have the strategic justification of the one that is proposed by officers, and thus have a greater risk of not being supported by the Planning Minister.

Option 3 – Do not adopt the recommendation

This option is not recommended by officers as it will maintain risks associated with not having a requirement for a Shared Infrastructure Funding Plan for the Colac West Development Plan Area in the Planning Scheme provisions, and will not afford a flexible approach to minimum lots size for the J Barry Road Industrial Area as recommended by market experts.

SCHEDULE 2 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO2.

FUTURE RESIDENTIAL AREAS

Insert new clause:

5.0 Additional requirements for Development Plan – Colac West

In addition to the requirements of Clause 4.0, for land bounded by Murray Street, Rifle Butts Road, Stodart Street/Lake Colac, existing residential development to the east, and the former Colac High School – Colac West, the following requirements must be addressed:

- A Shared Infrastructure Funding Plan which guides the delivery of shared infrastructure required for the development plan area, by:
 - Identifying the land parcels which are to be developed and quantifying the area and likely development yield of each parcel.
 - Identifying shared infrastructure required to support development.
 - Identifying the specifications, costs and justification for each item.
 - Apportioning costs to each catchment area in the development plan area and calculating levies payable to ensure delivery of shared infrastructure.
 - Identifying any additional infrastructure items that are to be provided by specific landowners.
 - Describing the mechanisms by which the Shared Infrastructure Funding Plan will be implemented, including collection of levies, delivery of infrastructure, responsibilities for works in-kind and administration of the document (such as indexation).
 - Providing clear principles regarding obligation of developers to deliver and/or facilitate works.
- The Development Plan must include the following features:
 - An east-west extension of Moore Street to connect with Rifle Butts Road.
 - A new north south connector road from the Lake Colac foreshore to Murray Street along the western boundary of the former High School site.
 - A service lane along the Murray Street frontage to provide lot access for lots fronting Murray Street.
 - Maximised road frontage to the Lake Colac foreshore, subject to cultural heritage considerations.
 - Extension of public open space along the edge of Lake Colac that is not susceptible to flood in a 1AEP event, including an extension of the shared pathway along the foreshore, subject to cultural heritage considerations.
 - Provision for future connection of a pedestrian link through residential land to the east to Ross Street.
 - A single stormwater treatment facility to service the development plan area.

The following to be inserted into Clause 3 of the Schedule re Colac West:

Conditions and requirements for permits

A permit for the subdivision of land must include conditions which require the owner(s) of the land to enter into an agreement under section 173 of the Planning & Environment Act 1987. The agreement must provide for infrastructure contributions in accordance with the approved Shared Infrastructure Funding Plan.

20/05/2021
C99cola

SCHEDULE 7 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO7**.

J BARRYS ROAD, COLAC INDUSTRIAL AREA

1.0
20/05/2021
C99cola

Objectives

None specified.

2.0
20/05/2021
C99cola

Requirement before a permit is granted

A permit may be granted for use or to subdivide land or to construct a building or to construct or carry out works that is not in accordance with the incorporated plan.

A permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority for the following:

- Agriculture, and any building or works in association with the use of the land for agricultural purposes.
- Minor extensions, alterations or modification to an existing use or development.

Before granting a permit, the responsible authority must be satisfied that the permit will not prejudice the future use and development of the land in an integrated and orderly manner.

3.0
20/05/2021
C99cola

Conditions and requirements for permits

Application requirements

The following information must be provided with any permit application as appropriate:

- An assessment demonstrating that the proposal is generally in accordance with the approved development plan.
- An Environmental Management Plan showing measures proposed to be applied to the new buildings or works to achieve minimal impact on surrounding residential areas. The Environmental Management Plan must include all monitoring, auditing, reporting and mitigation measures that are relevant to the new use and development of the land.

Conditions for permits

A permit must include conditions or requirements which give effect to the provisions and requirements of the approved Development Plan and the approved Shared Infrastructure Funding Plan which forms part thereof.

4.0
28/07/2021
GC191

Requirements for development plan

One development plan must be prepared for the whole of the land to which this schedule applies.

An approved development plan may be amended to the satisfaction of the responsible authority.

A development plan must include the following requirements, to the satisfaction of the responsible authority:

An Urban Design Masterplan that includes:

- A site analysis.
- The location of all proposed land uses including roads, public open space, drainage reserves, and other known authority reserves.
- The general subdivision layout including location and distribution of lots showing a variety of lot sizes with a minimum size of 5 hectares. The layout is to maximise solar efficiency to as many lots as possible.
- An appropriate interface to rural living lots located to the west of the site, and any areas of proposed open space.

COLAC OTWAY PLANNING SCHEME

- Details of any relevant separation distances from *EPA Publication 1518 Recommended separation distances for industrial residual air emissions (March 2013)* and any proposed land use restrictions and / or uses allowed within the buffer which respect the residential interface.
- Staging of the development of the land and infrastructure requirements needed for each stage.

A Road Network and Transport Management Plan that includes:

- Access to the site from the external road network designed to minimise the amenity impact of vehicle movement on surrounding residential uses.
- An internal road network that provides for a high level of permeability through, and access within the development, for all vehicular and non-vehicular traffic including pedestrians and cyclists and which responds to the topography of the site.
- Identification of upgrades to the external road network to the satisfaction of the responsible authority including:
 - Hearn Street intersection.
 - Forest Street.
- Reference to the requirement of the *Infrastructure Design Manual* and associated Design Notes.
- Provision of footpaths on both sides of all roads.
- Definition of the cross sections, including where relevant, verge widths, naturestrips, kerb and channel, pavement widths and pathways for all identified roads within the development, to meet the traffic needs and be capable of incorporating any drainage elements such as Water Sensitive Urban Design (WSUD).

The Road Network and Transport Management Plan is to address all off-site traffic infrastructure requirements associated with the site to the satisfaction of the responsible authority.

The Road Network and Transport Management Plan must be accompanied by a Road Safety Audit prepared by an appropriately qualified person and must address any safety issues raised by the Audit which arise as a consequence of the development of the land.

An Integrated Water Management Plan that takes an integrated approach to stormwater and drainage management, is designed to reference the whole catchment and includes:

- Reference to:
 - *WSUD Engineering Procedures: Stormwater, CSIRO Publishing, 2005.*
 - *Clause 56.07 of the Colac Otway Planning Scheme.*
 - *The Infrastructure Design Manual and associated Design Notes.*
 - *Colac Stormwater Development Strategy, 2016.*
- A Drainage Feasibility Study which analyses the sub-catchment with appropriate hydrological and hydraulic modelling, to determine urban stormwater management strategies to the satisfaction of the responsible authority. Strategies shall be based on limiting flows and runoff volumes to the downstream drainage system, drainage lines, waterways and water bodies to ensure no adverse impact.
- Details of the management and control of stormwater during the construction phase of the development and contingency measures for floodwater treatment where any flooding occurs prior to the connection of all infrastructure.
- Measures to be incorporated into the design and construction of the drainage basins to discourage mosquito breeding.
- A Water Sensitive Urban Design that:
 - Demonstrates the methods of collection, treatment and disposal of stormwater runoff in an environmentally acceptable manner including as appropriate, provision of detention and water quality treatment.
 - Utilises the MUSIC (Model for Stormwater Improvement Conceptualisation) program to measure the benefits and performance outcomes incorporated into the plan.

COLAC OTWAY PLANNING SCHEME

- Provides for the safe overflows paths for the 1 per cent ARI and considers the impact of the >1 per cent ARI event.

The Integrated Water Management Plan is to address all off-site drainage infrastructure requirements associated with the development of the site to the satisfaction of the responsible authority.

An assessment against any relevant State Environment Protection Policies.

A Biodiversity Assessment which includes the application requirements of Clause 52.17.

An Open Space and Landscape Masterplan that includes:

- A landscape street tree treatment to provide an attractive subdivision, including the provision of canopy trees throughout the site to reduce the visual impact of industrial development when viewed from surrounding land, particularly the elevated land to the south.
- The potential retention of existing trees wherever possible.
- The inclusion of canopy trees within larger allotments.
- A plant species list and proposed location of each species.
- Details of any proposed landscape setback areas at the interface with the road network, adjoining properties, and internal roadways as required.
- The provision of a 20 metre deep landscaped strip along the southern and western boundaries.
- Details of any proposed areas of open space.
- Reference to *Colac Otway Public Open Space Strategy, October 2011*.

A Lighting Report that identifies:

- Nearby land uses which may be sensitive to lighting impacts.
- Requirements for external lighting of buildings, car parks and accessways, and street lights.
- Relevant lighting guidelines and framework for future detailed lighting design.

A Services Report that details how physical infrastructure will be provided to all lots and any external upgrades which may be required.

A Shared Infrastructure Funding Plan which guides the delivery of shared infrastructure in the development plan area by:

- Identifying the land parcels which are to be developed and quantifying the area and likely development yield of each parcel.
- Identifying shared infrastructure required to support development.
- Identifying the specifications, costs and justification for each item.
- Apportioning costs to each catchment area in the development plan area, and calculating levies payable to ensure delivery of shared infrastructure.
- Identifying any additional infrastructure items that are to be provided by specific landowners.
- Describing the mechanisms by which the Shared Infrastructure Funding Plan will be implemented, including collection of levies, delivery of infrastructure, responsibilities for works in-kind and administration of the document (such as indexation).
- Provides clear principles regarding obligation of developers to deliver and/or facilitate works.

An Acoustic Report which identifies:

- Existing noise sources, noise levels and noise attenuation mechanisms.
- Possible sensitive land uses / noise receptors surrounding the land.

COLAC OTWAY PLANNING SCHEME

- Possible future proposed noise sources and impacts.
- Parameters for future acoustic mitigation works, including any relevant State Environment Protection Policies or guidelines.
- Noise management frameworks.

A Construction Management Plan specifying measures to:

- Protect any significant vegetation on the site.
- Minimise the impact of construction on neighbouring properties and uses.
- Protect Council assets, including access roads.
- Manage the removal, stockpiling, resspreading and/or disposal of soil.

Before approving a development plan, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate, the views of the EPA, Head, Transport for Victoria, Barwon Water and the Corangamite Catchment Management Authority.

J Barrys Road Development Plan Area

Revised policy and Schedule

17.03-1L Industrial development in Colac

Objective

- To support industrial opportunities and protect the ongoing viability of Colac's industrial businesses by ensuring they are appropriately located and clear of encroachment by sensitive uses.

Strategies

- Accommodate new industrial land as identified in the Colac Framework Plan to Clause 02.04 and facilitate coordinated development through the use of a Precinct Structure Plan or equivalent planning control.
- Ensure that an adequate supply of large allotments (greater than 5 hectares) are available for industrial development.
- Discourage industrial development adjacent to Lake Colac on land that is not zoned industrial.
- Encourage industrial development in Colac's eastern industrial areas for a diverse range of light to general industrial activities.
- ~~Ensure sufficient supply of land for large scale industrial development.~~ (delete)
- Provide land within the J Barrys Road Industrial Precinct to cater for large scale industry. (insert)

Policy guidelines

Consider as relevant:

- ~~Discouraging further subdivision of land below 5 hectares in Colac's eastern industrial areas.~~ (delete)
- Support industrial subdivisions that provide for a range of lot sizes in Colac's eastern region, with a focus on lots of 1-2ha and lots over 5ha in area. (insert)

Schedule 7 to Clause 43.04 Development Plan Overlay - J Barrys Road, Colac Industrial Area

.....

4.0

Requirements for development plan

One development plan must be prepared for the whole of the land to which this schedule applies.

An approved development plan may be amended to the satisfaction of the responsible authority.

A development plan must include the following requirements, to the satisfaction of the responsible authority:

An Urban Design Masterplan that includes:

- A site analysis.
- The location of all proposed land uses including roads, public open space, drainage reserves, and other known authority reserves.
- The general subdivision layout including location and distribution of lots showing a variety of lot sizes ranging from 4000m² to lots over 5 hectares in area, with the bulk of the land set aside for larger industrial lots. (insert) The layout is to maximise solar efficiency to as many lots as possible.
- An appropriate interface to rural living lots located to the west of the site, and any areas of proposed open space.

.....

**Design and Development Overlay
Revised Policy & Schedule**

SCHEDULE 1 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on Planning Scheme map at DDO1.

COLAC INDUSTRIAL AREAS

Amended Clause:

3.0 Subdivision

~~All lots should have a minimum area of 5 hectares.~~ (delete)

Lots should be no less than a minimum area of 4000m². (insert)

Item: 9.2

Affordable Housing Provision - Areas being rezoned Residential in Colac

OFFICER	Simon Clarke
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

1. PURPOSE

To provide a degree of flexibility in the provision of social and affordable housing in the new residential estates proposed as part of the current planning scheme amendments in Colac.

2. EXECUTIVE SUMMARY

Through the course of assessing the Bakerland Planning Scheme Amendment in Colac, the proponent has expressed an interest in piloting an affordable rental housing scheme directed toward key and essential workers for Colac's workforce. A Council resolution in June 2022 relating to exhibition of two planning amendments for residential rezoning at Elliminyt requested that officers negotiate the provision of social housing within these developments however, it is considered desirable that a wider variety of affordable accommodation options be considered.

In order to provide a degree of flexibility in on-going discussions with the amendment proponents about the pilot program, a new resolution is needed to allow alternatives to be further considered. Were Council to support this approach, it would still remain an objective to achieve increased social housing.

3. RECOMMENDATION

That Council:

- 1. Notes the resolution of 15 June 2022 (agenda item 7.1), which requested that the Planning Minister, through the Department of Environment, Land, Water and Planning negotiates the provision of social housing within new residential development facilitated by Amendments C120cola and C122cola, in accordance with the Colac Otway Shire Social Housing Plan and that social housing outcomes agreed with the proponents are incorporated prior to finalisation of the Amendments.***
- 2. Acknowledges that affordable key worker housing and/or similar low-cost community housing can form part of negotiations with the proponents of current residential planning scheme amendments in Colac, alongside efforts to seek the provision of social housing, in meeting the outcomes sought by Council's resolution in June 2022.***
- 3. Authorises the Chief Executive Officer to negotiate appropriate outcomes for social and/or affordable housing in the planning scheme amendment processes.***

4. KEY INFORMATION

Council resolved to adopt the Colac Otway Social Housing Plan at its meeting in August 2021. One component of the plan is to negotiate the inclusion of social housing in new private developments where rezoning and planning approvals add value to land. A benchmark of 4.7 per cent of new lots to be secured for social housing was established for the purposes of discussion around any potential new green-field site development.

A number of Council resolutions through the course of late 2021 and 2022 have made reference to Planning Scheme Amendments in Colac. The most recent Council resolution (Unscheduled meeting on 15 June 2022) provides for three Colac based planning scheme amendments to be referred to the Department of Transport and Planning (DTP) Development Facilitation Team for processing. The full resolution is set out below:

"That Council:

- 1. Refers the following priority projects to the Department of Environment, Land, Water and Planning's Development Facilitation Program for accelerated assessment and determination:***
 - a) Hillview Planning Scheme Amendment C122cola.***
 - b) Irrewillipe Road (Bakerland) Planning Scheme Amendment C120cola.***
 - c) Flood Overlay Amendment to facilitate assessment of Planning Permit PP105/2016-1 (130-154 Sinclair Street, Colac).***
- 2. Advises the Planning Minister that this resolution is made on the basis that Council requires a Shared Infrastructure Planning plan to be prepared and agreed with the proponents of Amendments C122cola and C120cola before finalisation of both amendments.***

- 3. *Requests that the Planning Minister through the Department of Environment Land Water and Planning negotiates the provision of social housing within new residential development facilitated by Amendments C120cola and C122cola, in accordance with the Colac Otway Shire Social Housing Plan and that social housing outcomes agreed with the proponents are incorporated prior to finalisation of the amendment.***

In officer discussions concerning the potential for social housing to be included in the current Bakerland rezoning amendment, the proponent has put forward an option that would pilot an affordable rental housing program directed at key and essential workers. The approach would be to establish a Not for Profit group with key industry groups as members. Under this approach the developer would supply titled, serviced land to the Not for Profit group at no cost, with the intention that the group would fund the construction of dwellings for worker accommodation for employees of the participating businesses/organisations. Under the proposal, buildings would utilise local industry supplies/materials and labour with capital sourced from contributions from industries, third party lenders and government grants.

It is anticipated that in the vicinity of 12 lots would be delivered for affordable housing via the Bakerland Planning Scheme Amendment. Under the current resolution, Council would be seeking these to be supplied for social housing, and for the land to be transferred to a registered association for construction and management of the housing.

If Council is to consider an alternative to social housing (i.e. other affordable housing for low-income workers), it will need to establish a new resolution to ensure that a flexible approach can be taken. Amending the resolution will also ensure that the same approach can be taken for the Hillview Planning Scheme amendment, if requested.

5. CONSIDERATIONS

Overarching Governance Principles (s(9)(2) LGA 2020)

The provision of social or affordable housing in new residential development will significantly benefit the Colac community. The proposal is to widen the range of affordable housing outcomes that are considered and negotiated with amendment proponents.

Policies and Relevant Law (s(9)(2)(a) LGA 2020)

The amendments are being processed in accordance with the *Planning and Environment Act 1987* and relevant Ministerial Directions. Council is unable to mandate provision of social or affordable housing through planning applications but retains an opportunity to negotiate these outcomes at the rezoning stage.

Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)

There are no adverse environmental implications arising from this report. The broadening of affordable housing options to be considered in new residential subdivision would have positive social implications.

Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)

There is no community engagement planned in relation to this issue. The adopted Social Housing Policy provides direction for negotiation with developers on social housing outcomes. Broadening this consideration to affordable housing does not have significant implications for the community.

Public Transparency (s58 LGA 2020)

This report seeks to transparently seek a change to the Council resolution concerning social and affordable housing in new development.

Alignment to Plans and Strategies

Alignment to Council Plan 2021-2025:

Theme 1 - Strong and Resilient Community

Objective 1: Affordable and available housing will support our growing community and economy

Objective 5: Grow the Colac Otway Shire's permanent population by at least 1.5%

The Social Housing Plan and Barwon South West Key and Essential Worker Housing reports both document the need for social housing and affordable housing for key workers in Colac. Negotiating provision of land through new subdivision for such development will be consistent with the policy directions of these reports.

Financial Management (s101 Local Government Act 2020)

There are no financial implications arising from this report.

Service Performance (s106 Local Government Act 2020)

There are no implications for Council service delivery arising from this report.

Risk Assessment

There is no risk identified.

Communication/Implementation

The community will be made aware of the outcome of Council's decision.

Human Rights Charter

No impact.

Officer General or Material Interest

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

Options

Option 1 - Adopt the resolution

This option is recommended by officers as it will provide a degree of flexibility in the provision of affordable housing in Colac, including social housing. It is still considered important to achieve some social housing outcomes, but the resolution proposed will enable an alternative option to be considered that achieves low cost housing for workers.

Option 2 - Do not adopt the resolution

This option is not recommended by officers as it will not enable the consideration of alternative low-cost community housing provision in Colac as part of the current planning scheme amendments. The lack of key worker housing in Colac has been identified through the 'Key and Essential Worker Housing Study', and there is merit in exploring options that deliver both social housing and affordable housing for workers.

Item: 9.3

Barwon South West Climate Alliance Membership

OFFICER	Doug McNeill
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none">1. Barwon South West Climate Alliance Action Plan 2023 [9.3.1 - 10 pages]2. BSWCA Update on Status of Initiatives - March 2023 [9.3.2 - 8 pages]

1. PURPOSE

To provide an update to Council about the work of the Barwon South West Climate Alliance (BSWCA) and seek a resolution concerning future membership of the Alliance beyond the 2022-23 financial year.

2. EXECUTIVE SUMMARY

Council resolved to join as a member of the Barwon South West Climate Alliance in 2022 for the 2022-23 financial year and resolved that Council consider future membership of the Alliance no later than May 2022.

Council has since worked with Alliance partners to prepare an Annual Plan for 2023 and shape the priorities of the group. Ongoing BSWCA membership beyond the 2022-23 financial year would enable Council to collaborate closely with other councils and agencies in the region to facilitate and progress projects and initiatives aimed at mitigating the impacts of climate change.

Other climate alliances in Victoria that have operated for longer periods have demonstrated the significant cost benefits of achieving climate change action in collaboration with others. Officers recommend that Council renews its membership for at least a further three years, which is the minimum commitment required to maintain membership.

3. RECOMMENDATION

That Council continues its membership of the Barwon South West Climate Alliance beyond the 2022-23 financial year.

4. KEY INFORMATION

Greenhouse and Climate Alliances are formal partnerships of local governments driving climate change action across 70 of Victoria's municipalities. The Alliances work across their networks, communities and partners to deliver regional mitigation and adaptation programs. This includes the implementation of joint initiatives that provide economies of scale and enable projects typically beyond the reach of individual councils. Notably, they are able to access and leverage large pools of funding that help their region to reduce emissions, increase efficiency and deliver savings to members and their communities. Project work is complemented by targeted advocacy, capacity building activities and regional partnerships. There are nine climate alliances in Victoria, collectively called the Victorian Greenhouse Alliances.

The Barwon South West Climate Alliance (BSWCA) was formed in response to the regional Climate Resilient Communities Project which concluded in 2018. Ten Barwon South West (BSW) local government and agency partners expressed interest in continuing to work together under the banner of the Victorian Greenhouse Alliances. The Department of Environment, Land, Water and Planning (now DEECA) provided \$120,000 in funding to support the establishment of an alliance in the region.

Council formally joined the BSWCA on 1 July 2022 for the 2022-23 financial year with the following resolution passed at the 27 April 2022 Council Meeting:

“That Council:

- 1. Notes Council’s request on 25 August 2021 to investigate pursuing regional climate change priorities through or with G21.***
- 2. Notes that G21 has been contacted and will not be undertaking such a role.***
- 3. Resolves to become a paid member of the Barwon South West Climate Alliance for one year, the 2022-23 financial year.***
- 4. Allocates funds in Council’s 2022-23 Budget for the related membership fee.***
- 5. Requests that the Chief Executive Officer bring a report to Council no later than May 2023 to report on what the Barwon South West Climate Alliance has achieved to date and to decide whether Council will continue to be a paid member beyond 30 June 2023.”***

The BSWCA is self-funded through membership fees and opportunities for grant funding. The membership fee for Council is \$15,000 annually. Although there is this up-front cost, membership enables cost savings to Council through increased efficiencies and joint projects. An Alliance Coordinator/Executive Officer is available to assist with funding applications, project planning, management, and delivery. Joint projects can deliver savings related to electricity and gas consumption costs and emission offsetting costs.

There are many examples of significant savings and benefits to climate/greenhouse alliance members in other parts of Victoria. Being a member of the BSWCA enables Council to have access to resources, knowledge, and shared service provision that would otherwise not be available to an individual Council. It also improves service performance and delivery by increased purchasing power, economies of scale and collaborative project management and delivery.

A recent independent Impact Evaluation of two existing alliances, the Central Victorian Greenhouse Alliance and Eastern Alliance for Greenhouse Action, showed that the ratio between benefits and membership fees was 21:1 and 7:1 respectively. This represents significant leverage on the investment to be made by councils through their annual membership and any project specific budget allocations which are made.

Status of Work by the Alliance

The Alliance is only recently founded and still in the process of development. The Annual Plan developed late in 2022 (see attached) establishes nine priority areas for focus in the next twelve months, including development of a more comprehensive three-year action plan. Importantly for Council, a number of its areas of priority have been included in the annual plan, including transition to electric vehicles (EV), more energy efficient street lighting, and a scheme for locally based carbon offsetting of emissions. The Alliance is currently establishing working groups for these priority areas where further work will occur to progress relevant initiatives. As noted above, Council has commenced a collaborative project with other councils in the Alliance to develop a Fleet Transition Plan. This Plan is expected to be completed mid-year and provide direction on actions Council can take over future years to reduce emissions related to its light and heavy fleet. It will focus Council investment in this area and facilitate reduced annual carbon emissions.

Attached is a summary of the work that has been undertaken by the Alliance through this financial year.

5. CONSIDERATIONS

Overarching Governance Principles (s(9)(2) LGA 2020)

Membership of the Alliance is consistent with principles of the Local Government Act by collaborating with other councils and like organisations to achieve climate change outcomes cost effectively for the community.

Policies and Relevant Law (s(9)(2)(a) LGA 2020)

The *Local Government Act 2020* mandates the consideration of climate change risk in Council decision-making processes. Several of the overarching governance principles create obligations for councils, including:

- *Under 9(2)(b)* Councils are required to give priority to achieving the best outcomes for the municipal community, including future generations.
- *Under 9(2)(c)* Councils are required to promote the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks.
- *Under 9(2)(h)* Regional, state, and national plans and policies are to be taken into account during Council's strategic planning.

Council has its own policies concerning climate change (i.e. its Carbon Neutral Plan), including that Council reduce its emissions to zero, and significant progress has been made to date in this regard. There are still residual emissions to be removed from Council's operations including from its heavy plant and light fleet. The Climate Alliance provides opportunities for Council to meet its legislative obligations and policy objectives by collaborating with other agencies and local governments and is a cost effective option for Council to further reduce its carbon emissions.

Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020

Continued membership and support of the BSWCA will demonstrate Council's commitment to leadership and to mitigate and plan for climate change risks, with consideration for the economic, social and environmental sustainability of the municipality and region. Collaboration and leadership opportunities include:

1. Opportunities for collaborative procurement (i.e., street lighting, EV chargers), energy monitoring systems, policy development, etc.) - One good example of this benefiting Colac Otway Shire to date is the recent collaborative procurement of Fleet Transition Plans together with Golden Plains and Warrnambool councils. Council's contribution of \$25,000 is significantly less than the project cost to Council if undertaking this as a stand-alone project. The shared project will also ensure councils are taking a consistent approach and sharing knowledge in development of EV transition plans.
2. Networking, knowledge sharing and training opportunities in areas that Council would not be able to resource directly.
3. Advocacy for climate leadership at a regional, state and national level. Colac Otway Shire, via its membership of the Alliance has advocated on several topics including for a state-wide effort to improve building standards for sustainability, and more co-ordinated action to support higher take-up of electric vehicles.
4. Opportunity to lead large-scale action on climate change, as has been demonstrated by other Victorian Climate/Greenhouse Alliances (i.e. 'Lighting the Regions'; VECO; Electricity Distribution Price Review Project; and the 'Charging the Regions' initiative) - Colac Otway Shire joined VECO on 1 July 2022 and has signed up to a long-term contract with Red Energy for renewable power. VECO is the largest emissions reduction project by local government to date resulting in substantial savings on 100% clean and renewable electricity for all of Council's electricity needs and consumption.

Above all, engagement in the Alliance allows for opportunities to reduce emissions and transition to net zero at a lower cost. Maintaining a carbon neutral claim is a financial challenge but the burden could be reduced via exploring regional carbon offset projects through this alliance which has been identified as a priority project in the Annual Plan. Regional understandings of climate risk and access to data and shared communications can also help better predict and manage environmental risks for the community.

Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)

Over the years, extensive community consultation has revealed strong interest in environmental issues. Considerable engagement occurred during the development of the Environment Strategy in 2010, which led to the setting of the Carbon Neutral Target which was achieved by Council in 2020-21. In February 2020, a petition containing 3,249 signatures was submitted, calling on Council to acknowledge a Climate Emergency.

Community support for environmental issues has once again been highly evident during the Colac Otway Community Vision 2050 and Council Plan 2021-2025 community engagement process, demonstrating that the local community remains strongly supportive of tackling climate change and addressing a wide range of environmental concerns. The Community Vision 2050 survey revealed that the top priority for Colac Otway communities for Council to address is *'our environment and concerns for living sustainably'*.

The survey also posed the question: *'By 2050, to protect our environment and address future climate challenges, what would you like to see?'* The three most common responses were - 'planning for resilience', 'advocate for renewables', and 'reduce waste to landfill'.

Further, the survey sought feedback relating to the Public Health and Wellbeing Plan. The community was asked to select three areas they would most like to see Council focus on. Tackling climate change and its impact on health was one of the three top responses. Actions relating to this priority have been embedded in Council's Health and Wellbeing Plan and the current Council Plan.

In addition, recent engagement and consultation to inform Council's new Environmental Sustainability Strategy (currently being drafted) and Climate Change Action Plan (also currently in development) showed strong community and stakeholder support for strong collaborative action to tackle the impacts of climate change and specifically to Council's membership of and participation in the BSWCA.

Public Transparency (s58 LGA 2020)

Council's continued membership of the BSWCA and involvement in regional projects will be communicated to our community, including sharing knowledge and opportunities to help them respond to our changing climate, through a media release, social media and promotion on Council's website.

Alignment to Plans and Strategies

Alignment to Council Plan 2021-2025:

Theme 2 - Valuing the Natural and Built Environment

Objective 1: We mitigate impacts to people and property arising from climate change

Objective 2: We operate sustainably with a reduced carbon footprint

Objective 3: Protect and enhance the natural environment

Financial Management (s101 Local Government Act 2020)

Membership to the BSWCA will incur an annual fee of \$15,000. Additional in-kind costs would be incurred for officer time relating to Alliance meetings, annual forum attendance (if one is organised) and project related work by officers. These costs will be covered within existing salary budgets and minimised where possible by utilising flexible on-line delivery/attendance options.

These costs are expected to be mitigated via the resources provided by the Alliance, allowing increased efficiency of efforts to reduce climate change impacts and a reduced workload through joint projects and access to funding to deliver Alliance projects.

Service Performance (s106 Local Government Act 2020)

As a member of the BSWCA Council has access to resources, knowledge and shared service provision that would otherwise not be available to an individual Council. It also improves service performance and delivery by increased purchasing power, economies of scale and collaborative project management and delivery.

Risk Assessment

There is a risk that if Council resolves not to continue as a member of the Alliance, it will not achieve as much success in delivering climate change mitigation and adaptation action than would otherwise occur through the collaborative work of the Alliance.

Communication/Implementation

The Council's resolution will be communicated to the Alliance and publicised in the media.

Human Rights Charter

There is no impact of this membership arising from the Human Rights Charter.

Officer General or Material Interest

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

Options

Option 1 – Support on-going membership of the Alliance

This option is recommended by officers as it would enable Council to collaborate closely with other councils and agencies in the region to facilitate and progress projects and initiatives aimed at mitigating the impacts of climate change. Other climate alliances in Victoria that have operated for longer periods have demonstrated the significant cost benefits of achieving climate change action in collaboration with others.

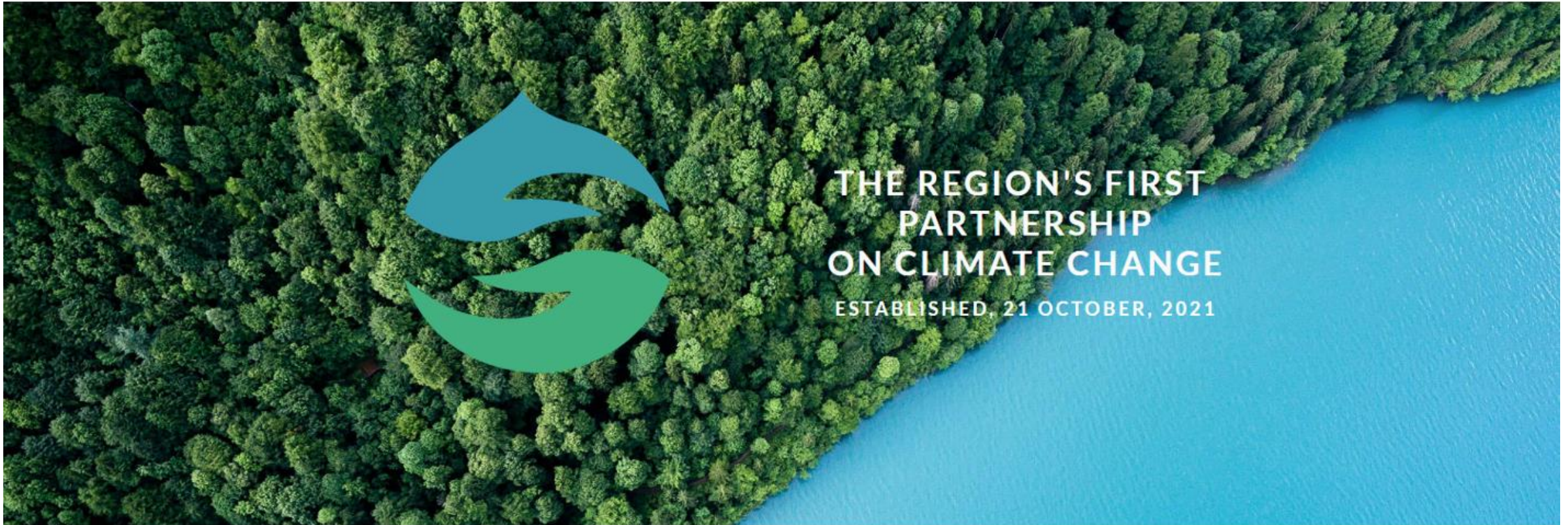
Option 2 – Support ongoing membership of the Alliance for a three year period, to be reviewed again at the end of that time.

This option is not recommended by officers but remains an option for Councillors. A minimum commitment of three years will be required for Council given the need for Alliance participants to sign a three-year Memorandum of Understanding for membership. This commitment allows certainty for engagement of an Executive Officer to support the work of the Alliance, and for the Alliance to commence projects and seek grant funding. If this option were chosen, officers would seek a further resolution after three years to review the membership.

Option 3 – Not support future participation in the Alliance.

This option is not recommended by officers as Council would not position itself to make use of the collaborative partnership with other councils and agencies in the region. The Council Plan contains a range of strategies and commitments to address climate change, and Alliance membership provides a pathway for this to be achieved with best results for the community at a reduced cost to ratepayers.

BARWON SOUTH-WEST CLIMATE ALLIANCE



INAUGURAL ACTION PLAN 2023



BARWON SOUTH WEST CLIMATE ALLIANCE INAUGURAL ACTION PLAN 2023

VERSION: FINAL

APPROVED BY EXECUTIVE COMMITTEE 7/12/22

Agenda - Council Meeting - 29 March 2023

WE AIM TO MEET THESE FOUR PURPOSES

COLLABORATE TO ACHIEVE A NET ZERO EMISSIONS REGION

WORK TOGETHER ON PROJECTS, ADVOCACY AND KNOWLEDGE SHARING TO MITIGATE AND ADAPT TO THE IMPACTS OF CLIMATE CHANGE

HELP BUILD CLIMATE-INFORMED, ACTIVE COMMUNITIES

ENABLE A THRIVING AND LIVEABLE CLIMATE-RESILIENT REGION



THIS ACTION PLAN WAS DEVELOPED COLLABORATIVELY BY MEMBERS:

- SMALL WORKING GROUP AND LARGE MEMBER MEETINGS DEVELOPED A LONG LIST OF PROJECTS AND ACTIVITIES FOR THE BSWCA
- A SHORT LIST OF PRIORITIES FOR 2023 WAS IDENTIFIED AND REFINED
- THIS CREATED THE BASIS FOR THIS INAUGURAL ACTION PLAN
- THE INAUGURAL ACTION PLAN WAS APPROVED BY THE BSWCA EXECUTIVE COMMITTEE ON 7 DECEMBER 2022 AS OUR GUIDING PLAN FOR THE 2023 CALENDAR YEAR

THIS INAUGURAL ACTION PLAN IS THE FIRST
STEP TOWARDS
OUR THREE YEAR STRATEGIC PLAN

IT IDENTIFIES THE NINE PRIORITY PROJECTS
AND TEN KEY GOVERNANCE/CORPORATE
ACTIONS FOR 2023

PRIORITY PROJECTS AND ACTIONS WITH
LONGER TIME FRAMES WILL CARRY
FORWARD AND BE INCLUDED IN THE
UPCOMING THREE YEAR STRATEGIC PLAN

2023 PRIORITY PROJECTS AND ACTIONS



CARBON OFFSETTING
PROGRAM



MAJOR ROADS
LED LIGHTING



REGIONAL
EV TRANSITION



VICTORIAN CLIMATE
RESILIENT COUNCILS:
ADAPTIVE CAPACITY
TO STORMS AND
HEATWAVES



CLIMATE & HEALTH
FORUM



CLIMATE CHANGE
ADVOCACY



CLIMATE
CAPACITY BUILDING
FOR MEMBERS



BSWCA
THREE YEAR
STRATEGIC PLAN



COMMUNITY
RESOURCES

ACTION PLAN PROJECT PRIORITIES



Develop a carbon offset program in the Barwon South West, to enable regional offset purchasing for members

Responsibility
CCMA

Support

GHCMA, Working Group, All Members, Exec Officer



Key Tasks

Establish Working Group

Include project in Three Year Strategic Plan

Design and Test Program Feasibility and Governance Framework



Timing

Jan 2023

Q1 – Q4 2023

Q2 - Q4 2023



Resources

No BSWCA funding need atm. May require future external funding



Transition streetlights on Major Roads to LED

Responsibility
Exec Officer (initial)

Support

Working Group, Practitioner Network, Exec Officer



Key Tasks

EO to survey members for interest

Establish a Working Group to develop and implement project (incl selecting project lead)

Include project in Three Year Strategic Plan



Timing

Q1 2023

Q1 2023

Q1 – Q4 2023



Resources

TBC. Each Council is likely to need to contribute for their own Major Roads



Continue and expand work on EV transition for the Barwon South West region

Responsibility
Golden Plains Shire – EV fleet transition RFQ
Sub-project leads tbc

Support

Surf Coast Shire, Working Group, Exec Officer as needed



Key Tasks

Establish Working Group

Develop EV transition plan including leads for sub-projects

Start exploring joint procurement with GP Shire's fleet transition RFQ

Include project/s in Three Year Strategic Plan



Timing

Jan 2023

Q1 - Q3 2023 (tbc)

Q1 2023

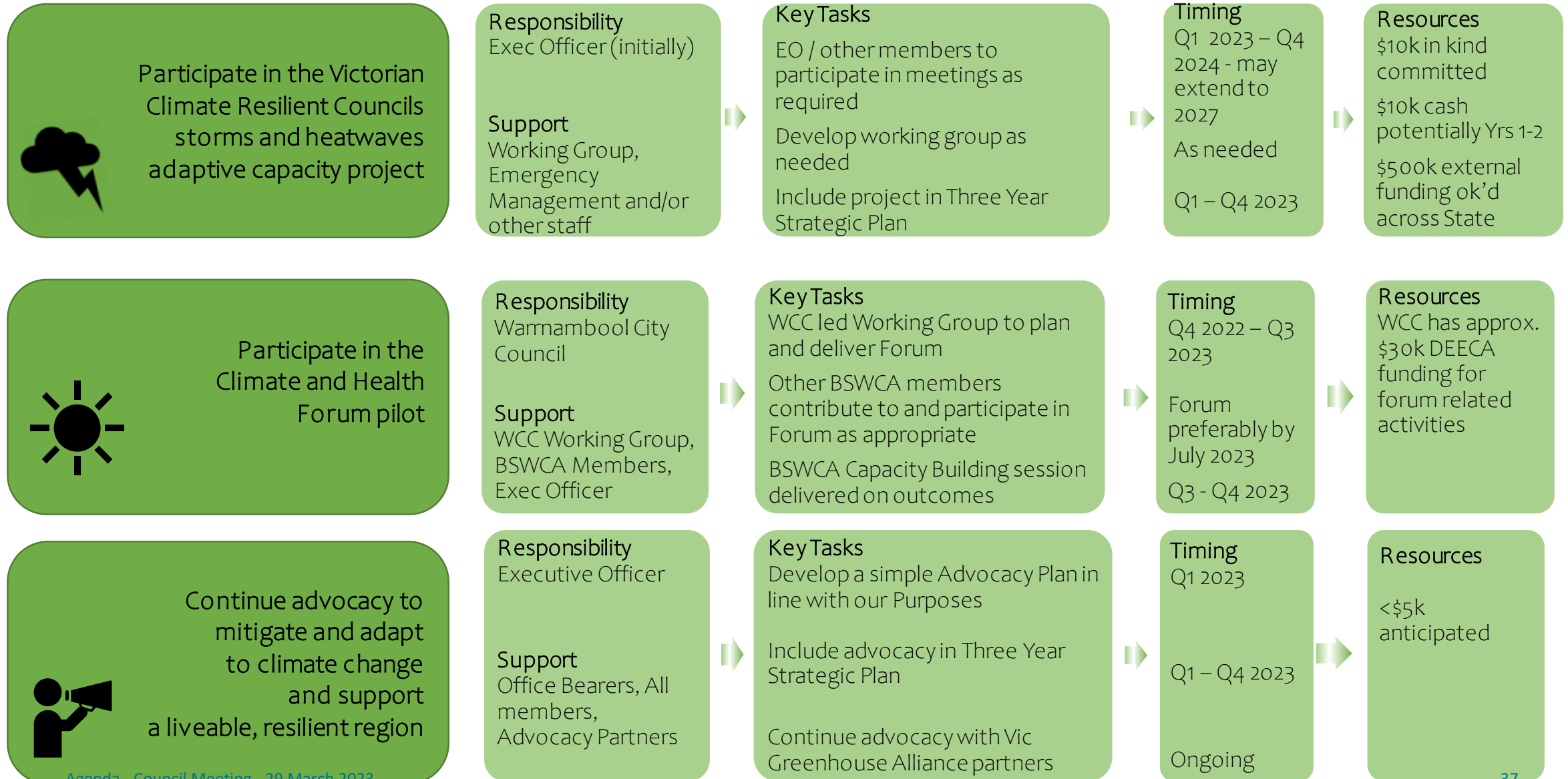
Q1 – Q4 2023



Resources

TBC as project/s are developed and mature

ACTION PLAN PROJECT PRIORITIES



ACTION PLAN PROJECT PRIORITIES



KEY GOVERNANCE AND OTHER CORPORATE PRIORITIES FOR 2023

POLICY & PROCESS
DEVELOPMENT

CHARITY/DEDUCTIBLE GIFT
RECIPIENT INVESTIGATION

ANNUAL REPORTING TO
COMMUNITY AFFAIRS
VICTORIA

VICTORIAN ENERGY
COLLABORATION PROJECT
STEERING GROUP

FUNDING OPPORTUNITIES

GOOD GOVERNANCE ESTABLISHED

COMMONWEALTH GAMES
OPPORTUNITIES

REVIEW AND AMENDMENT OF
BSWCA RULES

FUTURE SECURITY OF THE
BSWCA

VICTORIAN GREENHOUSE
ALLIANCE PARTNERSHIPS

KEY GOVERNANCE AND OTHER
PRIORITIES ARE CRITICAL FOR THE
BSWCA TO ESTABLISH
A HEALTHY AND ROBUST BASIS
IN ITS EARLY YEARS OF OPERATION

THESE PRIORITIES WILL ASSIST THE
BSWCA EXECUTIVE TO ENSURE
ALL LEGAL REQUIREMENTS ARE MET

AND

THEY WILL HELP ENSURE A STRONG
FOUNDATION FOR A RESILIENT CLIMATE
ALLIANCE FOR THE
BARWON SOUTH WEST REGION

ACTION PLAN IMPLEMENTATION

COORDINATION

PROJECT WORKING GROUPS WILL BE ESTABLISHED AS THE FIRST STEP FOR PROJECT DELIVERY

CONTINUITY

THE THREE YEAR STRATEGIC PLAN WILL BEGIN TO BE DEVELOPED RECOGNISING:

- THIS ACTION PLAN AS THE INITIAL BASIS FOR THE THREE YEAR STRATEGIC PLAN
- PROJECTS REFERRED TO IT FROM THIS ACTION PLAN
- THE ROLE OF THE THREE YEAR STRATEGIC PLAN IN CONTINUITY FOR THE BSWCA AND ITS MEMBERS

COMMITMENT

ONGOING PROJECTS, ADVOCACY, WORK WITH VICTORIAN GREENHOUSE ALLIANCE AND VECO WILL CONTINUE

SECURITY

A CRITICAL NEXT STEP IS TO ENSURE ONGOING SECURITY FOR BSWCA MEMBERS

REVIEW

THE THREE YEAR STRATEGIC PLAN WILL INCLUDE REVIEW FOR THIS ACTION PLAN AND BEYOND

Barwon South West Climate Alliance Update – March 2023

This update provides a snapshot of activities of projects of the Barwon South West Climate Alliance (BSWCA) to date and commitments for 2023. Significant info on the Action Plan Projects including outlines is provided. If further information is required, please contact the Executive Officer [REDACTED]

GOVERNANCE

Update on New Office Bearers

Position	Current Office Bearers	Prior Office Bearers, all commencing Oct 2021
Chair	[REDACTED] Barwon Water	[REDACTED] Golden Plains Shire until Oct 2022
Deputy Chair	[REDACTED] CCMA	[REDACTED] CCMA, until present
Treasurer	[REDACTED] Colac Otway Shire	[REDACTED] Warrnambool City Council, until Dec 2022
Secretary	[REDACTED] Surf Coast Shire	[REDACTED], Warrnambool City Council, until Sept 2022

Update on New Memberships 2022-2023

- Colac Otway Shire and Moyne Shire were welcomed to the BSWCA when they re-/joined during this period.
- Early discussions and meetings underway with other Council in the SW region re: 2023-2024 membership.
- Initial interest expressed from a non-council organisation.

Inaugural Annual General Meeting

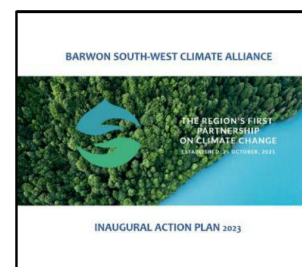
The first AGM for the BSWCA is scheduled at 10:15am for a 10:30am start on Wednesday 29 March, 2023 at Colac Otway Performing Arts & Cultural Centre. We are looking forward to meeting with members face to face.

For more information contact: [REDACTED]

INAUGURAL ACTION PLAN 2023

The inaugural BSWCA Action Plan 2023, is now developed. It identifies nine agreed Priority Projects for the BSWCA to progress during 2023, with some Priority Projects recognised as continuing beyond 2023.¹ Priority Projects are:

- ❖ Barwon South West Regional Carbon Offsetting Program* (\$45k State Govt funding to date)
- ❖ Major Roads LED Lighting Project*
- ❖ Regional Electric Vehicle Transition Project*
- ❖ Victorian Climate Resilient Councils: Storms and Heatwaves Project* (\$500k funding to date)
- ❖ Climate and Health Forum (\$50k funding)
- ❖ Climate Change Advocacy*
- ❖ Climate Capacity Building
- ❖ BSWCA Three Year Strategic Plan
- ❖ Community Resources



For a copy of the Action Plan please contact: [REDACTED]

Barwon South West Regional Carbon Offsetting Program (\$45k external funding to date)



PROJECT OUTLINE: This project will largely benefit BSWCA Council members, but non-Council members will be actively involved. This project will collaboratively establish a natural-resources based carbon offsets and purchasing program in the Barwon South West (land/soil/waterways/ dams) enabling BSWCA member organisations – particularly Council members – to purchase affordable and local carbon offsets. The program will invest locally, improve natural resources and provide potential opportunities to community members for further business development. An expected outcome is that the project will assist Councils to have lower expenditure on offsets.

¹ Asterisked* projects are identified as continuing beyond 2023 and will be included in the Three Year Strategic Plan.

Barwon South West Climate Alliance Update – March 2023

PROJECT UPDATE:

- Phase 1 of Project is near completion - finalising the development of the carbon emissions and offsets evidence base, (including carbon storage/sequestration, carbon release etc).
- A tool called FlintPRO has been used for this work, refined to meet the Barwon South West requirements. We now understand FlintPRO is to become the State Government's preferred tool across Victoria. This positions the BSWCA well in relation to leadership in the use of this tool and development of offset projects.
- Metropolitan Councils are eager to participate in offset in Victoria's Regions, however, this project prioritises BSWCA member Councils, to ensure they can participate in the opportunities for potential avoided/lessened expenditure and improved local, regional and community benefits.
- Initial planning has begun for the next Phases of the project.

The BSWCA is currently accepting EOIs from member organisations who are interested in participating in regional offsets development and purchase, with a focus on multiple local outcomes and cheaper offset prices.

Major Roads LED Lighting Project



PROJECT OUTLINE: This is a BSWCA Council member focussed project. This project aims to changeover major road lighting to LED, reducing ongoing costs to Councils and decreasing greenhouse emissions. As responsibility for these major roads is shared with VicRoads, this project requires Vic Roads financial contribution. Councils have worked on this independently for some time with no success – with Councils like Colac Otway Shire indicating they are ready to contribute their 50% of the cost, but VicRoads consistently refusing to move forward on this. This project represents BSWCA member Councils as a united, regional body. At a later stage, BSWCA may work

with the other Victorian Greenhouse Alliances on this, however our initial focus is to have commitment for VicRoads to fund LED changeovers with BSWCA member Councils. A successful project outcome would be for 50% joint funding (or more) to be contributed by VicRoads to upgrade lighting to LED on major roads and highways within a 12 – 24 month period.

PROJECT UPDATE: This project is just beginning as a BSWCA project. The BSWCA is currently accepting EOIs from member organisations who are interested in participating in the Steering Committee/Working Group for this project, with the potential for a Council Project Lead.

Regional EV Transition



PROJECT OUTLINE: This project will largely benefit BSWCA Council members. It will collaboratively plan for, develop and implement projects that support the Barwon South West to transition away from reliance on fossil fuelled vehicles, to electric vehicles (EVs). There will be a number of sub-projects under the EV Transition project umbrella.

These are planned to include:

- Fleet organisational needs – fleet transition plans: heavy vs light fleet vehicles; employee salary packaged / leased vehicles
- Regional Charger Network – mapping / need / analysis / installation process streamlining / responsibility
- Community EV issues
- Develop agreed BSWCA position on role of Councils vs State Government or the market in bearing the cost burden of EV public chargers / land siting / maintenance/ decommissioning etc
- Advocacy for State/Federal leadership and funding
- Potential EV Bulk buy program – investment savings on EV's for BSWCA members (particularly Councils)

PROJECT UPDATE: An RFQ for Fleet Policy Transition for Councils has now closed and the successful consultant appointed. Inception meeting to commence in late Feb/early March. Golden Plains Shire is the sub-project lead, working with Colac Otway Shire and Warrnambool City Council.

Barwon South West Climate Alliance Update – March 2023

The BSWCA is currently accepting EOIs from member organisations to establish sub-projects on Regional EV Transition, work collaboratively to identify critical mechanisms, develop business cases and jointly identify BSWCA funding priorities and opportunities.

Victorian Climate Resilient Councils: Storms and Heatwaves Project (\$500k funding to date)



PROJECT OUTLINE: This project is open to BSWCA Council members. This project will investigate and improve Council's emergency management capacity to adapt and respond to climate change impacts around storms and heat. It will focus on working with Council Emergency Management/ Municipal Emergency Responders, Risk Officers and Sustainability Officers, to build upon and realign existing tools to ensure Councils are adequately prepared, so that climate change impacts on Emergency responses and planning, are identified now, preparation is undertaken and funding is sought.

BSWCA Council members have the opportunity to participate in this project and benefit from its outcomes, due to our membership of the Victorian Greenhouse Alliances (VGA). Led by the Western Alliance for Greenhouse Action (WAGA) this five-year project is currently funded for \$500k² for Phase 1 (initial two years).

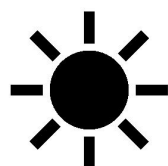
PROJECT UPDATE: There is opportunity for Councils to participate in this project at the 'ground floor' as it has just commenced. The Project Steering Group (PSC), which includes BSWCA, met for the first time in mid-February and is developing the detailed Project Plan and other critical elements of Project Governance etc at the moment.

The Project Steering Group will shortly be accepting EOIs from BSWCA member Councils to participate in this \$500k state-wide project. No Council funding contribution is required, but commitment to meaningful participation in the project is critical. Involvement of the relevant Emergency Management/Risk Officer and/or Environment/Sustainability Team Member recommended.

BSWCA Councils are strongly encouraged to consider the potential to participate.

For further information see: [Victorian Climate Resilient Councils](#)

Climate and Health Forum – Health in a Changing Climate Forum (\$50k funding)³



PROJECT OUTLINE: This project is open to all BSWCA members, but has particular relevance for member Councils. The Health in a Changing Climate Forum is being led by Warrnambool City Council, to develop a pilot forum for BSWCA members on climate and health. Its focus is on how human health and wellbeing being is fundamentally dependent on the health of the natural world. The forum will identify regional changes in climate and future projections, priority impacts and mitigation and adaptation work underway.

PROJECT UPDATE: There is now opportunity for all BSWCA members to participate in this project in a range of ways. Members may join the Project Working Group – ongoing or ad hoc – or provide input via the BSWCA Executive Officer. All BSWCA members are invited to attend the Forum and all members will receive a briefing on the Forum development, outputs and evaluation at a BSWCA members meeting by June 2023.

The Health in a Changing Climate Forum is being held 25th May 2023.

For more information contact: [REDACTED]

² \$500k is comprised of \$250k external funding, \$250k funding from other Victorian Greenhouse Alliances. BSWCA has contributed in-kind time, with no financial contribution.

³ \$50k is comprised of \$30k external funding for BSWCA establishment and \$20k from Warrnambool City Council.

Barwon South West Climate Alliance Update – March 2023

Climate Change Advocacy



PROJECT OUTLINE: This project acts on behalf of all BSWCA members. Climate Change Advocacy is a key priority project for the BSWCA that directly addresses our Purposes outlined in our Incorporated Association Rules. A significant amount of advocacy has occurred since the Executive Officer has begun work with the Alliance in July 2022, in partnership with the Victorian Greenhouse Alliances via submissions, but also active campaigns. Advocacy in the past 6 months includes:

Planning for a Safe Climate Advocacy – Phase 1

This advocacy work benefits BSWCA Council members, particularly Council members. The Victorian Greenhouse Alliances(VGA) with the Council Alliance for a Sustainable Built Environment (CASBE)⁴ commissioned an award-winning research report: [Climate Change and Planning in Victoria – Ensuring Victoria’s planning system effectively tackles climate change](#). The report outlines critical areas for improvement and the VGA and CASBE are advocating strongly on behalf of Council members for changes to the planning system to address climate requirements⁵. Our key asks are:

- to ensure that climate change is considered at all levels of the Planning Process, and that the Planning and Environment Act and the Climate Change Act both reflect these requirements.
- the introduction of minimum climate change standards
- science-based targets for high level policy to align the planning system to up to date science
- that Planning Scheme amendments and the Planning Framework include assessments against relevant climate change considerations

Phase 1 was rolled out prior to the 2022 State Election. Multiple meetings were held with Ministers, Ministerial Staff, Cross benchers, back benchers and relevant other Departmental representatives. Phase 2 planning is commencing.

Find out more about the program and our four key asks [here](#).

Federal Electric Vehicle Strategy Advocacy

This advocacy work has benefits for all BSWCA members. This collaborative submission from the Victorian Greenhouse Alliances responded to the consultation by the Federal Department of Infrastructure, Transport, Regional Development and Local Government, to ensure reduced carbon emissions and improved climate outcomes by shifting from fossil fuelled vehicles, to renewable powered electric. Our key asks centred on the need for:

- A national target for when all new vehicles sold will be zero emissions
- Improved Australian vehicle fuel efficiency standards to meet international jurisdictions
- Geographic and social equity, including national accessibility standards, to ensure a coordinated transition to EVs
- A National network charging and refuelling strategy
- A strategic mix of grid management approaches to ensure grid capacity
- Use of government purchasing power to drive the market and transition government fleet to electric
- Road user charges adjusted to ensure a fair distribution of revenue to local government
- A national transport emissions reduction strategy
- National programs to upskill workers to transition to EV industry
- A circular economy policy and product stewardship scheme to manage waste from EVs and their infrastructure

For more information, see our Electric Vehicle Strategy submission [here](#).

⁴ CASBE is an association of Victorian councils committed to ensuring future generations can enjoy a sustainable built environment. They work for broad-scale positive change to Victoria’s built environment, through collaborative, local government led action.

⁵ Note – this is a separate piece of work from the Building ESD requirements into the Planning System that CASBE and many Councils have been pursuing for many years. Both projects are running concurrently.

Barwon South West Climate Alliance Update – Quarter 1, 2023

Independent Review of Australian Carbon Credit Units Advocacy

This advocacy work has benefits for all BSWCA members. In this response to the Independent Review of Australian Carbon Credit Units (ACCU), we partnered again with others in the Victorian Greenhouse Alliances which responded to the consultation by the Federal Department of Climate Change, Energy, the Environment and Water. Key recommendations we made were:

- The cost of ACCUs is four times that of Gold Standard offsets – create an equitable long term voluntary marketplace, with short-term inequities removed
- Create accessible opportunities for regional Australia and decrease barriers to market
- Encourage a more diverse range of offset projects to unlock new opportunities for carbon abatement
- Ensure the additionality of emission reductions from voluntary action taken in related schemes
- Improve market guidance across standards and programs
- Ensure co-benefits are incentivised and recognised in offsets
- Climate Active to not impose minimum ACCU requirements on organisations seeking carbon neutral certification.

For more information, see a copy of our ACCU submission [here](#).

Advocacy on the National Inquiry into the Implications of Severe Weather Events on Roads and Road Networks

This advocacy work has benefits for all BSWCA members, particularly Council members. Our submission, along with other members of the Victorian Greenhouse Alliances, was based on the experience from the impact of severe weather events on regional and rural roadsides, bridges, signage, culverts, drains, remnant vegetation and cultural heritage. A single extreme event over a few days can have multiple harmful impacts to vast areas of the road network and affect the safety, wellbeing and finances of communities, regional business and government for many months and years - and as Councils manage 87% of Victorian roads with around 10% of council's income⁶ dedicated to road maintenance, this has quite significant impacts for BSWCA Council members.

Our recommendations focussed chiefly on improved federal government funding to Councils including capital funding to improve road systems impacted by extreme weather and proactive funding to support modern predictive road maintenance technologies and staff training. We recommended federal support for councils to incorporate severe weather and long term climate change impacts into future planning as 'business as usual' - including planning for cost offsets and a large scale industry shift to use recycled and/or low climate impact materials in road making and federal leadership in this and for the above to be supplemented by formal creation of regional training and skills-based networks to support these outcomes.

For more information contact [REDACTED]

Advocacy on the Safeguard Mechanisms

This advocacy work has benefits for all BSWCA members. Our submission to the Federal Government, on the Consultation on the proposed design and draft amendments to the Safeguard Rule and related subordinate legislation was a collaboration with other members of the Victorian Greenhouse Alliances. It drew on [our submission](#) to the Victorian Government's review of the state's interim carbon emissions targets and our response to the [Independent Review of Australian Carbon Credit Units](#). Recommendations made in our submission included to:

- set baselines to achieve carbon emissions reductions in line with climate science
- support industry to prepare for the investment decisions that will be needed
- project emission limits out to 2035 – 2040 for greater investment certainty for businesses in our communities
- require genuine carbon emissions reductions before enabling offsets
- stimulate low carbon business practices and incentivise energy efficiency
- use a whole of economy approach, protecting emission reductions in our communities and their businesses being undermined by emissions of others
- reduce industrial emissions in high polluting sectors as a more cost effective and equitable approach

⁶ The percentage of income councils dedicate to road maintenance may vary from this approximation.

Barwon South West Climate Alliance Update – March 2023

- increase market participation in the creation of new carbon offsets
- provide businesses like small agri-businesses and councils and other sectors opportunities to participate in the local ACCU market.

For a copy of the submission, contact [REDACTED]

Advocacy for a Climate Positive and Environmentally Sustainable Commonwealth Games

This advocacy work has benefits for all BSWCA members. Advocacy is underway for a Climate Positive 2026 Commonwealth Games (which will be held in our region, as well as other regional areas across the State). Letters have been sent to the Minister for Commonwealth Games Delivery, the Minister for Commonwealth Games Legacy, the CEO of the Commonwealth Games Organising Committee and the Minister for Climate Action and the Minister for the Environment.

There are over thirty recommendations that the BSWCA, alongside other Regional Victorian Greenhouse Alliances are proposing in our letters, but the overarching message is that the Games must be climate positive and environmentally sustainable and that to reduce the emissions from the Games and deliver lasting benefits to climate and communities, climate positive principles and targets must be embedded at all key decision points throughout the event lifecycle. High level recommendations, which underpin the 30+ recommendations are for:

- Climate Positive Commonwealth Games - building on other models such as Birmingham and Brisbane Olympic Games, establishing a carbon budget, engaging with all levels of government, industry and communities, avoiding use of fossil fuels etc
- Environmentally Sustainable Development embedded in all elements of the Games, including in Athletes Villages, sporting facilities, ensuring climate-adapted planting increases biodiversity for both flora and fauna, protecting impact on waterways/waterbodies, low/zero carbon building materials etc
- Sustainable Transport and Zero/low Emissions Transport opportunities to be developed and encouraged, as transport will be a key form of carbon emissions for getting to the Games themselves, but also to support tourism in regional Victorian, strategic investment in electric vehicle charging points throughout the region, improved and increased public transport opportunities/options, sustainable transport in regional centres – bikes, walking paths etc
- Zero Waste Games to support the work that councils are doing on waste reduction, education, waste management and waste disposal, as well as supporting local government by investing and fast-tracking development of appropriate waste and recycling processing facilities for the regions, limiting waste generation, high level of waste reduction education etc

To date the letters have resulted in:

- An initial meeting with [REDACTED] for the Commonwealth Games
- An indication of interest from [REDACTED] Commonwealth Games Organising Committee for further discussion
- An invitation to the Regional Victoria 2026 Engagement Forums with the Organising Committee

Advocacy work is continuing.

For a copy of the letter, contact [REDACTED]

Climate Change Capacity Building



PROJECT OUTLINE: This project will benefit all BSWCA members and will build the capacity of members to address climate change adaptation, mitigation and regional issues, through shared knowledge, information and resources. It will also be built through participating as an organisation in wider events, drawing on the advice of experts and through other appropriate means.

PROJECT UPDATE: In 2023, forums, workshops, conference participation and information sharing are expected to be the key modes used to build capacity of members. Three climate change capacity building events are earmarked to date, with others anticipated. The three events are:

Barwon South West Climate Alliance Update – March 2023

1. The first session for 2023, will be delivered by the CCMA on Carbon Offsetting (March-April 2023)
2. Warrnambool City Council will deliver a session on the Climate and Health Forum development and outcomes (June 2023 tentatively)
3. The BSWCA (via the Exec Officer) is currently co-organising the Victorian Greenhouse Alliances Conference as a member of the Project Steering Committee and BSWCA members are invited to facilitate conference sessions, deliver presentations and/or coordinate conference workshops. The conference is relevant for Councillors, Boards, Executives, Officers and Staff and will be held on Friday 4 August 2023.

Further events are to be developed by the Capacity Building Working Group, **and the BSWCA is currently accepting EOIs for participation in the Working Group.**

For more information on the VGA Conference or any of the capacity building events, contact: [REDACTED]

BSWCA Three Year Strategic Plan

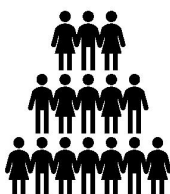


PROJECT OUTLINE: This project will benefit all BSWCA members and will see the development of the inaugural Three Year Strategic Plan. The Strategic Plan's focus is to position the BSWCA well to deliver outcomes for members over the three year period. It will build on and extend the 2023 Action Plan – carrying forward long term projects, further strengthening and developing the work of the BSWCA and giving clarity on its future activities and direction. External organisations/experts may be engaged, consulted, invited to participate in the Strategic Plan sessions to assist in its development.

PROJECT UPDATE: To date, six member organisations have expressed interest in participating in the Strategic Plan working group to develop and write the plan. This is a good number for the working group, however **the BSWCA is shortly circulating a final opportunity for other members to participate in the Strategic Plan development.**

For more information contact: [REDACTED]

Community Resources



PROJECT OUTLINE: This project will benefit all BSWCA members and is designed to address the BSWCA Purpose to help build climate informed, active communities. The BSWCA will begin this by ensuring our community has access to BSWCA resources on climate change, mitigation, adaptation and regional projects, with an initial focus on the further development and expansion of the BSWCA website, ensuring accessibility and security for users. The South West Climate Change Portal has been earmarked for consideration in future years and further projects will be developed, with a focus on regional priorities.

PROJECT UPDATE: Initial technical issues have been addressed. **The BSWCA is currently accepting member EOIs for this Working Group** – with a specific interest in IT technical staff from member organisations joining the Working Group. Other BSWCA members, as potential users of the resources, will also be encouraged to apply to ensure appropriate input from a general perspective.

State-wide Representation

The BSWCA Executive Officer has also been representing our alliance and our member organisations on a number of fronts for improved funding opportunities, joint projects (joint funding) and wider effectiveness and impact; this includes the following across Victoria:

- Steering Group Member - Victorian Energy Collaboration – overseeing VECO Implementation Deeds, ongoing relationship with Red Energy, member issues, pricing reviews etc
- The VECO Innovation Fund Project Steering Committee - establishing a \$100k-\$120k fund for VECO Council/s members to deliver an innovation project.
- Victorian Greenhouse Alliance (VGA) joint advocacy - working with the VGA on behalf of our members (particularly Council members) on advocacy projects (which are largely detailed earlier in this paper)



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- Project Steering Group Member – to implement the \$500 state-wide VCRC Storms and Heatwaves Project. BSWCA member Councils strongly encouraged to apply for trial site (as mentioned earlier in this paper).
- Steering Group Member - Victorian Greenhouse Alliances Conference Steering Group. BSWCA members who wish to be involved in the Conference (beyond attending) should contact the BSWCA Executive Officer (as above).
- Member - All Electric Councils Working Group
- Regular Meetings with Department of Energy, Environment and Climate Change Senior Meetings (being re-established for 2023)

Regional Relationships

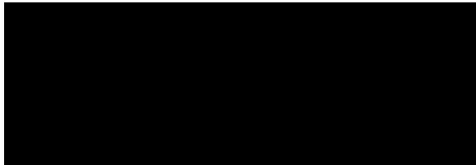
Establishing key regional relationships is one of the priorities for the BSWCA to lay the foundation for potential project funding, partnerships and collaborative work.

Regular regional meetings have begun with key stakeholders:

- Sustainability Victoria - Regional Engagement Lead, Barwon South West
- Department of Energy, Environment and Climate Action - Regional Director, Barwon South West (first meeting held)
- Member of Reference Group for Greater South Coast Drought Resilience Plan Reference Group
- Member of Reference Group for Barwon Region Drought Resilience Plan
- Member - G21 Sustainability Pillar

These lists are not exhaustive, but give a picture of the BSWCA's growing involvement in state wide and regional forums, to support funding opportunities, project collaborations, partnerships and successful outcomes from the BSWCA.

For further information on this update or any of its contents, please contact:



Item: 9.4

Appointments to Committees and external organisations

OFFICER	Lyndal McLean
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

1. PURPOSE

To appoint Councillors to committees and external organisations.

2. EXECUTIVE SUMMARY

In November each year, Council considers Councillor appointments to committees and external organisations.

At its meeting on 14 December 2022, Council resolved to appoint the following Councillors to the following committees/organisations:

- Audit and Risk Committee Cr Kate Hanson and Cr Margaret White
- G21 Regional Alliance (Board) Cr Chris Potter
- SouthWest Victoria Alliance (Board) Cr Chris Potter.

At the 22 February 2023 Council meeting it was determined that the remaining appointments to committees and external organisations be considered at the 29 March 2023 Council meeting, following the Countback to fill the extraordinary vacancy.

3. RECOMMENDATION

That Council:

- 1. Appoints the following representatives to committees established Council:***
 - a. Central Reserve Advisory Committee representative is Cr***
 - b. Colac Municipal Aerodrome Advisory Committee representative is Cr***
 - c. Colac Regional Saleyards Advisory Committee representative is Cr***
 - d. Friends of the Colac Botanic Gardens Advisory Committee representative is Cr***
 - e. Lake Colac Co-ordinating Committee representative is Cr***
 - f. Mooleric Road Quarry Consultative representative is Cr ...***
 - g. Ondit Road Quarry Consultative representative is Cr ...***
 - h. Port of Apollo Bay Consultative Committee representative is Cr ...***
 - i. Weeds Consultative Committee representative is Cr ...***
- 2. Appoints the following representatives to external committees and other bodies:***
 - a. Colac Road Safety Group representative is Cr ...***
 - b. Geelong Regional Library Corporation representative is Cr ...***
 - c. Rural Councils Victoria representative is Cr ...***
 - d. Rural Financial Counselling Service Vic – Wimmera Southwest (RFC) representative is Cr ...***
 - e. Timber Tows Victoria Committee representative is Cr ...***
 - f. COPACC Trust representative is Cr ...***
- 3. Appoints the following representatives, and substitute representatives, to the State and Commonwealth Local Government associations:***
 - a. Australian Local Government Association representative is Cr***
 - b. Australian Local Government Association substitute representative is Cr***
 - c. Municipal Association of Victoria representative is Cr***
 - d. Municipal Association of Victoria substitute representative is Cr***
- 4. Appoints the following representatives to G21 Region Alliance Pillars:***
 - a. G21 Culture and Economic Development Pillar representative is Cr ...***
 - b. G21 Health and Wellbeing Pillar representative is Cr ...***
 - c. G21 Sustainability Pillar representative is Cr ...***
 - d. G21 Managing Growth Advisory Group representative is Cr ...***

4. KEY INFORMATION

The *Local Government Act 2020* acknowledges the need for various committees to enable Council to conduct its business effectively.

Council has Councillor and officer representation on a number of committees associated with a variety of interests. This includes managing Council owned or managed facilities, advising Council on issues and representing Council views on regional and state-wide matters.

A number of the committees are not managed by Council and operate under their own charter and determine their procedures, policies and practices. Council involvement is to participate and influence the activities of those external groups where those activities are in the public's interest.

At its meeting on 22 February 2023, Council resolved as follows:

“That Council:

- 1. Notes a Countback will be held at 10am on Wednesday 1 March 2023, to fill the extraordinary vacancy that occurred due to Councillor Jamie Bell’s resignation on 25 January 2023.***
- 2. Defers consideration of the remaining appointments to committees and external organisations to the Council meeting scheduled to be held on Wednesday 29 March 2023, to enable participation by all seven Councillors.”***

5. CONSIDERATIONS

Overarching Governance Principles (s(9)(2) LGA 2020)

The Overarching Governance Principles that are applicable to the contents of this report are:

- priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- collaboration with other Councils and Governments and statutory bodies is to be sought.
- the transparency of Council decisions, actions and information is to be ensured.

Policies and Relevant Law (s(9)(2)(a) LGA 2020)

Council Committees Policy.

Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)

Not applicable.

Community Engagement (s56 LGA 2020 and Council’s Community Engagement Policy)

Not applicable.

Public Transparency (s58 LGA 2020)

The appointments of Councillors to the various committees occurs at a Council meeting that is open to the public.

Alignment to Plans and Strategies

Alignment to Council Plan 2021-2025:

Theme 3 – Healthy and Inclusive Community

Objective 3: We are a safe, equitable, and inclusive community

Theme 4 – Strong Leadership and Management

Objective 1: We commit to a program of best practice and continuous improvement

Financial Management (s101 *Local Government Act 2020*)

Not applicable.

Service Performance (s106 *Local Government Act 2020*)

Not applicable.

Risk Assessment

Not applicable.

Communication/Implementation

Following the appointments of Councillors to committees and external organisations, officers will advise the relevant committee (where appropriate) of the Council representative.

Human Rights Charter

No impact.

Officer General or Material Interest

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

Options

Option 1 – Determines the schedule of Councillor appointments to committees and external organisations.

Option 2 – Does not determine the schedule of Councillor appointments to committees and external organisations.

Item: 9.5

Project Budget Adjustments and Cash Reserve Transfers

OFFICER	Paula Gardiner
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

1. PURPOSE

The purpose of this report is to present the project budget adjustments and cash reserve transfers for Council ratification and approval.

2. EXECUTIVE SUMMARY

The project budget adjustments presented in this report relate to the 2022-23 financial year. It seeks formal approval to adjust project budgets, create new projects where needed or recognise that some projects are complete and can be formally closed. The report demonstrates good governance and project management practice, and provides improved transparency to the community about matters that occur outside of the annual budget cycle.

3. RECOMMENDATION

That Council:

- 1. Approves the new projects as presented in Tables 1 and 2 of this report, at a total cost to Council of \$106,000 (exc. GST)***
- 2. Approves the project budget adjustments in Table 3 of this report, with a net result of unallocated funds of \$576,049 (exc. GST)***
- 3. Approves the reallocation of all unallocated Local Roads and Community Infrastructure Phase 2 funding to the Great Ocean Road Footpath Project following the close out of completed Phase 2 projects, as presented in Table 5 of this report.***

4. KEY INFORMATION

The following project budget transfers are presented for Council consideration and transparency to the community. Amounts are presented as exclusive of GST as per Council's adopted budget and financial reporting as follows:

- Increases in the project expense budget are presented without brackets.
- Decreases in the project expense budget are presented with brackets.

Council allocates funding to projects through its annual budget or by specific resolution. Where matters arise that require urgent action to address compliance or safety concerns, and the service delivery cannot be reasonably stopped, the Chief Executive Officer may need to approve establishment of a project to address the issue. In these instances, the Chief Executive Officer will advise all Councillors as soon as possible, and the project will be ratified by Council at the next practical meeting through Table 1.

Table 1 – New projects for Council ratification

Project name	Funding source	Basis for variation	Project allocation (exc. GST)
Eliminyt Recreation Reserve Social Club Rooms Urgent Works	WO00031845 2022-2023 Unallocated renewal funds	Works required to repair structural damage caused by termite activity. Works include pest control treatment.	\$40,000
Bluewater Plant Room Filter Media	WO00031845 2022-2023 Unallocated renewal funds	Replacement of the filtration medium (which is a particular filtration sand) was required urgently to ensure the pool operations remained within allowable health limits. The replacement of the filtration medium was well overdue.	\$31,000

Where an opportunity or need arises outside of the annual budget development process, it should be approved by Council before work on the project commences. This enables Council to confirm any financial commitment it makes to the project in a manner that is transparent to the community. Projects presented for Council approval are presented in Table 2.

Table 2 – Newly initiated projects for Council approval

Project name	Funding source	Basis for variation	Project allocation (exc. GST)
Stormwater Program – 39 Morley Ave, Wye River	WO 00035969 - Budget Work Order - Stormwater Programme	Project required to meet Council commitment to establish drainage connection.	\$15,000
Old Coach Road Boom Gates –	WO00031845 2022-2023	The boom gates placed on Old Coach Road, Skenes Creek as a trial have	\$20,000

Project name	Funding source	Basis for variation	Project allocation (exc. GST)
Repair and Maintenance	Unallocated renewal funds	suffered considerable damage and vandalism causing unbudgeted expenditure.	

From time to time, situations arise whereby initial budgets need to be reconsidered to achieve their planned objectives and project scope. It is important that Council's decisions to adjust project budgets are open and transparent to the community. Therefore, any changes to project budgets or cash reserves are reported in Table 3 of this report to demonstrate the diligence and transparency of the organisation's financial management principles.

Table 3 – Project budgets requiring adjustment

Project Name	Transfers from project account	Transfers to project account	Basis for variation	Project budget adjustment (exc. GST) Note increases are without brackets	
				Expenditure	Income
Eastern Reserve Netball Court Upgrade	WO 00031849 - Budget Work Order - Open Space Renewal Programme New Income	WO 00037729 - 2022 - 2023 Capital Works - Active Reserve Renewal Program - Eastern Reserve Netball Court Upgrade	Funds for Open Space Renewal were to be allocated to Eastern Reserve as a requirement of the funding agreement with SRV. (\$65,000) Income provided by SRV via grant (\$120,000) and community club commitment (\$20,000)	\$205,000	\$140,000
Gellibrand Neighbourhood House	WO00031845 2022-2023 Unallocated renewal funds	WO 00035543 - 2018-19 Capital Works - Building Renewal Programme - Gellibrand Neighbourhood House	Council awarded the contract for the Gellibrand Neighbourhood House project in 2020-21. As the project was a refit of the community hall, there were a number of additional works required to complete the project. Project is complete.	\$11,406	
Kerb and Channel	WO 00031854 - Budget Work Order - Kerb and	WO00031845 2022-2023	Kerb and Channel program placed on hold and	(\$79,000)	

Project Name	Transfers <u>from</u> project account	Transfers <u>to</u> project account	Basis for variation	Project budget adjustment (exc. GST) Note increases are without brackets	
				Expenditure	Income
Replacement Program	Channel Replacement Programme	Unallocated renewal funds	recommended not to progress this financial year, due to difficulty in sourcing suitable contractors that will be able to complete works at a reasonable cost.		
Elliminyt Recreation Reserve Velodrome Resurfacing	WO00031845 2022-2023 Unallocated renewal funds	WO00036011201 9-20 – Capital Works – Open Space – Elliminyt Recreation Reserve Velodrome Resurfacing	Minor works were required to complete this project associated with the access gates onto the sporting ground. Project is complete.	\$2,400	
Sealed Road Pavement Program - Forest Street Reconstruction	WO 00036597 - 2020-21 Capital Works - Sealed Road Pavement Programme - Forest Street Reconstruction	WO00031845 2022-2023 Unallocated renewal funds	Project completed within carry over budget allocation. Project is complete.	(\$107,384)	
Road Reconstruction Program - McLachlan Street	WO 00036940 - 2020-21 Capital Works - Road Reconstruction Programme - McLachlan Street	WO00031845 2022-2023 Unallocated renewal funds.	Project completed within carry over budget allocation. Project is complete.	(\$11,248)	
Road Reconstruction Program - Stewart Street	WO00031845 2022-2023 Unallocated renewal funds.	WO00036941 - 2020-21 Capital Works - Road Reconstruction Programme - Stewart Street	Minor additional works were required (variations) to complete the works under contract. Project is complete.	\$8,114	
COPACC Cinema 2 Seat Replacement	WO 00037417 - 2021-22 Capital Works - Building Upgrade Programme - COPACC Cinema 2 Seat Replacement	WO00031845 2022-2023 Unallocated renewal funds.	Project completed within carry over budget allocation. Project is complete.	(\$7,235)	
Rail Interface Improvements – Black Larpent Road	WO 00036457 - 2020-21 Capital Works – Rail Level Crossing Interface	WO00031845 2022-2023 Unallocated renewal funds.	Project completed within carry over budget allocation. Project is complete.	(\$9,876)	

Project Name	Transfers <u>from</u> project account	Transfers <u>to</u> project account	Basis for variation	Project budget adjustment (exc. GST) Note increases are without brackets	
				Expenditure	Income
	Improvement (Black Larpent Road)				
Traffic Calming Treatment - Alexander Street	WO 00037525 - 2022 - 2023 Capital Works - Traffic Calming Treatment - Alexander Street	WO00031845 2022-2023 Unallocated renewal funds.	Minor savings achieved in delivery of project. Project is complete.	(\$1,800)	
Barrupa Road Bridge (Corangamite Shire Council)	WO00031845 2022-2023 Unallocated renewal funds.	Council contribution – Barrupa Road Bridge (Corangamite Shire Council)	Project was delivered by Corangamite Shire Council, with Council committing (via Council resolution) to pay a half share of the total project costs. The original budget allocation was \$389,000, based on the engineers estimate provided by Corangamite Shire Council. The project is now completed, with minor cost variations resulting in the Colac Otway Shire contribution needing to increase by \$20,000 to cover our half cost contribution obligation.	\$20,000	
Pascoe Street Pedestrian Crossing - Analysis and Design	Income Adjustment Required	WO00037631 - 2021-22 Capital Works - Pascoe Street Pedestrian Crossing - Analysis and Design	Council was successful in obtaining a \$25,000 grant to undertake this project. Only \$12,500 has been recognised in the budget.	\$12,500	\$12,500
Purchase of Property -	Public Open Space Reserve	WO 00037668 - 2022 - 2023	As per Council resolution from	\$190,000	

Project Name	Transfers <u>from</u> project account	Transfers <u>to</u> project account	Basis for variation	Project budget adjustment (exc. GST) Note increases are without brackets	
				Expenditure	Income
413-437 Murray Street Colac		Capital Works - Purchase of Property - 413- 437 Murray Street Colac	26 September 2018 Council Meeting, funds for the purchase to be raised from Public Open Space Reserve		
Maternal Child Health Centre – Building Upgrade Works	WO 00037528 - 2022 - 2023 Capital Works - Maternal Child Health Centre - Building Upgrade Works	WO00031845 2022-2023 Unallocated renewal funds	Cost estimates for the design completed are well over the allocated project budget. Recommend not to undertake the project.	(\$144,000)	
Bridge Renewal – Kings Track Bridge	WO 00036839 - 2020- 21 Capital Works - Bridge Renewal Programme - King Track	WO00031845 2022-2023 Unallocated renewal funds	Project delivered within budget allocation. Project complete.	(\$157,426)	
Asset Condition Assessment	WO 00037520 - 2022 - 2023 Capital Works - Asset Condition Assessment	WO00031845 2022-2023 Unallocated renewal funds	Project has been re-scoped. Drainage asset condition assessment scope has been revised, with \$150,000 allocation going to asset revaluation. Open Space asset condition assessment will be deferred to 2023- 24 budget process.	(\$100,000)	

Closure of projects is another important process for maintaining a well-managed program and involves financial review, asset management, and project review activities. Closed projects are presented in Table 4 for Council's ratification and to provide transparency to the community that these projects are deemed to be complete.

Table 4 – Project closures for ratification

Project name	Funding source	Basis for variation	Project allocation (exc. GST)
Nil to report			

Council received \$1,702,316 through the Local Roads and Community Infrastructure Program Phase 2 and allocated these funds to projects at its 27 January 2021 meeting. The majority of the projects have been completed as outlined in Table 5 below. As a number of projects have been completed under budget there is an opportunity to reallocate remaining funds to another project within the program. Advice from the funding body is that funds can only be reallocated to an agreed project that is already committed to through Phase 2 of the program. The identified project that could benefit from additional funds is the Great Ocean Road Apollo Bay: bicycle and walking paths Stages 1 and 2.

Table 5 – LRCI Phase 2 – Project allocation for ratification

	Approved Projects (Project Name in Approved Work Schedule)	Total Project Cost (Estimate)	Total LRCI Funding Approved	Total Project Cost (Actual)	LRCI Funding Allocation	Adjusted/ Proposed LRCI Funding	Project Status
1	Bass Crescent, Great Ocean Road, Skenes Creek: Drainage. Stormwater outlet upgrade to manage landslips & road erosion	\$260,200	\$260,200	\$204,763	\$204,763	\$204,763	Complete
2	Great Ocean Road, Apollo Bay: bicycle and walking paths Stages 1 and 2 Construct new footpath	\$300,000	\$300,000	\$300,000	\$300,000	\$538,765	Under Construction
3	Great Ocean Road, Apollo Bay: bicycle and walking paths Stages 1 and 2 Construct new footpath	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	Under Construction
4	Birregurra: Whytcross Lane, Rail Interface Upgrade	\$190,000	\$190,000	\$129,217	\$129,217	\$129,217	Complete
5	Barongarook Creek, Colac: bicycle and walking paths. Upgrade to improve connectivity.	\$270,000	\$270,000	\$240,112	\$240,112	\$240,112	Complete
6	Gellibrand, Beech Forest – Old Beechy Rail	\$58,000	\$58,000	\$58,215	\$58,000	\$58,000	Complete

	Approved Projects (Project Name in Approved Work Schedule)	Total Project Cost (Estimate)	Total LRCI Funding Approved	Total Project Cost (Actual)	LRCI Funding Allocation	Adjusted/ Proposed LRCI Funding	Project Status
	Trail: bicycle and walking paths to improve safety and accessibility						
7	Warrior: painting & improvements to community facilities. Upgrade kitchen to commercial grade for increased use and income	\$118,000	\$70,000	\$125,000	\$70,000	\$70,000	Complete
8	Clark Street, Colac: bicycle and walking paths. Construct new footpath to increase connectivity.	\$265,116	\$265,116	\$206,643	\$206,643	\$206,643	Complete
9	A 700 m long unsealed section of Swan Marsh Stonyford road will be sealed	\$359,816	\$34,816	\$359,816	\$34,816	\$34,816	Complete
10	Barongarook Creek Pedestrian Bridge	\$460,000	\$70,000	\$459,452	\$70,000	\$70,000	Complete
TOTAL		\$2,431,132	\$1,668,132	\$2,233,218	\$1,463,551	\$1,702,316	
Allocation			\$1,702,316		\$1,702,316	\$1,702,316	
Unallocated			\$34,184		\$238,765	\$0	

5. CONSIDERATIONS

Overarching Governance Principles (s(9)(2) LGA 2020)

This report contributes to financial viability by ensuring Council approves and is well informed about the allocation and movement of project funds to achieve the best outcomes for the municipal community.

Policies and Relevant Law (s(9)(2)(a) LGA 2020)

Not applicable.

Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)

Not applicable.

Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)

Not applicable.

Public Transparency (s58 LGA 2020)

This report contributes to public transparency by ensuring that the allocation and movement of project funds is made available to the community.

Alignment to Plans and Strategies

Alignment to Council Plan 2021-2025:

Theme 4 – Strong Leadership and Management

Objective 1: We commit to a program of best practice and continuous improvement

Objective 2: We are a financially robust organisation

Financial Management (s101 Local Government Act 2020)

This report contributes to financial management principles by recording the allocation and movement of project funds that may impact on the budget, current and future.

Service Performance (s106 Local Government Act 2020)

This report contributes to service performance for project delivery by considering the allocation and movement of project funds successful project outcomes.

Risk Assessment

There are (no) identified Workplace Health and Safety implications or identified risks associated with this report.

Communication/Implementation

Implementation of Council's decision will be undertaken by the responsible officers within Council. Project partners and stakeholders will be notified of Council's decision where relevant by the Project Sponsor or Project Manager.

Human Rights Charter

There are matters identified with this report that impact on human rights as defined in the charter.

Officer General or Material Interest

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

OptionsOption 1 – Adopt officer recommendation

This option is recommended by officers as the project budgets and cash reserve transfers supports implementations of Council's strategies.

Option 2 – Not approve transfers as recommended

This option is not recommended by officers as because transfers are necessary to allow ongoing delivery and closure of projects, and have been through a series of governance checks.

Item: 9.6

Approval to Undertake the Company Directors Course™ - Councillor Tosh-Jake Finnigan

OFFICER	Marlo Emmitt
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

1. PURPOSE

To seek Council approval for Councillor Tosh-Jake Finnigan to undertake the five-day online Company Directors Course™ offered by the Australian Institute of Company Directors, commencing Friday 5 May 2023.

2. EXECUTIVE SUMMARY

Councillor Finnigan was declared elected to the Colac Otway Shire Council through a countback conducted by the Victorian Electoral Commission on 18 January 2023, following the resignation of Councillor Joseph McCracken on 16 December 2022.

Councillor Finnigan seeks Council's approval to undertake the online Company Directors Course™, offered by the Australian Institute of Company Directors (AICD), in partnership with the Municipal Association of Victoria (MAV). The Company Directors Course™ has been specifically designed and contextualised through the local government lens to educate councillors on the role they play in stewardship of local government.

The program duration is five days and facilitated fully online one day per week over five weeks, at a cost of \$7,699 (including GST) or 7,699 MAV Councillor Credit Points (CCPs). The program covers directors' duties and legal environment, risk oversight, strategy contribution, and financial performance analysis, decision making, board and organisational culture, board dynamics and measuring board effectiveness.

In accordance with Council's Expenses Policy (adopted on 22 July 2020), any expenditure greater than \$600 (including registration, travel and accommodation) for a Councillor to attend a conference, seminar, training session, trade delegation, friendship visit etc., must be approved by Council.

3. RECOMMENDATION

That Council:

- 1. Approves Councillor Tosh-Jake Finnigan undertaking the online Company Directors Course™, offered by the Australian Institute of Company Directors, in partnership with the Municipal Association of Victoria, at a cost of 7,699 Councillor Credit Points (CCPs), commencing Friday 5 May 2023.***
- 2. Notes the Company Directors Course™ duration runs over five days, one day per week and is delivered fully online.***

4. KEY INFORMATION

The MAV Councillor Development Program offers a range of learning and development opportunities annually, to assist councillors build the skills and knowledge required to effectively perform their role as prescribed in the *Local Government Act 2020*. The Company Directors' Course is one of a number of courses offered as part of the Program.

MAV member councils have the option of purchasing Councillor Credit Points (CCPs) to use towards training and development. One dollar buys one CCP. However, when councils renew their membership with the MAV each year, they have the option to purchase CCPs at a 10 per cent discount.

Over the years, Colac Otway Shire Council has accrued a number of CCPs and the balance as at 27 February 2023 was 13,002 (which equates to \$13,002). In addition, an annual allocation of \$10,500 is provided in Council's budget for Councillor training (\$1,500 per Councillor).

The Company Directors Course™ duration is five days and facilitated fully online one day per week over five weeks, at a cost of \$7,699 (including GST) or 7,699 MAV Councillor Credit Points (CCPs).

The Learning Outcomes and Course Structure is outlined as follows (extract below from MAV website):

Learning Outcomes

Councillors who complete the Company Directors Course™ Online will be able to:

- Outline the duties and practices of directorship and the board's functions and responsibilities.*
- Analyse the responsibilities and functions of directors and officers considering the key questions directors should ask about their legal environment and its impact on board decision-making.*
- Examine the board's roles in developing a culture that is appropriate for the risk appetite/tolerance of the organisation and the board's role in developing and executing strategy.*
- Develop financial literacy and examine the board's role in driving organisational performance.*
- Examine effective decision-making, board dynamics, the impact of individual and collective performance and how a constructive board culture can create value for an organisation.*
- Apply the course learning, through experiential learning activities.*

Course Structure

Week 1 - Course commences with participants beginning their pre-reading (includes course introductory session).

Week 2 - Pre-reading continues.

Week 3 - Online Classrooms: Governance and the Practice of Directorship. Pre-reading for next topic.

Week 4 - Online Classrooms: The Legal Environment. Pre-reading for next topic.

Week 5 - Online Classrooms: Risk and Strategy. Pre-reading for next topic.

Week 6 - Online Classrooms: Financial Literacy and Performance. Pre-reading for next topic.

Week 7 - Online Classrooms: Achieving Board Effectiveness.

Weeks 8 – 19: Assessment period.

5. CONSIDERATIONS

Overarching Governance Principles (s(9)(2) LGA 2020)

The overarching governance principles relevant to this request include:

- Council decisions are to be made and actions taken in accordance with the relevant law.
- The economic, social, and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.
- Collaboration with other councils and governments and statutory bodies is to be sought.
- The ongoing financial viability of the Council is to be ensured.
- Regional, state, and national plans and policies are to be taken into account in strategic planning and decision making.
- The transparency of Council decisions, actions, and information is to be ensured.

Policies and Relevant Law (s(9)(2)(a) LGA 2020)

Local Government Act 2020

Local Government (Governance and Integrity) Regulations 2020

Councillor Code of Conduct

Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)

Not applicable.

Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)

Not applicable.

Public Transparency (s58 LGA 2020)

Council's current Councillor Expenses Policy requires any expenditure greater than \$600 (including registration, travel and accommodation) for a Councillor to attend a conference, seminar, training session, trade delegation, friendship visit etc., must be approved by Council. This ensures public transparency by bringing the matter before an open Council meeting for discussion and decision.

Alignment to Plans and Strategies

Alignment to Council Plan 2021-2025:

Theme 4 – Strong Leadership and Management

Objective 1: We commit to a program of best practice and continuous improvement

Objective 2: We are a financially robust organisation

Financial Management (s101 *Local Government Act 2020*)

While the cost of the course is \$7,699 (inclusive of GST), the equivalent number of Councillor Credit Points (CCPs) may be used to pay for the program. Council currently has enough CCPs to enrol Cr Finnigan in the course.

Service Performance (s106 *Local Government Act 2020*)

Not applicable.

Risk Assessment

Not applicable.

Communication/Implementation

If Council approves the request, then Cr Finnigan will commence online classes on Friday 5 May 2023.

Human Rights Charter

No impact.

Officer General or Material Interest

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

Item: 9.7

Contract 2309 Banking and Bill Paying Services

OFFICER	Amanda Barber
GENERAL MANAGER	Andrew Tenni
DIVISION	Corporate Services
ATTACHMENTS	Nil

1. PURPOSE

To recommend to Council that Contract 2309 - Banking and Bill Paying Services be awarded to the Commonwealth Bank of Australia.

2. EXECUTIVE SUMMARY

The current interim banking arrangement with the Commonwealth Bank of Australia (CBA) concludes on 8 April 2023. A new contract must be entered into with a preferred supplier prior to this date to ensure legislative compliance and operations in banking and bill paying services can continue.

An independent analysis by Whitmore Consulting was engaged to assess the three suppliers contracted by the State Government under the State Purchasing Contract (SPC). Council officers evaluated that analysis and undertook discussions with each of the suppliers to determine the best value for Council.

Based on the evaluation by Council officers, it has been determined that CBA is the preferred supplier.

3. RECOMMENDATION

That Council:

- 1. Enters into a Short Form Purchase Order Contract (Contract) appended to the State Purchasing Contract for the provision of Banking and Bill Paying services to the Commonwealth Bank of Australia at its schedule of rates contained in the State Purchasing Contract.***

2. ***Reviews the performance of the arrangements in the lead up to the expiration of the first period of the State Purchasing Contract which concludes on 30 September 2026.***
3. ***Authorises the Chief Executive Officer to sign the contract documents.***

4. KEY INFORMATION

Contract no. 1532 Provision of Banking and Bill Paying Services, was entered into in December 2015 with the Commonwealth Bank of Australia (CBA).

The contract term was for four (4) years from 9 December 2015 with the provision for a further three (3) 12 month extensions.

The three (3) further 12 month extensions were exercised and the contract expired on 8 December 2022.

Council entered into an interim arrangement with CBA to continue with the provision of Banking and Bill Paying services for an additional (4) months to enable an appropriate procurement process to be undertaken to enter into a new contract. The interim arrangement concludes on 8 April 2023.

It was determined that the most efficient process in which to procure a new contract was to leverage arrangements under the State Purchasing Contract (SPC). Three banks have been contracted through a Master Supply Agreement (MSA) to provide banking services and products under the SPC. The banks are:

- Commonwealth Bank of Australia (CBA)
- National Australia Bank (NAB)
- Westpac Banking Corporation (Westpac).

The three banks are contracted under the SPC for a minimum period of five (5) years concluding 30 September 2026. The State has the option to extend the SPC for two further 2-year terms.

The services and associated pricing provided by each of the panel banks are not identical. Under the SPC, State Purchasing Entities (SPEs), of which Colac Otway Shire is, one, have options to contract for services or products from one or multiple banks on the SPC.

Therefore, to assist in assessing a preferred supplier from the SPC, Whitmore Consulting was engaged to analyse the offerings of each bank taking into consideration the following:

- Pricing offered for high volume channels by the panel banks using the Bank Selector Tool supplied as part of the State Government documentation.
- Any additional noteworthy pricing not included in the Bank Selector Tool options.
- Qualitative comment on the following areas based on knowledge of the market offerings of each of the panel banks:
 - Product suite
 - Innovative services
 - Relationship management
 - Implementation capabilities.

Whitmore Consulting supplied a report providing an analysis based on the above. The report also included a view on the current environment for banking and bill payment services, the changing marketplace preferences for transacting (shift from paper and traditional methods of payment to electronic options), and the impact of the COVID pandemic on this movement.

The overall conclusions of the report were:

- CBA appears to be well placed to continue offering services to Council, while Council appends to the SPC for a more competitive price.
- Council retain the services of one bank – multiple bank relationships can be problematic and difficult to manage.

To ensure thorough due diligence, an evaluation of the Whitmore Consulting report was undertaken internally by Council officers. The report and its conclusions were evaluated by a panel consisting of:

- General Manager Corporate Services
- Manager Property, Procurement and Contracts
- Coordinator Financial Accounting.

The validation evaluation criteria and associated score weight included:

- Price – 25%
- Relationship management – 10%
- Product suite – 35%
- Innovative services – 5%
- Implementation capabilities – 10%
- Principle place of business (head office located inside or outside the shire, site office located in shire) – 5%
- Community Benefit/Social and Ethical Responsibility – 10%.

A further step in the due diligence process was for Council officers to meet with each of the banks to provide them the opportunity to present their range of services that could be utilised during a contract period as well as satisfy any further questions that Council officers had. Meetings took place with each of the banks on 23 February 2023.

The evaluation criteria for relationship management and implementation capabilities were not able to be assessed sufficiently by Whitmore Consulting and were further explored in the interviews with the banks. Other areas discussed with the banks in the interviews included:

- Community benefit – further detail on their programs and what benefit would contributed specifically to the Colac Otway Shire.
- Cyber safety and security – what measures and systems they have in place to ensure cyber security.
- Fraud prevention and detection – what processes and measures they have to prevent, detect and rectify and instances of fraud.

Based on the overall evaluation by Council officers, it has been determined that CBA is the preferred supplier.

5. CONSIDERATIONS

Overarching Governance Principles (s(9)(2) LGA 2020)

- Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- Innovation and continuous improvement is to be pursued.
- The ongoing financial viability of the Council is to be ensured.

Policies and Relevant Law (s(9)(2)(a) LGA 2020)

Not applicable.

Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)

Not applicable.

Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)

Not applicable.

Public Transparency (s58 LGA 2020)

Not applicable.

Alignment to Plans and Strategies

Alignment to Council Plan 2021-2025:

Theme 4 – Strong Leadership and Management

Objective 1: We commit to a program of best practice and continuous improvement

Objective 2: We are a financially robust organisation

Financial Management (s101 Local Government Act 2020)

Not applicable.

Service Performance (s106 Local Government Act 2020)

Not applicable.

Risk Assessment

The risks associated with Fraud and Corruption and Cyber Security were canvassed as part of the discussions with each of the Panel banks.

Communication/Implementation

Not applicable.

Human Rights Charter

No impact.

Officer General or Material Interest

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

Options

Option 1 – Approve Council Entering into a Short Form Purchase Order Contract appended to the State Purchasing Contract for the provision of Banking and Bill Paying services to the Commonwealth Bank of Australia

This option is recommended by officers as it enables the continuation of the banking and bill payment services for Council.

Option 2 – Approve Council Entering into a Short Form Purchase Order Contract appended to the State Purchasing Contract for the provision of Banking and Bill Paying services to the Commonwealth Bank of Australia

This option is not recommended by officers as the current interim arrangements with CBA conclude on 8 April 2023.

Item: 9.8

Progress Update on Community Asset Committees and Future Governance Model

OFFICER	Janine Johnstone
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

1. PURPOSE

The purpose of this report is to enable Council to determine the future governance models for Council's 21 Community Asset Committees.

2. EXECUTIVE SUMMARY

Colac Otway Shire has established and appointed members to 21 Community Asset Committees (CACs) and Council's Chief Executive Officer has delegated responsibilities to all members of the 21 Committees.

Council has developed and is now implementing a training program framed around its Community Asset Committee Induction Guide. This is designed to explain the roles and responsibilities of Community Asset Committees and provide information about how Community Asset Committees can undertake their responsibilities with confidence.

Council officers are in regular communication with Community Asset Committees to clarify how Council can complement and better assist Committees in implementing their responsibilities.

Council has undertaken a review of the governance of Community Asset Committees and is well positioned to formally determine future governance and management models.

3. RECOMMENDATION

That Council:

- 1. Endorses the following Community Asset Committee governance models:**
 - a) retains the existing Community Asset Committee model, as defined under s65 and s47 of the Local Government Act 2020, as the primary governance model for Community Asset Committees, until 30 June 2024, or as revised by Council prior to this date.**
 - b) considers implementing and evaluating a two+ year pilot or trial of leasing a community asset to an Incorporated Association.**
 - c) considers implementing and evaluating a trial 'cluster' management of a group of assets (that share a close proximity or similar purpose) using the Community Asset Committee model as per s65 and s47 of the Local Government Act 2020.**
- 2. Encourages and supports the existing three Community Asset Committees that have registered as Incorporated Associations (Birregurra, Cororooke and Warrion) to change the name and purpose of the Incorporated Association (for example to become a 'Friends of Public Hall') OR develop a partnership with an existing local Incorporated Association that is willing to auspice funding submissions.**
- 3. Considers increasing funding in the 2023-24 budget to improve Council's capacity to respond to the asset maintenance and renewal priorities of Community Asset Committees.**

4. KEY INFORMATION

4.1 Council's review of the governance model of Community Asset Committees

A Discussion Paper titled, 'A Critical Review of Community Asset Committees' formed the basis of a Council briefing paper and Council 'workshop' on 14 December 2022.

In reviewing Council's practice in relation to CACs, the Discussion Paper and Council briefing explained the issues surrounding Council's management of CACs that included:

- Incorrect officer advice to Council regarding the application of the *Local Government Act 2020* (LGA) that resulted in inappropriate application of a management and governance model for CACs.
- Dual governance arrangements across CACs, with Committees established and appointed under s65 of the LGA 2020 and delegated responsibilities and reporting to the Chief Executive Officer (CEO) under s47 of the LGA 2020 while also being encouraged to register as an Incorporated Associations with, and report to Consumer Affairs Victoria.
- Inconsistencies in the establishment and appointment of, and delegation of responsibilities to CACs.
- Limited information and no Induction training for CACs.

In exploring future management of CACs, the Council briefing workshop:

- Reviewed the approaches applied by other like Victorian councils.
- Examined 'success factors' that shape the standard of governance and management of community committees.
- Explored governance models that might be applied to CACs in Colac Otway Shire (COS).

4.2 Council's recent actions

At its 14 December 2022 Council meeting, Council resolved that it:

- Appoints members to 21 CACs.
- Notes that Council officers will undertake necessary administrative actions to dissolve the Barwon Downs Hall CAC.
- Notes that officers are currently undertaking a review of CAC governance models and will report this information to a Councillor Briefing in early 2023.
- Ceases the implementation of Council's decision of 18 April 2018 regarding the transition of CACs to become Incorporated Associations and or sign management agreements, while Council undertakes the current review of CAC governance models.

In January 2023, the Chief Executive Officer formally delegated responsibilities to all CAC members. The Instrument of Delegation included a revised asset maintenance schedule that more clearly defined and described the respective asset maintenance responsibilities of CACs and Council.

In January 2023, officers communicated with all CAC members and provided an electronic link to the draft CAC Induction Guide. This Induction Guide includes a process for CACs to request Council's assistance to meet specific asset maintenance responsibilities.

On 25 January 2023, officers provided an update report on actions related to Council's 14 December 2022 Council meeting resolutions and activities related to improved information and training for CACs.

In discussions with CACs, officers have relayed Council's 14 December 2022 resolution and the rationale for ceasing the practice of CACs becoming Incorporated Associations and establishing Management Agreements with CACs and explained the problems associated with the dual governance arrangements (having two governance arrangements through the *Local Government Act 2020* and the *Associations Incorporations Reform Act 2012*) of CACs.

In February 2023, officers commenced an Induction training program targeting a small number of CACs, starting with Warrion Public Hall and Cororooke Hall.

Officers have also met with representatives of the Birregurra Public Hall CAC.

The induction training is purposefully designed to elicit valuable feedback from CACs that will assist Council in shaping induction training, the Induction Guide and future governance models.

Officers have established a specific email address for CACs (CAC@colacotway.vic.gov.au), a dedicated webpage with information and resources pertinent to CACs and a communication procedure to encourage timely response to CAC enquiries and requests. This spans asset maintenance, insurance and governance related matters.

The 14 December 2022 Councillor briefing workshop report explained that there are significant differences in both the capacity (having ability to apply available resources) and capability (having qualities and expertise needed to manage responsibilities) of CACs across Colac Otway Shire.

Differences in the capacity and capability of CACs underline the need for Council to identify what makes for successful volunteer management of community facilities and assess the most suitable governance models that can be tailored to fit different circumstances.

The 'success factors' explored at the 14 December 2022 Councillor Briefing (and in the table on page 4 of the Discussion Paper as **Attachment 1**) re-present the elements that underpin successful community management models and provide an update on Council officers' recent actions. The factors also provide an insight into how these elements can enhance Council's working relationship with CACs, guide the development and application of future governance models and be used as a tool by CACs and Council officers to assess performance, achievements and challenges.

The 'success factors' also reflect the essential issues faced by CACs and Council as both parties seek to fulfil their respective roles and support each other in achieving successful community asset management.

Council has various options for managing community facilities. The practice of utilising the motivation, skills and experience of local volunteers and appointing interested residents to manage community facilities has benefits for both communities and Council.

There are opportunities as well as challenges and pitfalls for both communities and Council in taking a community management approach. Volunteer management committees do require consistent support and a system of regular monitoring and review to ensure they are operating effectively.

The options proposed in Council's December 2017 Internal Audit Report into Special Committees established under s86 of the LGA 1989 (the parallel of current day CACs) encouraged Council to consider:

- Maintaining Committees where appropriate.
- Supporting 'higher functioning' Committees to become Incorporated Associations (and cease as Special Committees/CACs). Council would then establish formal leases between Council and the Incorporated Association for management of specific halls and or reserves.
- Establishing Local Area Networks (aka 'cluster management') that would manage multiple community halls and reserves, to be applied in instances where there is very low use and very limited motivation and numbers of volunteers.
- Taking over management responsibility of some community halls and reserves to be applied in instances where there is very low use and very limited motivation and numbers of volunteers.

These options were framed against varying circumstances with some CACs managing very well and others continually facing the challenges of attracting interested and experienced volunteers, very low community asset use, and limited income streams. Given this context, these options retain their relevance and potential application in 2023.

There is merit in Council considering how, where and when the following models could be applied to the management of CACs in the future:

- a) Continue existing CACs.
- b) Implement and evaluate a two-year pilot or trial of leasing a community asset to an Incorporated Association.
- c) Implement and evaluate a trial 'cluster' management of a group of assets (that share a close proximity or similar purpose) using the CAC model as per the LGA.
- d) Discontinue community management of facilities in circumstances where Council receives a formal request from a CAC for its delegated responsibilities to cease.

A description and recommended application of these four models (options) is provided on pages 6-9 of the Discussion Paper in **Attachment 1**.

Two important issues have been identified by CACs as officers have implemented the pilot program of CAC Induction training.

1. Retaining a key benefit of an Incorporated Association

There are several existing CACs that have become Incorporated Associations (at Council's direction) therefore creating a dual governance/management arrangement for community assets. This report reinforces the problems associated with this governance arrangement and proposes that Council maintains the CAC model and takes necessary action to cease the current Incorporated Association.

While this proposed change will address the duality of governance, it will also have an unintended consequence that requires Council's attention. One of the key benefits of the existing Incorporated Associations (such as Warrion Public Hall Inc.) is that the independent organisation is eligible as a non-government agency to apply for funds from Federal and State Government departments, philanthropic trusts and other non-government community funding agencies. Discontinuing the Incorporated Association will cease the opportunity to raise funds from these sources.

This report proposes that Council works with CACs to seek to (a) change the name and purpose of the existing Incorporated Association to become 'Friends of Warrion Public Hall' (this is an illustrative example) OR (b) develop a partnership with another Incorporated Association (in the local community) willing to auspice the funding submission and cease the Incorporated Association created to manage the community asset. Both options will enable the Incorporated Association to retain its ability to raise funds to support the activities of the CAC while severing its role in the governance and management of the community asset.

2. Responding to asset maintenance expectations

Communities and Council both benefit from utilising the motivation, skills and experience of local volunteers and appointing interested residents to manage community facilities. A positive indicator of an effective community committee is often increasing pride, a growing sense of ownership of local facilities and increasing contributions of volunteer time and in-kind materials and other resources.

This 'sense of ownership' often translates to CACs having higher expectations in relation to the roles and responsibilities of Council for both asset maintenance and asset renewal. In forging a renewed working relationship with CACs, there will inevitably be a period where committees and Council officers clarify and test the scope of roles and responsibilities, particularly in relation to asset maintenance and asset renewal.

This is a crucial time for both parties (Committees and Council) to find the best ways to work together to manage important community facilities. Initial communication with committee members highlights a level of frustration related to Council's (a) poor communication in response to asset maintenance requests and (b) very limited capacity (due to constrained resources) to address the Committees' asset maintenance and asset renewal priorities.

A summary of the key proposals in the Position Paper were as follows:

1. Discontinue the former practice of encouraging CACs to become Incorporated Associations and applying management agreements with CACs, therefore avoiding the circumstance where there are dual governance and asset management arrangements.
2. Retain the CAC model, as defined in the LGA, as Council's primary model of community asset governance until June 2024.
3. Continue to implement improvements to CAC information, communication and induction training, as outlined in this report.
4. Develop and implement a system of monitoring the governance and management of CACs in collaboration with CACs. This system should also extend to jointly assessing how well each CAC is going in respect to the 'success factors' and achieving their delegated responsibilities. This will provide useful information to enable local communities and Council to determine the most effective community asset management model in 2024 and beyond.
5. Consider implementing and evaluating a lease established between Council and an Incorporated Association for the purposes of managing a community asset. Over the course of the 2023 calendar year, Council officers detail how this model should be applied and a process to monitor and evaluate the model and report back to Council.
6. Consider implementing and evaluating a cluster of community assets managed by one CAC. Over the course of the 2023 calendar year, Council officers detail how this model should be applied and a process to monitor and evaluate the model and report back to Council.
7. Encourage and support existing CACs that have registered as Incorporated Associations to change the name and purpose of the Incorporated Association (to become 'Friends of Warriorn Public Hall' is an illustrative example) OR develop a partnership with an existing community Incorporated Association to auspice funding submissions. Both options will enable the Incorporated Association to retain its ability to raise funds to support the activities of the CAC while severing its role in the governance and management of the community asset.
8. Consider increasing funding in the 2023-24 budget to increase Council's capacity to respond to the asset maintenance and renewal priorities of CACs.

5. CONSIDERATIONS

Overarching Governance Principles (s(9)(2) LGA 2020)

The information provided in this report has given due consideration to the following overarching governance principles:

- Council decisions are to be made and actions taken in accordance with the relevant law.
- Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- Innovation and continuous improvement are to be pursued.
- The transparency of Council decisions, actions and information is to be ensured.

Policies and Relevant Law (s(9)(2)(a) LGA 2020)

Council's responsibilities in respect of Community Asset Committees are defined in s65 of the *Local Government Act 2020* that states:

1. *A Council may establish a Community Asset Committee and appoint as many members to the Community Asset Committee as the Council considers necessary to enable the Community Asset Committee to achieve the purpose specified in subsection (2).*
2. *A Council may only establish a Community Asset Committee for the purpose of managing a community asset in the municipal district.*

Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)

Not applicable.

Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)

Council officers have made contact with all Community Asset Committees. It is anticipated that Council, as part of its review of governance models, will continue to actively engage with Community Asset Committees. Council officers have encouraged Community Asset Committees to continue to provide feedback about how Council can complement and better assist Committees to confidently undertake their delegated responsibilities.

Public Transparency (s58 LGA 2020)

Council's previous 2020 and 2022 resolutions to establish Community Asset Committees and appoint Community Asset Committee members were made in an open Council meeting. Similarly, the review of the governance model is to be made in an open Council meeting.

Alignment to Plans and Strategies

Alignment to Council Plan 2021-2025:

Theme 3 – Healthy and Inclusive Community

Objective 2: People are active and socially connected through engaging quality spaces and places

Theme 4 – Strong Leadership and Management

Objective 1: We commit to a program of best practice and continuous improvement

Financial Management (*s101 Local Government Act 2020*)

The support provided to, and management of, Community Asset Committees is within Council's existing budget.

Service Performance (*s106 Local Government Act 2020*)

Community assets are provided in a manner to ensure equity of access and inclusion. These principles form part of the Instrument of Delegation that defines purpose of community assets and the role and responsibilities of all Community Asset Committee members.

Risk Assessment

Not applicable.

Communication/Implementation

Following Council's resolution, Council officers will advise Community Asset Committees of Council's governance review and any decision regarding changes in Council's position.

Human Rights Charter

No impact.

Officer General or Material Interest

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

OptionsOption 1 – Adopt the recommendation as presented

This option is recommended by officers to communicate Council's review of Community Asset Committee governance models and apply the new governance models that reflect the requirements of the *Local Government Act 2020*.

Option 2 – Adopt the recommendation with amendments

This option is not recommended by officers. Officers will need to provide information and advice in response to any proposed Councillor amendments to ensure that any risks regarding community asset governance are avoided or effectively managed.

Option 3 – Do not adopt the recommendation

This option is not recommended by officers as it limits information to Community Asset Committees regarding Council's current review of governance models.

Item: 9.9

Councillor Attendance at the Australian Local Government Association's 29th National General Assembly and Regional Forum in Canberra

OFFICER	Marlo Emmitt
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

1. PURPOSE

The purpose of this report is to provide for Colac Otway Shire Council's participation in the Australian Local Government Association's 29th National General Assembly (ALGA NGA) and Regional Cooperation and Development Forum in Canberra during the period 13 to 16 June 2023.

2. EXECUTIVE SUMMARY

The ALGA NGA and provides a forum for local government to discuss and advance issues of national significance to local government. The forum is held annually.

In accordance with Council's Expenses Policy (adopted on 22 July 2020), any expenditure greater than \$600 (including registration, travel and accommodation) for a Councillor to attend a conference, seminar, training session, trade delegation, friendship visit etc., must be approved by Council.

3. RECOMMENDATION

That Council approves the following Councillors attending the Australian Local Government Association's 29th National General Assembly and Regional Forum in Canberra during the period 13 to 16 June 2023:

- 1. Mayor, Councillor Chris Potter***
- 2. Councillor ...***
- 3. Councillor ...***

4. KEY INFORMATION

Convened annually by the Australian Local Government Association (ALGA), the National General Assembly (NGA) of Local Government is the peak annual event for Local Government, bringing together over 800 conference participant representatives of Australia's 537 councils.

There are a number of benefits to participating in NGA, some of which include:

- Over 10 hours of professional development.
- Over 15 hours available to network with other Local Government leaders.
- Over 140 motions debated and used to engage with 24 Ministers and Federal portfolios.
- Opportunity to visit Colac Otway's Federal Member to discuss relevant issues relevant to the municipality and region.

The 2023 NGA theme is *Our Communities, Our Future* and reflects the importance of our communities, how they are the focus of our attention, and how they are at the centre of all our work. It provides an opportunity to hear from political leaders, experts, commentators and colleagues in local government to:

- Learn how councils are responding to build stronger communities in the future.
- Learn more about how ALGA's policy and advocacy programs are supporting our efforts to build stronger communities.
- Explore new ideas through keynote addresses, panels, concurrent sessions and networking.
- Hear about emerging trends and issues across our nation.

Accompanying the Councillors will be Colac Otway Shire's Chief Executive Officer, Anne Howard.

The total cost associated with participation by Councillors is estimated at \$10,500 and includes airfare, accommodation for up to four nights and registration costs.

5. CONSIDERATIONS

Overarching Governance Principles (s(9)(2) LGA 2020)

Attendance at the 2023 ALGA NGA and Regional Forum is consistent with the following overarching governance principles:

- Pursuing innovation and continuous improvement.
- Seeking collaboration with other councils and governments and statutory bodies.
- Regional, state and national plans and policies are taken into account in strategic planning and decision making.

The transparency of Council decisions, actions and information is to be ensured.

Policies and Relevant Law (s(9)(2)(a) LGA 2020)

Bringing this report to Council is consistent with Council's Expenses Policy (to approve any expenditure greater than \$600).

Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020

Not applicable.

Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)

Not applicable.

Public Transparency (s58 LGA 2020)

Bringing this matter to the Council meeting for resolution in open session ensures decision making is transparent and the public are aware of which Councillors are attending and why.

Alignment to Plans and Strategies

Alignment to Council Plan 2021-2025:

- Theme 1 – Strong and Resilient Community
- Theme 2 – Valuing the Natural and Built Environment
- Theme 3 – Healthy and Inclusive Community.

Financial Management (s101 Local Government Act 2020)

Councillor attendance at the 2023 ALGA NGA and Regional Forum is in accordance with Council's Expenses Policy. The total cost associated with participation by Councillors is estimated at \$10,500 and includes airfare, accommodation for up to four nights and registration costs.

Service Performance (s106 Local Government Act 2020)

Not applicable.

Risk Assessment

Not applicable.

Communication/Implementation

Not applicable.

Human Rights Charter

No impact.

Officer General or Material Interest

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

Options**Option 1 – Approve Councillor Attendance at the ALGA NGA**

This option is recommended by officers as representation and participation in the ALGA NGA provides a forum for local government to discuss and advance issues of national significance to local government and Colac Otway Shire.

Option 2 – Do not approve Councillor Attendance at the ALGA NGA

This option is not recommended by officers as Council would miss the opportunity for representation at a forum for local government to discuss and advance issues of national significance to local government and Colac Otway Shire.

Item: 9.10

S6 Instrument of Delegation - Council to members of Council staff

OFFICER	Janine Johnstone
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none">1. S 6 Instrument of Delegation - Members of Staff Updates - Tracked Changes - final [9.10.1 - 3 pages]2. Unsigned S 6 Instrument of Delegation - Members of Staff [9.10.2 - 77 pages]

1. PURPOSE

To present an updated S6 Instrument of Delegation from Council to Members of Staff (S6 Instrument) for each of the relevant Acts and Regulations as a result of the biannual update to legislation as advised by Maddocks legal services.

2. EXECUTIVE SUMMARY

There are a number of Acts and Regulations where Council has express powers of delegation, and delegation of those powers, duties and functions, subject to the limitations and conditions contained in the Instrument of Delegation, must be directly to staff and cannot be sub-delegated through the Chief Executive Officer.

Maddocks Lawyers (Maddocks) provides a bi-annual update to any legislation changes that may affect items that are delegated from Council to members of staff. These regular updates are provided in January and July of each year.

3. RECOMMENDATION

That Council:

- 1. In the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation (Attachment 2), delegates to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation, the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.***
- 2. Authorises the Chief Executive Officer to execute the S6 Instrument of Delegation.***
- 3. Authorises the use of the common seal in accordance with Colac Otway Shire's Governance Local Law No 4 – 2020.***
- 4. Approves the S6 Instrument of Delegation to come into force immediately upon execution.***
- 5. Approves that coming into force of the S6 Instrument of Delegation, the previous S6 Instrument of Delegation from Council to members of Council staff (dated 29 September 2022) is revoked.***
- 6. Notes 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.***

4. KEY INFORMATION

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 Instruments of Delegation 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 advised changes to legislation. In addition, Council must specifically review delegations within 12 months of a general election.

Council subscribes to the regular update service offered by Maddocks, which provides updates on legislative amendments required to Council's Instruments of Delegation to ensure legislative compliance. Council also uses a software package, RelianSys, to automate the reporting and management of delegations.

The following changes have been made to the S6 Instrument of Delegation, as advised by Maddocks via the 20 January 2023 update:

- The execution of the S6 Instrument has been amended to enable Council's Chief Executive Officer (CEO) to sign the Instrument, where a resolution has been made by Council for the CEO to sign the Instrument (as opposed to affixing the common seal).

- Regulations 25(a) and (b) of the *Planning and Environment Regulations 1987* have been slightly amended by the *Planning and Environment Amendment Regulations 2022*, to refer to the public availability requirements. Following consultation with the relevant managers, the following positions no longer have delegation under these amended provisions: Manager Healthy Environments (MHE), Planning and Building Administrator 1 (PBA1) and Statutory Planners 1 (SP1).

Section 52 of the *Cemeteries and Crematoria Act 2003* has also been added and relates to the duty to report annually to the Secretary; however, this has not been included in the attached, as it is not relevant to Colac Otway Shire.

Please note that the internally applied conditions and limitations referencing the number of objections etc., which have been applied to the *Planning and Environment Act 1987* provisions at Council for some time, including sections 60, 61(1), 62(1) and (2), 62(5)(b), 84(1) and 96G(1), still form part of the document presented for adoption.

Councillors are provided with a copy of the updated instrument for authorisation, at **Attachment 2**, and amendment document showing the changes that were applied by Maddocks with the new provisions allocated, at **Attachment 1**.

5. CONSIDERATIONS

Overarching Governance Principles (s(9)(2) LGA 2020)

Council decisions are to be made and actions taken in accordance with the relevant law.

Policies and Relevant Law (s(9)(2)(a) LGA 2020)

Not applicable.

Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)

Not applicable.

Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)

Not applicable.

Public Transparency (s58 LGA 2020)

Not applicable.

Alignment to Plans and Strategies

Alignment to Council Plan 2021-2025:

Theme 4 – Strong Leadership and Management

Objective 1: We commit to a program of best practice and continuous improvement

Theme 4 – Strong Leadership and Management

Objective 1: We commit to a program of best practice and continuous improvement

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

Financial Management (*s101 Local Government Act 2020*)

The cost for annual subscription to both Maddocks and RelianSys services has been included in Council's annual budget considerations.

Service Performance (*s106 Local Government Act 2020*)

Not applicable.

Risk Assessment

Maintaining the currency of delegations in our complex legal and legislative environment is challenging to ensure legislative compliance with over 90 different pieces of legislation. The subscribed services provided by Maddocks and RelianSys reduce the resource requirement and the risk of non-compliance for Council. This service provides updates on legislative changes and therefore Council updates the delegations on a half yearly basis or more often, where required.

Communication/Implementation

On completion of all updates, Council officers will be sent updated copies of the delegations assigned to their role.

Human Rights Charter

No impact.

Officer General or Material Interest

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

OptionsOption 1 – Adopt the updated S6 Instrument of Delegation

This option is recommended by officers in order to align the Instrument with the requirements of the Act and confer these duties to the relevant officers enabling enforcement of the statutory powers and responsibilities required within legislation.

Option 2 – Not adopt the updated S6 Instrument of Delegation

This option is not recommended by officers as it will render officers unable to carry out enforcement of the statutory powers and responsibilities required within legislation and impact the delivery of important ongoing services.

COLAC OTWAY SHIRE

RELIANSYS® DELEGATIONS - EXPORT OF UPDATES BY REGISTER - NEW & CHANGED

S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF

Note - Exported provisions are separated into NEW and CHANGED groupings, sorted by Delegation Source and Section.

20 FEBRUARY 2023

Colac Otway Shire

NEW Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
652450	Cemeteries and Crematoria Act 2003	s 52	Duty to submit a report to the Secretary in relation to any public cemetery for which the cemetery trust is responsible for each financial year in respect of which it manages that cemetery	N/A	_____

Colac Otway Shire

CHANGED Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286284	Planning and Environment Regulations 20052015	r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available in for accordance inspection with free the of public charge availability requirements	MHE, PBA1 , CPBA, SP1 , CSP, CSPMP, CEO, GMCE, MPSF, CSO, PA, PLO	where Council is the responsible authority _____
286285	Planning and Environment Regulations 20052015	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 in inspection accordance free with of the charge public availability requirements	MHE, PBA1 , CPBA, SP1 , CSP, CSPMP, CEO, GMCE, MPSF, CSO, PA, PLO	where Council is not the responsible authority but the relevant land is within Council's municipal district _____



COLAC OTWAY SHIRE

INSTRUMENT OF DELEGATION

S6 INSTRUMENT OF DELEGATION - MEMBERS OF
STAFF

09 MARCH 2023

Colac Otway Shire

Instrument of Delegation

In exercise of the powers conferred by the legislation referred to in the attached Schedule, the Council:

- 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;
- record that references in the Schedule are as follows:

Positions	
CEH	Coordinator Environmental Health
CEM	Coordinator Emergency Management
CEO	Chief Executive Officer
CLLCS	Coordinator Local Laws Community Safety
CPBA	Coordinator Planning and Building Administration
CRS	Coordinator Revenue Services
CSP	Coordinator Statutory Planning
CSPMP	Coordinator Strategic Planning and Major Projects
EHTO1	Environmental Health Technical Officer 1
EHTO2	Environmental Health Technical Officer 2
GMCE	General Manager Community and Economy
GMCS	General Manager Corporate Services
GMIO	General Manager Infrastructure and Operations
HPSO	Health Protection Support Officer
MAES	Manager Assets and Engineering
MCC	Manager Connected Communities
MFS	Manager Financial Services
MHE	Manager Healthy Environments
MPC	Manager People and Culture
MPSF	Manager Planning and Strategic Focus
MSO	Manager Services and Operations
N/A	Not Applicable

Colac Otway Shire

Positions	
PBA1	Planning and Building Administrator 1
PBA2	Planning and Building Administrator 2
PBA3	Planning and Building Administrator 3
PBA4	Planning and Building Administrator 4
PCofC	Planning Committee of Council
PRMC	Project Management Coordinator
SP	Strategic Planner
SP1	Statutory Planners 1
SP2	Statutory Planner 2
SP3	Statutory Planners 3
SP4	Statutory Planners 4
SP5	Statutory Planners 5
SP6	Statutory Planner 6

Position Groups	
All GMs	All GMs
CAO	Compliance Administration Officers
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 29 March 2023; 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

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) strategyadopted 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 Sire Council on 29 March 2023.

THE COMMON SEAL of the)
COLAC OTWAY SHIRE COUNCIL was)
Hereunto affixed in the presence of:)

Anne Howard
Chief Executive Officer

Date _____

Colac Otway Shire

Delegation Sources

- Cemeteries and Crematoria Act 2003
- Domestic Animals Act 1994
- 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

Colac Otway Shire

S6 Instrument of Delegation - Members of Staff

Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 52	Duty to submit a report to the Secretary in relation to any public cemetery for which the cemetery trust is responsible for each financial year in respect of which it manages that cemetery	N/A	

Domestic Animals Act 1994			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 41A(1)	Power to declare a dog to be a menacing dog	CLLCS, CO	Council may delegate this power to a Council authorised officer

Food Act 1984			
Provision	Power 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	EHTO1, CEH, HPSO, EHTO2, 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	EHTO1, CEH, HPSO, EHTO2, HPO	If s 19(1) applies
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	EHTO1, CEH, EHTO2, 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	EHTO1, CEH, HPSO, EHTO2, HPO	If s 19(1) applies

Colac Otway Shire

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	EHTO1, CEH, HPSO, EHTO2, 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	EHTO1, CEH, HPSO, EHTO2, 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).	EHTO1, CEH, HPSO, EHTO2, 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	EHTO1, CEH, HPSO, EHTO2, 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	EHTO1, CEH, HPSO, EHTO2, HPO	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	EHTO1, CEH, HPSO, EHTO2, HPO	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	EHTO1, CEH, HPSO, EHTO2, HPO	Where Council is the registration authority
s 19EA(3)	Function of receiving copy of revised food safety program	EHTO1, CEH, HPSO, EHTO2, HPO	Where Council is the registration authority
s 19GB	Power to request proprietor to provide written details of the name, qualification or	EHTO1, CEH, HPSO,	Where Council is the registration authority

Colac Otway Shire

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	experience of the current food safety supervisor	EHTO2, HPO	
s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	EHTO1, CEH, HPSO, EHTO2, HPO	Where Council is the registration authority
s 19IA(2)	Duty to give written notice to the proprietor of the premises	EHTO1, CEH, EHTO2, HPO	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	EHTO1, CEH, EHTO2, HPO	Where Council is the registration authority
s 19N(2)	Function of receiving notice from the auditor	EHTO1, CEH, HPSO, EHTO2, HPO	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	EHTO1, CEH, HPSO, EHTO2, 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	EHTO1, CEH, EHTO2, HPO	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	EHTO1, CEH, HPSO, EHTO2, 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	EHTO1, CEH, HPSO, EHTO2, HPO	Where Council is the registration authority

Colac Otway Shire

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	EHTO1, CEH, HPSO, EHTO2, 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	EHTO1, CEH, HPSO, EHTO2, HPO	Where Council is the registration authority
	Power to register or renew the registration of a food premises	EHTO1, CEH, HPSO, EHTO2, HPO	Where Council is the registration authority Refusal to grant or renew the registration of a food premises 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	CEH, HPO	Where Council is the registration authority
s 36B	Duty to pay the charge for use of online portal	MHE, CEH	Where Council is the registration authority
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	EHTO1, CEH, HPSO, EHTO2, HPO	Where Council is the registration authority
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)	EHTO1, CEH, HPSO, EHTO2, HPO	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	EHTO1, CEH, HPSO, EHTO2, 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	EHTO1, CEH, HPSO,	Where Council is the registration authority

Colac Otway Shire

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		EHTO2, HPO	
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	EHTO1, CEH, HPSO, EHTO2, HPO	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	EHTO1, CEH, HPSO, EHTO2, 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	EHTO1, CEH, HPSO, EHTO2, HPO	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	EHTO1, CEH, HPSO, EHTO2, HPO	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	EHTO1, CEH, HPSO, EHTO2, HPO	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	EHTO1, CEH, HPSO, EHTO2, 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	EHTO1, CEH, HPSO, EHTO2, HPO	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	EHTO1, CEH, HPSO, EHTO2, HPO	Where Council is the registration authority

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Food Act 1984			
Provision	Power 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	CEH, HPO	Where Council is the registration authority
s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	EHTO1, CEH, HPSO, EHTO2, HPO	Where Council is the registration authority
s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	CEH, HPO	Where Council is the registration authority
s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	EHTO1, CEH, HPSO, EHTO2, HPO	
s 39A	Power to register, or renew the registration of a food premises despite minor defects	EHTO1, CEH, HPSO, EHTO2, HPO	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 39A (6)	Duty to comply with a direction of the Secretary	EHTO1, CEH, HPSO, EHTO2, HPO	
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	EHTO1, CEH, EHTO2, HPO	Where Council is the registration authority
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	EHTO1, CEH, HPSO, EHTO2, HPO	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	EHTO1, CEH, HPSO, EHTO2, HPO	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	CEH	Where Council is the registration authority

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 40E	Duty to comply with direction of the Secretary	EHTO1, CEH, HPSO, EHTO2, HPO	
s 40F	Power to cancel registration of food premises	MHE, CEH	Where Council is the registration authority
s 43	Duty to maintain records of registration	EHTO1, CEH, HPSO, EHTO2, HPO	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering or renewing registration of a component of a food business	EHTO1, CEH, HPSO, EHTO2, 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	EHTO1, CEH, EHTO2, HPO	Where Council is the registration authority
s 45AC	Power to bring proceedings	CEH, HPO	
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	EHTO1, CEH, EHTO2, HPO	Where Council is the registration authority

Heritage Act 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 116	Power to sub-delegate Executive Director's functions, duties or powers	GMCE	Must first obtain Executive Director's written consent

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Heritage Act 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation

Local Government Act 1989			
Provision	Power 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	Power and Functions Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	CSP, CSPMP, GMCE, MPSF	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	CSP, CSPMP, GMCE, MPSF	
s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	CPBA, CSP, CSPMP, GMCE, MPSF, PLO	
s 4I(2)	Duty to make and copy of the Victorian Planning Provisions and other documents available in accordance with public availability requirements	CPBA, CSP, CSPMP, GMCE, MPSF, PLO	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	MPSF	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	CPBA, CSP, CSPMP,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		GMCE, MPSF	
s 8A(5)	Function of receiving notice of the Minister's decision	CPBA, CSP, CSPMP, GMCE, MPSF	
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	CSP, CSPMP, GMCE, MPSF	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	GMCE, MPSF	
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	CSP, CSPMP, GMCE, MPSF	
s 12B(1)	Duty to review planning scheme	CSP, CSPMP, GMCE, MPSF	
s 12B(2)	Duty to review planning scheme at direction of Minister	CSP, CSPMP, GMCE, MPSF	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	CSP, CSPMP, GMCE, MPSF	
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	CPBA, CSP, CSPMP, GMCE, MPSF, PLO	
s 17(1)	Duty of giving copy amendment to the planning scheme	CPBA, CSP, CSPMP,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		GMCE, MPSF, CSO, PA, PLO	
s 17(2)	Duty of giving copy s 173 agreement	CPBA, CSP, CSPMP, GMCE, MPSF, CSO, PA, PLO	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	CPBA, CSP, CSPMP, GMCE, MPSF, CSO, PA, PLO	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	CPBA, CSP, CSPMP, GMCE, MPSF, PA, PLO	Until the proposed amendment is approved or lapsed
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	CPBA, CSP, CSPMP, GMCE, MPSF, PA, PLO	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	CPBA, CSP, CSPMP, GMCE, MPSF, 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	CSP, CSPMP, GMCE, MPSF	Where Council is a planning authority

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 21(2)	Duty to make submissions available in accordance with public availability requirements	CPBA, CSP, CSPMP, GMCE, MPSF, CSO, PA	Until the end of 2 months after the amendment comes into operation or lapses
s 21A(4)	Duty to publish notice	CPBA, CSP, CSPMP, GMCE, MPSF, PA, PLO	
s 22(1)	Duty to consider all submissions received before the date specified in the notice	CSP, CSPMP, GMCE, MPSF	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 22(2)	Power to consider a late submission Duty to consider a late submission, if directed by the Minister	SP, CSP, CSPMP, MPSF	
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	CSP, CSPMP, GMCE, MPSF	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	CSP, CSPMP, GMCE, MPSF	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	CSP, CSPMP, GMCE, MPSF, PLO	
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	CPBA, CSP, CSPMP, GMCE, MPSF, PA, PLO	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	CPBA, CSP, CSPMP, GMCE, MPSF,	During the inspection period

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		CSO, PA, PLO	
s 27(2)	Power to apply for exemption if panel's report not received	CSP, CSPMP, GMCE, MPSF	
s 28(1)	Duty to notify the Minister if abandoning an amendment	CSP, CSPMP, GMCE, MPSF	Note: the power to make a decision to abandon an amendment cannot be delegated
s 28(2)	Duty to publish notice of the decision on Internet site	CPBA, CSP, CSPMP, GMCE, MPSF, PA, PLO	
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	CPBA, CSP, CSPMP, GMCE, MPSF, PA, PLO	
s 30(4)(a)	Duty to say if amendment has lapsed	CPBA, CSP, CSPMP, GMCE, MPSF	
s 30(4)(b)	Duty to provide information in writing upon request	CPBA, CSP, CSPMP, GMCE, MPSF	
s 32(2)	Duty to give more notice if required	CPBA, CSP, CSPMP, GMCE, MPSF	
s 33(1)	Duty to give more notice of changes to an amendment	CPBA, CSP, CSPMP, GMCE, MPSF	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 36(2)	Duty to give notice of approval of amendment	CPBA, CSP, CSPMP, GMCE, MPSF	
s 38(5)	Duty to give notice of revocation of an amendment	CPBA, CSP, CSPMP, GMCE, MPSF	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	CSP, CSPMP, GMCE, MPSF	
s 40(1)	Function of lodging copy of approved amendment	CPBA, CSP, CSPMP, GMCE, MPSF	
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	CPBA, CSP, CSPMP, GMCE, MPSF, CSO, PA, PLO	
s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends	CPBA, CSP, CSPMP, GMCE, MPSF, CAO, PA, PLO	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	CPBA, CSP, CSPMP, GMCE, MPSF, CSO, PA, PLO	
s 46AW	Function of being consulted by the Minister	CEO, GMCE, MPSF	Where Council is a responsible public entity

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	CSP, CSPMP, CEO, GMCE, MPSF	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	CSP, CSPMP, CEO, GMCE, MPSF	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	CSP, CSPMP, CEO, GMCE, MPSF	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	MFS, CEO, GMCS, GMCE, MPSF	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	MFS, CEO, GMCS, GMCE, MPSF	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	MFS, CEO, GMCS, GMCE, MPSF	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	MFS, CEO, GMCS	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GP	Function of receiving a notice under s 46GO	MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	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	MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	
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	MFS, CEO, GMCS, GMCE, MPSF	
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	MFS, CEO, GMCS, GMCE, MPSF	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	MFS, CEO, GMCS	
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	MFS, CEO, GMCS	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	MFS, CEO, GMCS	
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	CSP, CSPMP, CEO, GMCS, GMCE, MPSF	
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	CSP, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	CSP, CSPMP, CEO, GMCS, GMCE, MPSF	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)	CSP, CSPMP, CEO, GMCE, MPSF	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)	CSP, CSPMP, CEO, GMCE, MPSF	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	CSP, CSPMP, CEO, GMCE, MPSF	
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	CSP, CSPMP, CEO, GMCE, MPSF	Where Council is the collecting agency

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Planning and Environment Act 1987			
Provision	Power 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	MFS, CSP, CSPMP, CEO, GMCS, GMCE, GMIO, MPSF	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	MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	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	MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	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	MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	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	MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency under an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			This provision does not apply where Council is also the relevant development agency
s 46GZ(2)(b)	Function of receiving the monetary component	MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	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)	MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	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	MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	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	MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	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	MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency under an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Power 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	MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	<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	MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	<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	MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	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	MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	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)	MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is a development agency under an approved infrastructure contributions plan
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	MFS, CSP, CSPMP, CEO, GMCS,	If the VPA is the collecting agency under an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	provide reports on the use of the infrastructure contribution to the VPA	GMCE, MPSF	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)	MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	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)	MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	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)	MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	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	MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	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	MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
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)	MFS, CSP, CSPMP, CEO, GMCS,	Where Council is the collecting agency under an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		GMCE, MPSF	
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	MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	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)	MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	Function of receiving proceeds of sale	MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	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)	MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	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)	MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency under an approved infrastructure contributions plan
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	MFS, CEO, MPSF	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, GMCE, MPSF	Where Council is a collecting agency or development agency

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	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)	MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	CSP, CSPMP, GMCE, MPSF	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	CSP, CSPMP, GMCE, MPSF	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	GMCE, MPSF	
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	GMCE, MPSF	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	CSP, CSPMP, GMCE, MPSF	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	CSP, CSPMP, GMCE, MPSF	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CSP, CSPMP, CEO, GMCE, MPSF	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46Q(1)	Duty to keep proper accounts of levies paid	MFS, CSP, CSPMP, GMCS, GMCE, MPSF	
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	MFS, CSP, CSPMP, GMCS, GMCE, MPSF	
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	CSP, CSPMP, CEO, GMCE, MPSF	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	CSP, CSPMP, GMCE, MPSF	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)	CSP, CSPMP, CEO, GMCE, MPSF	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	CSP, CSPMP, CEO, GMCE, MPSF	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	CSP, CSPMP, CEO, GMCE, MPSF	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	MFS, CSP, CSPMP, GMCE, MPSF	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46QD	Duty to prepare report and give a report to the Minister	MFS, CSP, CSPMP, GMCE, MPSF	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	CSP, CSPMP, CEO, GMCE, MPSF	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, PA, PLO	
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, CSO, PA, PLO	
s 50(4)	Duty to amend application	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 50(5)	Power to refuse to amend application	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 50(6)	Duty to make note of amendment to application in register	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, PA, PLO	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 50A(1)	Power to make amendment to application	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 50A(4)	Duty to note amendment to application in register	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, PA, PLO	
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, 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	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	CPBA, CSP, CSPMP, CEO,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		GMCE, MPSF, 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	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, 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	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	CPBA, CSP, CSPMP, CEO, GMCE, MPSF	
s 52(3)	Power to give any further notice of an application where appropriate	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, PLO	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 54(1)	Power to require the applicant to provide more information	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 54(1B)	Duty to specify the lapse date for an application	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	CPBA, CSP, CSPMP, CEO, GMCE,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MPSF, PA, PLO	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CSP, CSPMP, CEO, GMCE, MPSF	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, PA, PLO	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, CSO, PA, PLO	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, PA, PLO	
s 57A(5)	Power to refuse to amend application	CSP, CSPMP, CEO, GMCE, MPSF	
s 57A(6)	Duty to note amendments to application in register	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, PA, PLO	
s 57B(1)	Duty to determine whether and to whom notice should be given	CSP, CSPMP, CEO,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		GMCE, MPSF, PLO	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 57C(1)	Duty to give copy of amended application to referral authority	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, PA, PLO	
s 58	Duty to consider every application for a permit	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 58A	Power to request advice from the Planning Application Committee	CSP, CSPMP, CEO, GMCE, MPSF	
s 60	Duty to consider certain matters	CSP, CSPMP, CEO, GMCE, MPSF, PA, PLO	<p>Save where the proposed use and/or development:</p> <ul style="list-style-type: none"> • Results in four (4) or more objections having been lodged against the grant of a permit. • Or where the application may have an affect on the broader community. • Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> • the works had not been completed prior to the expiry of the permit; and • the officer recommendation is for refusal, unless that

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Planning and Environment Act 1987			
Provision	Power 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"> • Or where the land is in the Farming or Rural Conservation Zones and the officer recommendation is to refuse an application to use or develop land for a dwelling (except where a determining referral authority under the planning scheme has recommended refusal of the application).
s 60(1A)	Duty to consider certain matters	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	CSP, CSPMP, GMCE, MPSF, 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	CSP, CSPMP, CEO, GMCE, MPSF, PLO	<p>The permit must not be inconsistent with a cultural heritage management plan under the <u>Aboriginal Heritage Act 2006</u></p> <p>Save where the proposed use and/or development:</p> <ul style="list-style-type: none"> • Results in four (4) or more objections having been lodged against the grant of a permit. • Or where the application may have an affect on the broader community. • Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> • the works had not been completed prior to the expiry of the permit; and • the officer recommendation is for refusal, unless that

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Planning and Environment Act 1987			
Provision	Power 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"> • Or where the land is in the Farming or Rural Conservation Zones and the officer recommendation is to refuse an application to use or develop land for a dwelling (except where a determining referral authority under the planning scheme has recommended refusal of the application). <p>Save where the application may have an affect on the broader community. The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006.</p>
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CSP, CSPMP, CEO, GMCE, MPSF	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	CSP, CSPMP, CEO, GMCE, MPSF	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	CSP, CSPMP, CEO, GMCE, MPSF	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	CSP, CSPMP, CEO, GMCE, MPSF	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	CSP, CSPMP, CEO,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		GMCE, MPSF	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	CSP, CSPMP, CEO, GMCE, MPSF, PLO	<p>Save where the proposed use and/or development:</p> <ul style="list-style-type: none"> • Results in four (4) or more objections having been lodged against the grant of a permit. • Or where the application may have an affect on the broader community. • Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> • the works had not been completed prior to the expiry of the permit; and • 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 • Or where the land is in the Farming or Rural Conservation Zones and the officer recommendation is to refuse an application to use or develop land for a dwelling (except where a determining referral authority under the planning scheme has recommended refusal of the application).
s 62(2)	Power to include other conditions	CSP, CSPMP, CEO, GMCE, MPSF, PLO	<p>Save where the proposed use and/or development:</p> <ul style="list-style-type: none"> • Results in four (4) or more objections having been lodged against the grant of a permit. • Or where the application may have an affect on the broader community. • Or if the application seeks approval for works which had commenced under a lawful planning permit, where:

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			<ul style="list-style-type: none"> the works had not been completed prior to the expiry of the permit; and 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 Or where the land is in the Farming or Rural Conservation Zones and the officer recommendation is to refuse an application to use or develop land for a dwelling (except where a determining referral authority under the planning scheme has recommended refusal of the application).
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	CSP, CSPMP, CEO, GMCE, MPSF, 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	CSP, CSPMP, CEO, GMCE, MPSF, PLO	<p>Save where the proposed use and/or development:</p> <ul style="list-style-type: none"> Results in four (4) or more objections having been lodged against the grant of a permit. Or where the application may have an affect on the broader community. Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> the works had not been completed prior to the expiry of the permit; and

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			<ul style="list-style-type: none"> 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 Or where the land is in the Farming or Rural Conservation Zones and the officer recommendation is to refuse an application to use or develop land for a dwelling (except where a determining referral authority under the planning scheme has recommended refusal of the application).
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	CSP, CSPMP, CEO, GMCE, MPSF, 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)	CSP, CSPMP, CEO, GMCE, MPSF, 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)	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	CPBA, CSP, CSPMP, CEO, GMCE,	This provision applies also to a decision to grant an amendment to a permit - see s 75

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MPSF, PA, PLO	
s 64(3)	Duty not to issue a permit until after the specified period	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, 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	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, 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	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, 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	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, PA, PLO	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, PA, PLO	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, 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

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, 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
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	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, 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	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, CSO, PA, PLO	
s 69(1A)	Function of receiving application for extension of time to complete development	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, CSO, PA, PLO	
s 69(2)	Power to extend time	CSP, CSPMP, CEO, GMCE, MPSF, PLO	Delegation to officers applies save where the development has commenced lawfully under the planning permit and: o the application seeks approval for an extension of time to complete the works; and 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.

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 70	Duty to make copy permit available for inspection in accordance with the public availability requirements	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, CSO, PA, PLO	
s 71(1)	Power to correct certain mistakes	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 71(2)	Duty to note corrections in register	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, PA, PLO	
s 73	Power to decide to grant amendment subject to conditions	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 74	Duty to issue amended permit to applicant if no objectors	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, PA, PLO	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	CPBA, CSP, CSPMP, CEO,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		GMCE, MPSF, PA, PLO	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, 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	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, 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	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, 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	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 83	Function of being respondent to an appeal	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 83B	Duty to give or publish notice of application for review	CSP, CSPMP, CEO, GMCE, MPSF, PLO	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	CSP, CSPMP, CEO, GMCE, MPSF	Save where the proposed use and/or development: <ul style="list-style-type: none"> • Results in four (4) or more objections having been lodged against the grant of a permit. • Or where the application may have an affect on the broader community. • Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> • the works had not been completed prior to the expiry of the permit; and • 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 • Or where the land is in the Farming or Rural Conservation Zones and the officer recommendation is to refuse an application to use or develop land for a dwelling (except where a determining referral authority under the planning scheme has recommended refusal of the application).
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	CSP, CSPMP, CEO, GMCE, MPSF, 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	CSP, CSPMP, CEO, GMCE, MPSF	
s 84(6)	Duty to issue permit on receipt of advice within 3 business days	CSP, CSPMP, CEO, GMCE,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MPSF, PLO	
s 84AB	Power to agree to confining a review by the Tribunal	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 86	Duty to issue a permit at order of Tribunal within 3 business days	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	CSP, CSPMP, CEO, GMCE, MPSF	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 91(2)	Duty to comply with the directions of VCAT	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	CSP, CSPMP, CEO, GMCE, MPSF, PLO	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 93(2)	Duty to give notice of VCAT order to stop development	CSP, CSPMP, CEO, CLLCS, GMCE, MPSF, CO, PLO	
s 95(3)	Function of referring certain applications to the Minister	CSP, CSPMP, CEO, GMCE, MPSF	
s 95(4)	Duty to comply with an order or direction	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	CSP, CSPMP, CEO, GMCE, MPSF	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	CSP, CSPMP, CEO, GMCE, MPSF	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	CSP, CSPMP, CEO, GMCE, MPSF, 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	CSP, CSPMP, CEO, GMCE, MPSF	
s 96F	Duty to consider the panel's report under s 96E	CSP, CSPMP, CEO, GMCE, MPSF	

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Planning and Environment Act 1987			
Provision	Power 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	CSP, CSPMP, CEO, GMCE, MPSF	Save where the proposed use and/or development: <ul style="list-style-type: none"> • Results in four (4) or more objections having been lodged against the grant of a permit. • Or where the application may have an affect on the broader community. • Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> • the works had not been completed prior to the expiry of the permit; and • 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 • Or where the land is in the Farming or Rural Conservation Zones and the officer recommendation is to refuse an application to use or develop land for a dwelling (except where a determining referral authority under the planning scheme has recommended refusal of the application).
s 96H(3)	Power to give notice in compliance with Minister's direction	CSP, CSPMP, CEO, GMCE, MPSF	
s 96J	Duty to issue permit as directed by the Minister	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	CSP, CSPMP, CEO, GMCE,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MPSF, 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	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 97C	Power to request Minister to decide the application	CSP, CSPMP, CEO, GMCE, MPSF	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
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	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, CSO, PA, PLO	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, PA, PLO	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	CPBA, CSP, CSPMP, CEO,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		GMCE, MPSF, PA, PLO	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	CSP, CSPMP, GMCE, MPSF	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	CSP, CSPMP, CEO, GMCE, MPSF, 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	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 97Q(4)	Duty to comply with directions of VCAT	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, PA, PLO	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	CEO, GMCE, MPSF	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	CEO, GMCE, MPSF	
s 101	Function of receiving claim for expenses in conjunction with claim	CEO, GMCE, MPSF	
s 103	Power to reject a claim for compensation in certain circumstances	CEO, GMCE, MPSF	
s.107(1)	function of receiving claim for compensation	CEO, GMCE, MPSF	
s 107(3)	Power to agree to extend time for making claim	CEO, GMCE, MPSF	
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	GMCE, MPSF	
s 114(1)	Power to apply to the VCAT for an enforcement order	MHE, CSP, CSPMP, CEO, CLLCS, GMCE, MPSF, CO	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	MHE, CSP, CSPMP, CEO, CLLCS, GMCE, MPSF, CO, PLO	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	MHE, CSP, CSPMP, CEO, CLLCS, GMCE, MPSF, CO	
s 123(1)	Power to carry out work required by enforcement order and recover costs	MHE, CSP, CSPMP, CEO, CLLCS,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		GMCE, MPSF, CO	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	MHE, CEO, CLLCS, GMCE, MPSF	Except Crown Land
s 129	Function of recovering penalties	MFS, MHE, CEO, CLLCS, GMCE, MPSF, CO	
s 130(5)	Power to allow person served with an infringement notice further time	MHE, CSP, CSPMP, CEO, CLLCS, GMCE, MPSF, CO, PLO	
s 149A(1)	Power to refer a matter to the VCAT for determination	MHE, CSP, CSPMP, CEO, CLLCS, GMCE, MPSF, CO	
s 149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	MHE, CSP, CSPMP, CEO, CLLCS, GMCE, MPSF, 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 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)	MHE, CSP, CSPMP, CEO, GMCE, MPSF	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	CSP, CSPMP, CEO,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		GMCE, MPSF	
s 171(2)(g)	Power to grant and reserve easements	CSP, CSPMP, CEO, GMCE, MPSF	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	CEO, GMCS, GMCE	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, GMCE	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, GMCE	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	CSP, CSPMP, CEO, GMCE, GMIO, MPSF	
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, GMCE, GMIO, MPSF	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	CSP, CSPMP, CEO, GMCE, MPSF, 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 something may not	CSP, CSPMP, CEO,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	be done without the consent of Council or Responsible Authority	GMCE, MPSF	
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	CSP, CSPMP, CEO, GMCE, MPSF	
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	CSP, CSPMP, CEO, GMCE, MPSF	
s 178A(1)	Function of receiving application to amend or end an agreement	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 178A(5)	Power to propose to amend or end an agreement	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	CSP, CSPMP, CEO, GMCE,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MPSF, PLO	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	CSP, CSPMP, CEO, GMCE, MPSF, 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	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 178C(4)	Function of determining how to give notice under s 178C(2)	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	CSP, CSPMP, CEO, GMCE, MPSF, 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	CSP, CSPMP, CEO, GMCE, MPSF, 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	CSP, CSPMP, CEO, GMCE, MPSF, PLO	If no objections are made under s 178D Must consider matters in s 178B

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	CSP, CSPMP, CEO, GMCE, MPSF, 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	CSP, CSPMP, CEO, GMCE, MPSF, 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	CSP, CSPMP, CEO, GMCE, MPSF, PLO	After considering objections, submissions and matters in s.178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	CSP, CSPMP, CEO, GMCE, MPSF, 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)	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
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	CSP, CSPMP, CEO, GMCE, MPSF, PLO	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	CSP, CSPMP, CEO, GMCE, MPSF, 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	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 179(2)	Duty to make copy of each agreement available in accordance with the public availability requirements	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 182	Power to enforce an agreement	CSP, CSPMP,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		CEO, GMCE, MPSF, PLO	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	CSP, CSPMP, CEO, GMCE, MPSF, 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	CSP, CSPMP, CEO, GMCE, MPSF, 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	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
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	CSP, CSPMP, CEO, GMCE, MPSF, 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	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 184G(2)	Duty to comply with a direction of the Tribunal	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 184G(3)	Duty to give notice as directed by the Tribunal	CSP, CSPMP, CEO, GMCE,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MPSF, PLO	
s 185B(1)	Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice	PBA4, PBA2, PBA3, SP3, SP, SP4, SP5, PBA1, CPBA, SP1, CSP, CSPMP, SP2, SP6, MPSF	
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	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, CSO, PA, PLO	
s 201(3)	Duty to make declaration	CSP, CSPMP, CEO, GMCE, MPSF, 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	CSP, CSPMP, CEO, CLLCS, GMCE, MPSF, 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	CSP, CSPMP, CEO, GMCE,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MPSF, 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	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
	Power to give written authorisation in accordance with a provision of a planning scheme	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	CSP, CSPMP, CEO, GMCE, MPSF	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	CSP, CSPMP, CEO, GMCE, MPSF	

Residential Tenancies Act 1997			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	MHE, CEH, MPSF	
s 522(1)	Power to give a compliance notice to a person	MFS, MHE, CLLCS, CRS, MPSF, CO	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	MPSF, All GMs	
s 525(4)	Duty to issue identity card to authorised officers	MPSF, All GMs	

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Residential Tenancies Act 1997			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 526(5)	Duty to keep record of entry by authorised officer under s 526	MFS, MHE, CLLCS, CRS, MPSF	
s 526A(3)	Function of receiving report of inspection	MFS, MHE, CLLCS, CRS, MPSF	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	MHE, CLLCS, MPSF, CO	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	MHE, CLLCS, GMIO, MAES	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	MHE, CLLCS, GMCS, CRS, GMIO, MAES	
s 11(9)(b)	Duty to advise Registrar	MHE, CLLCS, GMCS, CRS, GMIO, MAES	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	MHE, CLLCS, CRS, GMIO, MAES	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	MHE, MSO, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	MHE, CLLCS,	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		GMIO, MAES	
s 12(4)	Duty to publish, and provide copy, notice of proposed discontinuance	MHE, CLLCS, GMIO, MAES	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(5)	Duty to consider written submissions received within 28 days of notice	MHE, CLLCS, GMIO, MAES	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	MHE, CLLCS, GMIO, MAES	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	MHE, CLLCS, GMIO, MAES	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	MHE, CLLCS, GMIO, MAES	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	MHE, CLLCS, GMIO, MAES	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	MHE, CLLCS, GMIO, MAES	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	MHE, CLLCS, GMIO, MAES	
s 15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management	MHE, CLLCS, GMIO, MAES	

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	function of the road authority to the other road authority, utility or provider of public transport		
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	MHE, CLLCS, GMIO, MAES	
s 15(2)	Duty to include details of arrangement in public roads register	MHE, CLLCS, GMIO, MAES	
s 16(7)	Power to enter into an arrangement under s 15	MHE, CLLCS, GMIO, MAES	
s 16(8)	Duty to enter details of determination in public roads register	MHE, CLLCS, GMIO, MAES	
s 17(2)	Duty to register public road in public roads register	MHE, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	MHE, CLLCS, GMIO, MAES	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	MHE, CLLCS, GMIO, MAES	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	MHE, CLLCS, GMIO, MAES	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	MHE, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	MHE, CLLCS,	Where Council is the coordinating road authority, and obtain consent

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		GMIO, MAES	in circumstances specified in s 18(2)
s 18(3)	Duty to record designation in public roads register	MHE, CLLCS, GMIO, MAES	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	MHE, CLLCS, GMIO, MAES	
s 19(4)	Duty to specify details of discontinuance in public roads register	MHE, CLLCS, GMIO, MAES	
s 19(5)	Duty to ensure public roads register is available for public inspection	MHE, CLLCS, GMIO, MAES	
s 21	Function of replying to request for information or advice	MHE, CLLCS, GMIO, MAES	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	MHE, CLLCS, GMIO, MAES	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	MHE, CLLCS, GMIO, MAES	
s 22(5)	Duty to give effect to a direction under s 22	MHE, CLLCS, GMIO, MAES	
s 40(1)	Duty to inspect, maintain and repair a public road.	MHE, MSO, CLLCS, GMIO, MAES	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	MHE, CLLCS,	

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		GMIO, MAES	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	MHE, MSO, CLLCS, GMIO, MAES	
s 42(1)	Power to declare a public road as a controlled access road	MHE, CLLCS, GMIO, MAES	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	MHE, CLLCS, GMIO, MAES	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	MHE, CLLCS, GMIO, MAES	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	MHE, CLLCS, GMIO, MAES	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
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)	MHE, CLLCS, GMIO, MAES	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	GMIO, MAES	
s 49	Power to develop and publish a road management plan	MHE, CLLCS, GMIO, MAES	
s 51	Power to determine standards by incorporating the standards in a road management plan	MHE, CLLCS, GMIO, MAES	

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	MHE, CLLCS, GMIO, MAES	
s 54(2)	Duty to give notice of proposal to make a road management plan	MHE, CLLCS, GMIO, MAES	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	MHE, CLLCS, GMIO, MAES	
s 54(6)	Power to amend road management plan	MHE, CLLCS, GMIO, MAES	
s 54(7)	Duty to incorporate the amendments into the road management plan	MHE, CLLCS, GMIO, MAES	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	MHE, CLLCS, GMIO, MAES	
s 63(1)	Power to consent to conduct of works on road	MHE, MSO, CLLCS, GMIO, MAES	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	MHE, MSO, CEM, CLLCS, GMIO, MAES	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	MHE, MSO, CLLCS, GMIO, MAES	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	MHE, CLLCS,	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		GMIO, MAES, CO	
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	MHE, CLLCS, GMIO, MAES, CO	Where Council is the coordinating road authority
s 67(3)	Power to request information	MHE, CLLCS, GMIO, MAES, CO	Where Council is the coordinating road authority
s 68(2)	Power to request information	MHE, CLLCS, GMIO, MAES, CO	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	MHE, CLLCS, GMCS, GMCE, GMIO, MAES	
s 72	Duty to issue an identity card to each authorised officer	MHE, MPC, CLLCS, GMCS, GMIO, MAES	
s 85	Function of receiving report from authorised officer	MHE, MSO, CLLCS, GMIO, MAES	
s 86	Duty to keep register re s 85 matters	MHE, CLLCS, GMIO, MAES	
s 87(1)	Function of receiving complaints	MHE, MSO, CLLCS, GMIO, MAES	
s 87(2)	Duty to investigate complaint and provide report	MHE, CLLCS,	

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		GMIO, MAES	
s 96	Power to authorise a person for the purpose of instituting legal proceedings	MHE, CEO, CLLCS, GMIO, MAES	
s 112(2)	Power to recover damages in court	MHE, MSO, CLLCS, GMIO, MAES	
s 116	Power to cause or carry out inspection	MHE, MSO, CLLCS, GMIO, MAES	
s 119(2)	Function of consulting with the Head, Transport for Victoria	MHE, MSO, CLLCS, GMIO, MAES	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	MHE, MSO, CLLCS, GMIO, MAES	
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)	MHE, CLLCS, GMIO, MAES	
s 121(1)	Power to enter into an agreement in respect of works	MHE, CLLCS, GMIO, MAES	
s 122(1)	Power to charge and recover fees	MHE, CLLCS, GMIO, MAES	
s 123(1)	Power to charge for any service	MHE, CLLCS,	

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		GMIO, MAES	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	MHE, CLLCS, GMIO, MAES	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	MHE, CLLCS, GMIO, MAES	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	MHE, CLLCS, GMIO, MAES	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	MHE, CLLCS, GMIO, MAES	
sch 2 cl 5	Duty to publish notice of declaration	MHE, CLLCS, GMIO, MAES	
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	MHE, CLLCS, GMIO, MAES	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	MHE, MSO, CLLCS, GMIO, MAES	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	MHE, CLLCS, GMIO, MAES	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure

Colac Otway Shire

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	MHE, MSO, CLLCS, GMIO, MAES	Where Council is the infrastructure manager or works manager
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	MHE, CLLCS, GMIO, MAES	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	MHE, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	MHE, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	MHE, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	MFS, MHE, CLLCS, GMIO, MAES	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)	MHE, MSO, CLLCS, GMIO, MAES	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	MHE, MSO, CLLCS, GMIO, MAES	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)	MHE, CLLCS, GMIO, MAES	Where Council is the infrastructure manager

Colac Otway Shire

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 16(1)	Power to consent to proposed works	MHE, MSO, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	MHE, MSO, CLLCS, GMIO, MAES	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	MHE, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	MHE, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	MHE, CLLCS, GMIO, MAES	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	MHE, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	MHE, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	MHE, CLLCS, GMIO, MAES	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	MHE, CLLCS, GMIO, MAES	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	MHE, CLLCS, GMIO, MAES, CO	Where Council is the coordinating road authority

Colac Otway Shire

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7A cl 2	Power to cause street lights to be installed on roads	MHE, CLLCS, GMIO, MAES	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	MHE, CLLCS, GMIO, MAES	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	MHE, CLLCS, GMIO, MAES	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	MHE, CLLCS, GMIO, MAES	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	CSP, CSPMP, GMCE, MPSF	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.
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	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
r.25(a)	Duty to make copy of matter considered under section 60(1A)(g) in accordance with the public availability requirements	CPBA, CSP, CSPMP, CEO, GMCE, MPSF,	Where Council is the responsible authority

Colac Otway Shire

Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		CSO, PA, PLO	
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 in accordance with the public availability requirements	CPBA, CSP, CSPMP, CEO, GMCE, MPSF, 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	CSP, CSPMP, CEO, GMCE, MPSF	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	Power and Functions Delegated	Delegate	Conditions and Limitations
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CSP, CSPMP, CEO, GMCE, MPSF	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CSP, CSPMP, CEO, GMCE, MPSF	
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	CSP, CSPMP, CEO, GMCE, MPSF	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 7	Function of entering into a written agreement with a caravan park owner	EHTO1, CEH,	

Colac Otway Shire

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		EHTO2, HPO	
r 10	Function of receiving application for registration	EHTO1, CEH, HPSO, EHTO2, HPO	
r 11	Function of receiving application for renewal of registration	EHTO1, CEH, EHTO2, HPO	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	EHTO1, CEH, HPSO, EHTO2, HPO	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHTO1, CEH, EHTO2, HPO	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	EHTO1, CEH, HPSO, EHTO2, HPO	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHTO1, CEH, EHTO2, HPO	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	EHTO1, CEH, EHTO2, HPO	
r 12(4) & (5)	Duty to issue certificate of registration	EHTO1, CEH, HPSO, EHTO2, HPO	
r 14(1)	Function of receiving notice of transfer of ownership	EHTO1, CEH, HPSO, EHTO2, HPO	
r 14(3)	Power to determine where notice of transfer is displayed	EHTO1, CEH, HPSO,	

Colac Otway Shire

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		EHTO2, HPO	
r 15(1)	Duty to transfer registration to new caravan park owner	EHTO1, CEH, HPSO, EHTO2, HPO	
r 15(2)	Duty to issue a certificate of transfer of registration	EHTO1, CEH, HPSO, EHTO2, HPO	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	EHTO1, CEH, EHTO2, HPO	
r 17	Duty to keep register of caravan parks	EHTO1, CEH, HPSO, EHTO2, HPO	
r 18(4)	Power to determine where the emergency contact person's details are displayed	EHTO1, CEH, HPSO, EHTO2, HPO	
r 18(6)	Power to determine where certain information is displayed	EHTO1, CEH, HPSO, EHTO2, 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	EHTO1, CEH, HPSO, EHTO2, HPO	
r 22(2)	Duty to consult with relevant emergency services agencies	EHTO1, CEH, EHTO2, HPO	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	EHTO1, CEH, HPSO, EHTO2, HPO	

Colac Otway Shire

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	EHTO1, CEH, HPSO, EHTO2, HPO	
r 25(3)	Duty to consult with relevant floodplain management authority	EHTO1, CEH, EHTO2, HPO	
r 26	Duty to have regard to any report of the relevant fire authority	EHTO1, CEH, EHTO2, HPO	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	EHTO1, CEH, HPSO, EHTO2, HPO	
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	EHTO1, CEH, HPSO, EHTO2, HPO	
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	EHTO1, CEH, HPSO, EHTO2, HPO	
r 41(4)	Function of receiving installation certificate	EHTO1, CEH, HPSO, EHTO2, HPO	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	EHTO1, CEH, HPSO, EHTO2, HPO	
sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	EHTO1, CEH, HPSO, EHTO2, HPO	

Colac Otway Shire

Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 8(1)	Duty to conduct reviews of road management plan	GMIO	
r 9(2)	Duty to produce written report of review of road management plan and make report available	GMIO	
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)	GMIO	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	GMIO	
r 13(1)	Duty to publish notice of amendments to road management plan	GMIO	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	GMIO	
r 16(3)	Power to issue permit	GMIO	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	GMIO	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	GMIO	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	GMIO	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	GMIO	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))	GMIO	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	GMIO	

Colac Otway Shire

Road Management (Works and Infrastructure) Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	GMIO	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	GMIO	Where Council is the coordinating road authority

Item: 9.11

Audit and Risk Committee Meeting - Unconfirmed Minutes - 15 February 2023

OFFICER	Natasha Skurka
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. Unconfirmed Minutes - 15 February 2023 ARC meeting - Watermarked [9.11.1 - 19 pages]

1. PURPOSE

To provide for information the Colac Otway Shire Audit and Risk Committee unconfirmed minutes, dated 15 February 2023.

2. EXECUTIVE SUMMARY

The Audit and Risk Committee Charter (adopted by Council on 28 September 2022), requires that the draft minutes of each meeting be presented to the next practicable Council meeting as 'unconfirmed minutes'.

If the Audit and Risk Committee (which meets quarterly) determines that changes are required to the unconfirmed minutes (i.e. changes other than minor administrative changes), then the final minutes will be re-presented to Council.

The unconfirmed minutes of the ARC meeting held on 15 February 2023 are presented at **Attachment 1**.

3. RECOMMENDATION

That Council receives for information the Colac Otway Shire Audit and Risk Committee unconfirmed minutes, dated 15 February 2023.

4. KEY INFORMATION

The Audit and Risk Committee (ARC) plays an important role in providing oversight of Colac Otway Shire Council's governance, risk management, internal control practices, internal and external audit functions. This oversight mechanism also serves to provide confidence in the integrity of these practices.

Section 53(1) of the *Local Government Act 2020* stipulates that a Council must establish an ARC. The Colac Otway Shire ARC consists of two Councillors and three independent members. The ARC meets at least four times per year.

The ARC Charter states that the draft minutes of Committee meetings will be prepared and circulated to Committee members within ten working days of each meeting. These draft minutes will then be presented as 'unconfirmed minutes' to the next practicable Council meeting to ensure that Council receives the Committee's advice in a timely manner.

The ARC will confirm its minutes at its next meeting (scheduled for 17 May 2023) and will become the 'final minutes'. Final minutes will only be presented to a Council meeting if there are significant changes to the unconfirmed minutes (i.e. changes other than minor administrative changes).

5. CONSIDERATIONS

Overarching Governance Principles (s(9)(2) LGA 2020)

The Overarching Governance Principles that are most applicable to the work of the Audit and Risk Committee are:

- a) Council decisions are to be made and actions taken in accordance with the relevant law
- b) priority is to be given to achieving the best outcomes for the municipal community, including future generations
- e) innovation and continuous improvement is to be pursued
- g) the ongoing financial viability of the Council is to be ensured.

Policies and Relevant Law (s(9)(2)(a) LGA 2020)

Audit and Risk Committee Charter
Local Government Act 2020

Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)

Not applicable.

Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)

Not applicable.

Public Transparency (s58 LGA 2020)

Whilst the meetings and agendas of the Audit and Risk Committee are confidential, the outcomes/recommendations from the meeting are reported to the next practicable open Council meeting.

Alignment to Plans and Strategies

Alignment to Council Plan 2021-2025:

Theme 4 – Strong Leadership and Management

Objective 1: We commit to a program of best practice and continuous improvement

Financial Management (s101 *Local Government Act 2020*)

Not applicable.

Service Performance (s106 *Local Government Act 2020*)

Not applicable.

Risk Assessment

Not applicable.

Communication/Implementation

Not applicable.

Human Rights Charter

No impact.

Officer General or Material Interest

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

Options

Option 1 – Receive for information the Colac Otway Shire Audit and Risk Committee unconfirmed minutes dated 15 February 2023

This option is recommended by officers as the Audit and Risk Committee Charter requires that the minutes be presented to the next practicable Council meeting.

Option 2 – Do not receive for information the Colac Otway Shire Audit and Risk Committee Unconfirmed Minutes dated 15 February 2023

This option is not recommended by officers as the Audit and Risk Committee Charter requires that the minutes be presented to the next practicable Council meeting.



AUDIT AND RISK COMMITTEE MEETING

MINUTES

Wednesday 15 February 2023

at 9:00 AM

COPACC

95 - 97 Gellibrand Street, Colac

COLAC OTWAY SHIRE AUDIT AND RISK COMMITTEE MEETING

Wednesday 15 February 2023

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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 at COPACC on
Wednesday 15 February 2023 at 9:00 AM.

MINUTES

1 DECLARATION OF OPENING OF MEETING

2 PRESENT

Brian Keane (Chair)
Richard Trigg
Melissa Field
Cr Kate Hanson
Cr Margaret White

Anne Howard, Chief Executive Officer
Andrew Tenni, General Manager Corporate Services
Heath Chasemore, General Manager Infrastructure and Operations
Ian Seuren, General Manager Community and Economy
Marlo Emmitt, Manager Governance and Communications
Natasha Skurka, Risk and Insurance Officer
Shane Thompson (Moore Australia)
Wilson Tang (Moore Australia)
Blessing Mendoza (RSD Audit via videoconference)

3 APOLOGIES

Nil

4 DECLARATIONS OF INTEREST

Nil

5 CONFIRMATION OF MINUTES

- Audit and Risk Committee Meeting held on 7 December 2022.

RESOLVED UNANIMOUSLY

6 BUSINESS ARISING FROM THE PREVIOUS MEETING

Acknowledgement of matters deferred - Noted by the Chair

UNCONFIRMED



Item: 7.1
CEO Report

OFFICER	Anne Howard
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

Outcome/Action

That the Audit and Risk Committee receives and notes the Chief Executive Officer report.

RESOLVED UNANIMOUSLY



Item: 7.2

Response to questions from last Audit and Risk Committee meeting - IT

OFFICER	Andrew Tenni
GENERAL MANAGER	Andrew Tenni
DIVISION	Corporate Services
ATTACHMENTS	1. ARC Report - Internal Vulnerability Scan Report - January 2023 - Working Copy [7.2.1 - 6 pages]

Outcome/Action

That the Audit and Risk Committee notes the responses provided to the queries raised at the meeting on 7 December 2022

RESOLVED UNANIMOUSLY

ACTION: General Manager Corporate Services to provide an update on outstanding matters at the May 2023 Audit and Risk Committee meeting



Item: 7.3

Organisational Governance: Review oversight of the approach to ensuring a safe, inclusive and compliant workplace

OFFICER	Pravind Kumar
GENERAL MANAGER	Andrew Tenni
DIVISION	Corporate Services
ATTACHMENTS	Nil

Outcome/Action

That the Audit and Risk Committee notes this report.

RESOLVED UNANIMOUSLY



Item: 7.4

Financial and Performance Reporting: Review Management Finance Reports and Performance Statements

OFFICER	Marlo Emmitt
GENERAL MANAGER	Andrew Tenni
DIVISION	Corporate Services
ATTACHMENTS	1. Quarterly Financial Report 31 December 2022 [7.4.1 - 9 pages]

Outcome/Action

That the Audit and Risk Committee notes the attached Budget Report for the six months ending 31 December 2022.

RESOLVED UNANIMOUSLY

ACTION: Manager Financial Services to follow up/explore the assumption regarding forecast



Item: 7.5

Financial and Performance Reporting: Review mid-year LGPRF indicators update

OFFICER	Marlo Emmitt
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. Local Government Performance Reporting Framework - Half Yearly Report - July to December 2022 [7.5.1 - 14 pages]

Outcome/Action

That the Audit and Risk Committee:

- 1. Notes the impracticality of six-monthly reporting against the majority of LGPRF indicators for the 2022-23 financial year; and*
- 2. Notes officers will work towards building this into a Corporate Planning and Performance Framework for the 2023-24 financial year.*

RESOLVED UNANIMOUSLY



Item: 7.6

Policy Review Plan for Audit and Risk Committee

OFFICER	Marlo Emmitt
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none">1. Audit and Risk Committee Policy Review Plan [7.6.1 - 1 page]2. List of current Council Policies on Colac Otway Shire website [7.6.2 - 2 pages]

Outcome/Action

That the Audit and Risk Committee:

- 1. Notes the draft Policy Review Plan (as at Attachment 1); and***
- 2. Members provided the necessary input to management to generate a definitive list of policies for consideration at its meeting in May 2023.***

RESOLVED UNANIMOUSLY



Item: 7.7

Risk Management: Review OH&S Action Plan

OFFICER	Pravind Kumar
GENERAL MANAGER	Andrew Tenni
DIVISION	Corporate Services
ATTACHMENTS	1. Strategic Plan - Occupational Health & Safety - 2021 to 2023 - Feedback to Audit Committee - 2023021 [7.7.1 - 2 pages]

Outcome/Action

That the Audit and Risk Committee notes this report.

RESOLVED UNANIMOUSLY



Item: 7.8

Internal Audit: Review scope of proposed internal audit reviews - Workplace Health and Safety.

OFFICER	Marlo Emmitt
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. Workplace Health and Safety draft scope PDF [7.8.1 - 4 pages]

Outcome/Action

That the Audit and Risk Committee reviews and approves the Scope for the Internal Audit of Workplace Health and Safety Review.

RESOLVED UNANIMOUSLY



Item: 7.9

Internal Audit: Review progress on Procurement internal audit (verbal)

OFFICER	Marlo Emmitt
GENERAL MANAGER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

Outcome/Action

That the Audit and Risk Committee note the status of the Procurement internal audit by Moore Australia.

RESOLVED UNANIMOUSLY



Item: 7.10

Internal Audit: Review progress Internal Audit plan delivery - incomplete audit actions update

OFFICER	Natasha Skurka
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none"> 1. Incomplete Audit Actions report Crowe - updated with Comments 7 February 2023 [7.10.1 - 11 pages] 2. Copy of COSC Consolidated Audit Actions - PRE 2019 - Crowe [7.10.2 - 3 pages] 3. Copy of COSC Consolidated Audit Actions - Post 2019 - Crowe [7.10.3 - 3 pages]

Outcome/Action

That the Audit and Risk Committee notes the recommendations from Council's previous Internal Auditors, Crowe, on the status of Internal audit actions, and management's responses.

RESOLVED UNANIMOUSLY

ACTION: *Executive Management team to revisit actions of high risk ratings closed off in the last reporting period.*



Item: 7.11

External Audit: Review External Audit scope and plan

OFFICER	Sonia Giofches
GENERAL MANAGER	Andrew Tenni
DIVISION	Corporate Services
ATTACHMENTS	1. Audit Strategy Memorandum - COSC F Y 23 [7.11.1 - 22 pages]

Outcome/Action

That the Audit and Risk Committee note the Audit Strategy Memorandum (ASM) for the financial year ending 30 June 2023.

RESOLVED UNANIMOUSLY



Item: 7.12

Meeting Schedule: Review Audit and Risk Committee Plan

OFFICER	Marlo Emmitt
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none"> 1. Copy of 2023 ARC Work Plan (endorsed) - amendments - Printed 3 February 2023 [7.12.1 - 2 pages] 2. May ARC work plan [7.12.2 - 2 pages] 3. ARC Meeting Resolutions and Actions from 7 December meeting [7.12.3 - 1 page]

Outcome/Action

That the Audit and Risk Committee:

1. ***Notes the updated 2023 Audit and Risk Committee Work Plan at Attachment 1.***
2. ***Notes the items listed in the 2023 Audit and Risk Committee Work Plan for the May 2023 meeting at Attachment 2.***
3. ***Notes the Audit and Risk Committee resolutions and actions from 7 December 2022 meeting with status updates, at Attachment 3.***

RESOLVED UNANIMOUSLY



Item: 7.13

Meeting Schedule: Change the date for May 2023 Audit and risk Committee meeting

OFFICER	Natasha Skurka
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

Outcome/Action

That the Audit and Risk Committee resolves to change the date of the May 2023 Audit and Risk Committee meeting from Wednesday 10 May 2023 to Wednesday 17 May 2023.

RESOLVED UNANIMOUSLY

The Committee noted Richard Trigg will be an apology for the May meeting.



Item: 7.14

Review in camera with management the effectiveness of the internal audit function

Audit and Risk Committee Plan

- Item 6.6: Review in camera with management the effectiveness of the Internal Audit function (Charter Responsibility 6.28)

A Closed Session meeting of the Audit and Risk Committee members and the Executive Management Team took place at 10.45am to consider the item listed immediately above.

The meeting was declared closed at 10.50am.

CONFIRMED AND SIGNED at the meeting held on 17 May 2023

.....**CHAIR**

UNCONFIRMED

Item: 9.12

Report of Informal Meetings of Councillors

OFFICER	Lyndal McLean
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none"> 1. Informal Meeting of Councillors - Central Reserve Advisory Committee Meeting - 15 February 2023 [9.12.1 - 1 page] 2. Informal Meeting of Councillors - Councillor Briefing - Budget Workshop #2 - 22 February 2023 [9.12.2 - 2 pages] 3. Informal Meeting of Councillors - Council Meeting Preparation - 22 February 2023 [9.12.3 - 2 pages] 4. Informal Meeting of Councillors - Councillor Briefing - 01 March 2023 [9.12.4 - 2 pages] 5. Informal Meeting of Councillors - Councillor Briefing - 08 March 2023 [9.12.5 - 2 pages] 6. Informal Meeting of Councillors - Councillor Briefing - 15 March 2023 [9.12.6 - 2 pages]
PURPOSE	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;

1. Central Reserve Advisory Committee	15 February 2023
2. Councillor Briefing – Budget Workshop #2	22 February 2023
3. Council Meeting Preparation	22 February 2023
4. Councillor Briefing	1 March 2023
5. Councillor Briefing	8 March 2023
6. Councillor Briefing	15 March 2023

3. KEY INFORMATION

The following Informal Meetings of Councillors have been held and are attached to this report:

1. Central Reserve Advisory Committee	15 February 2023
2. Councillor Briefing - Budget Workshop #2	22 February 2023
3. Council Meeting Preparation	22 February 2023
4. Councillor Briefing	1 March 2023
5. Councillor Briefing	8 March 2023
6. Councillor Briefing	15 March 2023

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

This form must be completed by the attending Council Officer and the completed form must be provided to 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: Central Reserve Advisory Committee

Date: 15/02/2023 **Time:** 5:15pm

Meeting Location: Central Reserve – Upstairs Pavilion

Matter/s Discussed:

- Facilities and Grounds Maintenance Reports;
- City Reserves Planning Project (Central Reserve Master Plan) – project update;
- Update from User Groups;
- Central Reserve Bookings – upcoming and proposed ground and facility use – regular users and casual bookings;
- Central Reserve Advisory Committee – Terms of Reference and Committee member appointment update and Council's Committees Policy;
- Councillor appointment to the Committee;
- 2023 Meeting Dates;
- Central Reserve key system.

In Attendance:

Councillors:
Cr Chris Potter
Officers:
Nicole Frampton – Recreation and Open Space Coordinator

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: Nicole Frampton – Recreation and Open Space Coordinator



Informal Meeting of Councillors Record

Councillor Briefing – Budget Workshop # 2

Date: 22 February 2023

Time: 1.00pm

Meeting Location: Meeting Rooms 1 and 2, COPACC

Invitees:
Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Anne Howard, Andrew Tenni, Heath Chasemore, Ian Seuren, Marlo Emmitt
Attendees:
Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Anne Howard, Andrew Tenni, Heath Chasemore, Ian Seuren, Marlo Emmitt, Toni Uphill, Amanda Barber, Sonia Giofches, Chris Saw (videoconference), Steven Baker (videoconference)
External attendees:
Nil
Apologies:
Nil
Absent:
Nil

Meeting Commenced at: 1:07pm

Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Nil			



Councillor Briefing - Budget Workshop # 2 (continued)		
Time	Item	Attendees
1.07pm- 2.06pm	Budget Update #2	Toni Uphill Amanda Barber Sonia Giofches Chris Saw (vc) Steven Baker (vc)
2.06pm	Meeting Closed	



Informal Meeting of Councillors Record

Council Meeting preparation

Date: 22 February 2023

Time: 2.00pm

Meeting Location: Meeting Rooms 1 and 2, COPACC

Invitees:
Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Anne Howard, Andrew Tenni, Heath Chasemore, Ian Seuren, Marlo Emmitt
Attendees:
Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Anne Howard, Andrew Tenni, Heath Chasemore, Ian Seuren, Marlo Emmitt, Doug McNeill, Mark McLennan, David Butterfield, Fiona Maw, Katrina Kehoe
External attendees:
Nil
Apologies:
Nil
Absent:
Nil

Meeting Commenced at: 2:08pm

Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Nil			



Council Meeting preparation - 22 February 2023 (continued)		
Time	Item	Attendees
2.08pm-3.02pm	Council Meeting preparation	Doug McNeill Mark McLennan David Butterfield Fiona Maw Katrina Kehoe
3.02pm	Meeting Closed	



Informal Meeting of Councillors Record

Councillor Briefing

Date: 01 March 2023

Time: 12.30pm

Meeting Location: Meeting Rooms 1 and 2, COPACC

Invitees:

Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Anne Howard, Andrew Tenni, Heath Chasemore, Ian Seuren, Marlo Emmitt

Attendees:

Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Anne Howard, Andrew Tenni, Heath Chasemore, Ian Seuren, Marlo Emmitt, Louise Harvey, Nicole Frampton, Tamzin McLennan, Toni Uphill, Amanda Barber, Chris Saw (videoconference), Doug McNeill (videoconference), Ian Williams, Brendan Walsh, Simon Clarke, Erin Sonego, David Butterfield

External attendees:

Nil

Apologies:

Nil

Absent:

Nil

Meeting Commenced at: 12.34pm

Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Nil			



Councillor Briefing - 01 March 2023 (continued)		
Time	Item	Attendees
12.34pm-12.38pm	Councillor and EA to CEO, Mayor and Councillors catch up	Louise Harvey
12.38pm - 1.12pm	Colac City Reserves Planning Project – Final Report and Master Plans	Nicole Frampton Tamzin McLennan
1.12pm - 1.20pm	Contract 2309 - Banking & Bill Paying Services	Amanda Barber David Butterfield
1.20pm - 2.20pm	Budget Briefing #3	Toni Uphill Amanda Barber Chris Saw (vc)
2.20pm - 2.27pm	Break	
2.27pm - 2.42pm	Proposed Development at 51-55 Great Ocean Road and 10 Pascoe Street, Apollo Bay	Doug McNeill (vc) Ian Williams Brendan Walsh
2.42pm - 2.57pm	Strategic Planning Update	Doug McNeill Simon Clarke Erin Sonogo
2.57pm - 3.23pm	Break Cr Hanson left the meeting at 3.12pm during the break and did not return when the meeting resumed.	
3.23pm - 3.26pm	Local Roads and Community Infrastructure (LRCI) - Funding	
3.26pm - 3.36pm	Great Ocean Road Footpath	
3.36pm - 3.47pm	<u>General Business</u> <ul style="list-style-type: none"> Lake Colac Caravan Park Councillor Learning and Development 	
3.47pm	Meeting Closed	



Informal Meeting of Councillors Record

Councillor Briefing

Date: 08 March 2023

Time: 12.30pm

Meeting Location: Meeting Rooms 1 and 2, COPACC

Invitees:

Cr Graham Costin (videoconference), Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Cr Max Arnott, Anne Howard, Andrew Tenni, Heath Chasemore, Ian Seuren, Marlo Emmitt

Attendees:

Cr Kate Hanson (videoconference), Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Cr Max Arnott, Anne Howard, Andrew Tenni, Heath Chasemore, Ian Seuren, Marlo Emmitt, Belinda Rocka, Doug McNeill, Rhassel Mhasho, James Myatt, Toni Uphill, Amanda Barber, Chris Saw (videoconference), Steven Baker (videoconference), Simone Robertson

External attendees:

University of the Third Age (U3A) - Secretary and Public Officer, Committee Member 1, Committee Member 2

Apologies:

Cr Graham Costin

Absent:

Nil

Meeting Commenced at: 12.35pm

Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Nil			



Councillor Briefing - 08 March 2023 (continued)		
Time	Item	Attendees
12.35pm-1.08pm	U3A Presentation	U3A - Secretary and Public Officer Committee Member 1 Committee Member 2
1.08pm - 1.11pm	Councillor and EA to CEO, Mayor and Councillors catch up	Belinda Rocka
1.11pm - 1.25pm	Membership of Barwon South West Climate Alliance	Doug McNeill
1.25pm - 1.43pm	Social and Affordable Housing Update	Doug McNeill James Myatt
1.43pm - 1.50pm	Break	
1.50pm-1.59pm	Forrest Caravan Park Cr Hanson left the meeting at 1.54pm.	James Myatt
1.59pm - 2.59pm	Budget Briefing #4 Cr Hart left the meeting at 2.38pm; returned to the meeting at 2.39pm. Cr Hanson returned to the meeting at 2.50pm.	Amanda Barber Toni Uphill Chris Saw (vc) Steven Baker (vc) Simone Robertson Rhassel Mhasho
2.59pm	Meeting Closed	



Informal Meeting of Councillors Record

Councillor Briefing

Date: 15 March 2023

Time: 11.00am

Meeting Location: Meeting Rooms 1 and 2, COPACC

Invitees:

Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Cr Max Arnott, Anne Howard, Andrew Tenni, Heath Chasemore, Ian Seuren, Marlo Emmitt

Attendees:

Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Cr Max Arnott, Anne Howard, Andrew Tenni, Heath Chasemore, Ian Seuren, Marlo Emmitt (videoconference), Lenny Jenner, Janine Johnstone, Doug McNeill, Toni Uphill, Amanda Barber, Chris Saw (videoconference), Steven Baker (videoconference), Kanishka Gunasekara, Sonia Giofches

External attendees:

Barwon Water - General Manager Planning, Delivery & Environment

Apologies:

Nil

Absent:

Nil

Meeting Commenced at: 11.38am

Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Nil			



Councillor Briefing - 15 March 2023 (continued)		
Time	Item	Attendees
11.38am - 12.01pm	Progress Update on Community Asset Committees and Future Governance Model Discussion	Lenny Jenner Marlo Emmitt (vc) Janine Johnstone
12.01pm - 12.37pm	Break	
12.37pm - 1.00pm	Planning Reform Update Cr Hart left the meeting at 12.56pm.	Doug McNeill
1.00pm - 1.04pm	Break Cr Hart was in attendance at the resumption of the meeting at 1.04pm.	
1.04pm - 1.58pm	Integrated Water Management Forum Strategic Direction Statement - Barwon Water Presentation	Barwon Water - General Manager Planning, Delivery & Environment Kanishka Gunasekara
1.58pm - 2.19pm	Break	
2.19pm - 4.14pm	Budget Briefing #5 Cr Arnott left the meeting at 2.59pm; returned to the meeting at 3.01pm. Cr Arnott left the meeting at 3.09pm; returned to the meeting at 3.48pm. Cr Hanson left the meeting at 3.11pm and did not return.	Toni Uphill Amanda Barber Chris Saw (vc) Steven Baker (vc) Sonia Giofches
4.14pm - 4.18pm	<u>General Business</u> <ul style="list-style-type: none"> LRCI Phase 4 Councillor appointments to committees 	
4.18pm	Meeting Closed	

10.1

Report from Delegate - Municipal Association of Victoria's (MAV) State Council meeting held on Friday 14 October 2022

COUNCILLOR	Cr Stephen Hart
ATTACHMENTS	1. MAV State Council Meeting Resolutions 14 October 2022 [10.1.1 - 15 pages]

1. PURPOSE

To report to Council on the Municipal Association of Victoria's (MAV) State Council meeting, held on Friday 14 October 2022.

2. REPORT FROM DELEGATE

State Council report

The General Manager Corporate Services, Andrew Tenni, and I attended the MAV State Council meeting at the Arts Centre in Melbourne on Friday 14 October 2022. Whilst the MAV State Conference was held on the previous day, this report relates to the State Council meeting.

MAV agendas include motions submitted by member Councils. If a motion is supported by a majority at the State Council meeting the motion becomes a resolution/or position of the MAV.

On 11 October 2022, I invited all Councillors (excluding Cr McCracken who was on a leave of absence) by email to contact me with any comments on matters listed on the MAV State Council meeting agenda. An electronic copy of the agenda was made available to Councillors, some of whom provided feedback on the proposed motions.

The document attached to this report (made available in late January 2023), only includes the resolutions from the meeting. Motions which were not supported or were withdrawn are not in the attached document.

The meeting held on 14 October 2022 was the last State Council meeting where the old rules applied. The significance of this is that the old rules gave metropolitan municipalities two votes to the rural municipalities one vote.

As can be seen from the attached document there were a wide variety of subjects for consideration, but I draw attention to three particular matters.

1. Local Government Culture Taskforce (page 5 of Attachment 1)

The Local Government Culture project is meant to address the culture in local Councils but has tended to be narrowed down to a focus only on Councillors. The direction of this project by the State Government is likely to further restrict what Councillors can say, their areas of influence and capacity to represent the community under the guise of controlling poor Councillor behaviour.

Whilst there are instances of bad Councillor behaviour in the sector, projects such as these ignore issues of concerns to the community that don't relate directly to Councillors. The community and Councillors need to be aware of the concerning direction of this State Government project.

2. Protection of native forests (page 14 of Attachment 1)

This resolution to work with industry to bring forward the date to phase out logging of native forests was lost initially on the anonymous vote but was supported after a division was called.

3. MAV annual subscriptions (motion not supported and therefore is not included in Attachment 1)

A motion to make a greater part of the MAV annual subscriptions a flat amount rather than population-based was lost. If that was supported rural Councils would generally pay a higher MAV subscription than they currently do, and metropolitan municipalities would generally pay less than their current subscription.



MAV State Council

Resolutions

Friday 14 October 2022



MAV STATE COUNCIL RESOLUTIONS Friday 14 October 2022

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Consolidated motions

Under the MAV Rules 2013, matters submitted by Members for consideration at a meeting of the State Council which relate to the same subject may be consolidated into a single matter (Rule 21.1.4).

C1: Environmentally Sustainable Design and Climate Change in the planning system

Resolution

That the MAV calls on the Victorian Government to:

1. Support the work undertaken by 24 councils to elevate Environmentally Sustainable Design outcomes and facilitate zero carbon development through their planning schemes and;
2. Actively work with all stakeholders to implement explicit, mandatory, and enforceable climate change commitments into the planning system to enable the delivery of a safe climate and resilient communities.

Consolidated motions:

- Planning for a safer climate - City of Yarra (Motion 17)
- Improving environmentally sustainable design and zero carbon built environment outcomes – Maribyrnong City Council (Motion 25)

C2: Best Start Best Life Kindergarten Reform

Resolution

That the MAV call on the Victorian Government to:

1. Lead urgent discussions regarding the recent announcement of 30 hours of 4-year-old kindergarten to provide councils with an opportunity to seek further clarity and information regarding the resourcing requirements including infrastructure funding, additional land requirements, staffing support and training, and the supports and funding that will be available to the sector through the transition.
2. Provide for additional funding, place-based solutions, and career assistance for kindergarten educators to ensure the successful implementation of the increased 3-year-old kindergarten hours.
3. Adopt a child and family centric model and prioritise collocation of new and existing kindergartens on primary School or P-12 sites.
4. Fund Councils full cost recovery to undertake the coordination and centralisation registration process for kindergartens. The funding model must reflect increases in population and all legislated requirements.

Consolidated motions:

- Increased of kindergarten hours – Mitchell Shire Council (Motion 1)
- Co-location of kindergartens – Bass Coast Shire Council (Motion 2)



MAV STATE COUNCIL
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Motions

Increase of kindergarten hours

Submitting Council: Mitchell Shire Council

Consolidated

Refer to C2: Best Start Best Life Kindergarten Reform.

Co-location of kindergartens

Submitting Council: Mitchell Shire Council

Consolidated

Refer to C2: Best Start Best Life Kindergarten Reform.

Affordable housing

Submitting Council: City of Melbourne

Resolution

The MAV calls on the Victorian Government to:

1. Commit to a sustainable ongoing affordable housing funding stream beyond the \$5.3b Big Housing Build (2021-24) and quantify this commitment prior to the election.
2. Overcome any legal barriers to requiring mandatory affordable housing contributions through the planning scheme, including tailored zones.
3. Make any necessary changes to the Victoria Planning Provisions (VPPs) to enable planning authorities whether Council, the Victorian Planning Authority or the Minister, to implement mandatory affordable housing requirements.

Local Government Culture Taskforce

Submitting Council: Moonee Valley City Council

Resolution

That the MAV:

1. Notes that the Local Government Culture Project Insights Report concludes that, to address cultural challenges and Councillor conduct, and bring about long-term systemic cultural change, sector-wide ownership of next steps is required.
2. Notes that the Local Government Culture Project Insights Report identified an opportunity for improving diversity and representation in local government, therefore greater advocacy and prioritisation sector wide of gender equality will contribute to long term cultural change.
3. As a key component of cultural change, endorses the view that we, as Councillors, are accountable and responsible for creating a safe and healthy working environment, in the same way as all local government employees,
4. Establishes a Local Government Culture Taskforce to achieve sector-wide ownership and agreement of the issues with respect to local government culture, and actions to address these issues; and that:



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-
- a. the Taskforce comprise representatives of the MAV, VLGA, ALGWA, LGPro, LGV, Gender Equality Advisory Committee (GEAC), Rural Councils Victoria (RCV), LGV and other relevant local government stakeholders, including Councillors from the sector;
 - b. the Taskforce identify short-term recommendations to address issues of councillor conduct by early-2023 and circulate these to the sector for feedback.
 - c. the Taskforce develop medium to long-term recommendations for change ahead of the 2024 Victorian local government elections, and that these be circulated to the sector for feedback;
5. Writes to the Minister for Local Government to request that the Minister and Local Government Victoria work proactively in partnership with the MAV and the sector to respond to recommendations and continually improve the legislation and regulations governing Councils and Councillors to ensure:
 - i. effective and timely dispute resolution processes, including standardised paths for breaches of a Council's Code of Conduct and;
 - ii. a sector-wide culture of creating safe and healthy workplaces for Councillors and Council staff.
 6. Seek funding from the State Government to support the sector to implement the arrangements.

Utilising existing housing stock to address homelessness

Submitting Council: City of Greater Bendigo

Resolution

The MAV asks the State Government to repair, renovate or refurbish vacant houses that they own, so more housing stock is available to address the issues of homelessness and housing affordability while the new houses being built through the Big Build come online.

Flood inundation and coastal erosion

Submitting Council: Bass Coast Shire Council

Resolution

That the MAV request the Victorian Government to urgently integrate environment and climate change policy into Victorian planning schemes and develop a State-Wide Flood Mapping system and Flood Management Overlay. This system and overlay are to regularly be reviewed and updated to reflect our changing environment and the impacts of climate change.



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Community batteries

Submitting Council: City of Melbourne

Resolution

That MAV State Council calls on:

1. The Australian Government to:
 - 1.1. Locate at least 150 of the 400 community batteries provided under the 'Power to the People' initiative in Victoria.
 - 1.2. Prioritise Rewiring Australia and invest in the transmission network to allow greater penetration of localised and distributed renewable energy generation close to demand and storage.
2. The Victorian Government to:
 - 2.1. Increase funding to the Neighbourhood Battery Initiative grant program to support feasibility, demonstration and scale-up of community battery projects.
 - 2.2. Engage and incentivise electricity distribution businesses to make network constraint, solar generation, and energy consumption data publicly available to councils and community battery proponents.

Local Government workforce planning

Submitting Council: City of Melbourne

Resolution

That the MAV State Council calls on the Victorian Government to:

1. Create a Victorian Skills Plan for Victorian Local Government in alignment with the recent release of the Victorian Skills Plan for 2022 into 2023.
2. Conduct a review of the current Victorian Local Government Workforce and identify any key skills and resource gaps necessary to deliver on local government commitments and initiatives through 2023-24.

Extension of public library funding for programs, reduction of poker machine hours

Submitting Council: Manningham City Council

Resolution

That the MAV State Council:

1. notes with concerns that Victoria has approximately 500 poker machine venues which collectively are expected to drain more than \$3.2 billion from gamblers in 2022 with many of these losses occurring at un-social hours because more than 100 of these venues operate the legally maximum 140 hours a week or 20 hours a day.
2. contrasts this with the 291 public libraries in Victoria, many of which are open less than 40 hours a week, partly because State Government funding of council-owned libraries has steadily fallen to below 20% of the cost, despite the constraints imposed on councils by rate-capping over the past 6 years.



**MAV STATE COUNCIL
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-
3. calls on the next State Government to commit to increased public library funding to facilitate an extension of programs such as Libraries After Dark.
 4. calls on the State Government to reduce pokies operating hours to no more than 18 hours a day with a mandatory shutdown from 2am until 8am each day.

Standard advocacy approach for public transport

Submitting Council: Merri-bek City Council

Resolution

That the MAV calls on the State bringing together its aspirations for 20-minute neighbourhoods in Plan Melbourne with the intention for Local Routes in Victoria's Bus Plan, so that people living in areas poorly served by public transport, especially those with mobility challenges, are able to access the benefits of 20-minute neighbourhoods. A much more significant rollout of Demand Responsive Transport services would bring Melbourne in line with thriving capital cities.

Commonwealth Home Support Program

Submitting Council: Merri-bek City Council

Resolution

That the MAV calls on the Federal Government to guarantee the future of local council-run home support services for older people by continuing permanent and further expanded recurrent block funding for the Commonwealth Home Support Program.

Municipal Rates Concession

Submitting Council: Merri-bek City Council

Resolution

That the MAV calls on the State Government to increase the yearly maximum deduction on the municipal rates concession to help older Victorians with the rising costs of living.

Accessible public transport

Submitting Council: Merri-bek City Council

Resolution

That the MAV calls on the State Government to set a clear goal on making the 2026 Commonwealth Games accessible to everyone by setting a target for making public transport accessible in Melbourne and regional areas by the time of the 2026 Commonwealth Games. Accessible public transport encompasses wheelchair accessibility but much more.



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Economic Growth and Recovery

Submitting Council: Maribyrnong City Council

Resolution

That the MAV call on the Victorian Government to partner with local government take a broader view in respect of economic recovery and growth to reduce the reliance on infrastructure and construction to drive job creation and economic recovery post COVID to deliver on the 20-minute neighbourhood.

We seek to work in partnership to introduce a range of measures to further stimulate the economy and to improve employment growth:

1. Incentivise visitation and attraction
2. Develop local Job Prospectuses to improve and attract employment diversification
3. Improve access to technology to encourage business relocation.

Mental Health, Jobs, and Employment Pathways for Youth

Submitting Council: Maribyrnong City Council

Resolution

That the MAV calls on the Victorian Government to:

1. Increase funding for mental health support services including early intervention, local learning and job preparation programs and initiatives designed to reduce unemployment, particularly among young people.
2. Invest in and grow local jobs.
3. Continue to support and fund cultural ambassadors to assist in community led recovery activities.

Planning for a safer climate

Submitting Council: Maribyrnong City Council

Consolidated

Refer to C1: Environmentally Sustainable Design and Climate Change in the planning system.

Advocacy for the introduction of legislation to reduce the uptake of e-cigarettes

Submitting Council: Campaspe Shire Council

Resolution

That the MAV advocate to the State Government to introduce legislation for the banning of the sale of e-cigarettes without a prescription.



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Advocacy for the introduction of legislation to reduce the uptake of e-cigarettes

Submitting Council: Campaspe Shire Council

Resolution

That the MAV advocate to the State Government to introduce legislation to restrict the promotion and consumption of e-cigarettes, to mirror the restrictions placed on the promotion and consumption of traditional tobacco products.

Building Reform - Regulatory Impact / Sector Engagement

Submitting Council: Kingston City Council

Resolution

That the MAV urgently request the Victorian Government to:

1. Release the Building Reform Expert Panel Report.
2. Release any regulatory impact / risk assessment(s) completed to support any changes envisaged to the Building Act and Building Regulations that would be likely to have an impact on the Local Government sector.
3. Outline the Governments planned engagement strategy with the Local Government sector which provides for robust consideration and effective resolution of the following:
 - a. Implications with respect to the availability of securing sufficient qualified Building Surveyors and Building Inspectors to undertake any transferred functions across all Victorian Councils.
 - b. Ability of Councils to provide the additional technical and administrative functions within the constraints already imposed by the rate cap.
 - c. Availability of insurance cover to complete any regulatory functions that have been largely privatised since the deregulation of the Building Sector; and
 - d. The implications of any changes that would bring about a highly dispersed service model across the diverse Victorian Councils to effectively meet the servicing demands of the construction sector and its consumers.

State-wide short term accommodation register

Submitting Council: Yarra Ranges Shire Council

Resolution

That the MAV advocate to Department of Justice and Community Safety to make an amendment to the Residential Tenancies Act 1997, to:

1. update or expand the purpose of the Act to provide for the establishment of a short stay accommodation or short stay rental register
2. expand and further define a residential rental agreement to include short stay accommodation.



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Disaster recovery support for councils

Submitting Council: Yarra Ranges Shire Council

Resolution

That the Victorian Government commit to partnering in the support of Councils through a staged 5-year framework for recovery from major disasters, in accordance with known recovery timeframes, to account for extended mental health impacts and support short- and long-term recovery, resilience and community connectedness.

Expanded scope of DRFA infrastructure works

Submitting Council: Yarra Ranges Shire Council

Resolution

That the MAV advocate for State and Federal funding agencies administering the Disaster Recovery Funding Arrangements (DRFA) to update the DRFA definitions and processes to allow for drainage to be reinstated to a standard that is resilient and able to withstand the modelled future impacts of climate change.

Establish a state-wide program for invasive species control, especially in periods of regrowth following natural disasters.

Submitting Council: East Gippsland Shire Council

Resolution

That the MAV calls on the Victorian Government to establish a state-wide ongoing program that funds and supports Local Governments to combat invasive species.

Flammable cladding rectification

Submitting Council: City of Monash

Resolution

That the MAV:

1. Urgently seek an update from State Government of the rectification status where the Victorian Building Authority (VBA) is Municipal Building Surveyor (MBS).
2. Seek an explanation as to why rectification has not been completed on buildings over the past 5 years.
3. Seek a commitment from the State Government that all buildings that are deemed extreme and high risk where the VBA is the MBS remain under their jurisdiction, and that none are transferred to Councils'. Understanding that:
 - a. The VBA has been the MBS for many of these building for 5 years, has inspected, issued notices and has intimate knowledge of issues beyond that of Councils, who have had little to no involvement in the management of these buildings during this time.
 - b. It would create confusion and angst amongst the owners and occupiers of these buildings, as a Council would need to reinspect, issue its own notices, and take action for rectification of the buildings which seems unnecessary and duplicitous given the actions of the VBA as MBS.



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- c. The issues associated with these buildings is greater than just cladding, and includes issues such as water ingress, standard of construction and modification to performance measures where VBA is not only MBS, but a regulatory authority.
- d. It would create a significant cost burden on Councils and their ratepayers, (VBA and CSV were funded for this), risk, lack of access to technical expertise and lack of available resourcing given the shortage in qualified building professionals.

Improving environmentally sustainable design and zero carbon built environment outcomes

Submitting Council: City of Yarra

Consolidated

Refer to C1: Environmentally Sustainable Design and Climate Change in the planning system.

Incentivising and facilitating take-up of electric vehicles

Submitting Council: City of Yarra

Resolution

That MAV State Council resolves to call on the Victorian Government to:

1. Work constructively with the Commonwealth and other State Governments to deliver greater national leadership on the take-up of electric vehicles (EV) and EV market development across Australia.
2. Agree and support a nationally consistent approach to EV taxes, levies and charges that provide long-term confidence for industry and consumers.
3. Support best-practice national vehicle emissions standards.
4. Provide incentives to businesses and private owners to purchase electric vehicles; and
5. Significantly increase investment in the installation of electric vehicle charging stations across Victoria.



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Victorian Government's Winter Retention Surge Payment for Healthcare Workers

Submitting Council: Moorabool Shire Council

Resolution

That the MAV calls on the Victorian Government to:

1. Expand the definition of public sector health workers within the eligibility criteria for the Winter Retention Surge Payment for Healthcare Workers to include Maternal & Child Health Nurses and direct service support staff.
2. Offer the Winter Retention Surge Payment for Healthcare Workers to all Maternal and Child Health Nurses and service support staff in recognition of the challenges for health services and staff during the pandemic.

Extension of pre commitment laws to all gaming venues across the state

Submitting Council: Hobsons Bay City Council

Resolution

That the MAV advocate to the Victorian Government to consider, informed by appropriate stakeholder consultation, extending the introduction of the new pre-commitment laws arising out of the 2021 Royal Commission into the Casino Operator and Licence to all gaming venues across the state. Pre-commitment is a harm-reduction measure requiring gamblers to set a limit on the time / money they intend to spend playing the pokies.

Suburban parks program continuation

Submitting Council: Glen Eira City Council

Resolution

That the MAV advocates to the Victorian Government to commit to the continuation of the highly successful Suburban Parks Program, noting:

1. councils across Victoria have benefited from the program and have used the funding to construct new public open spaces such as dog parks and pocket parks
2. it is essential for councils to have continued access to State Government funding to improve and develop new public open spaces that meet the diverse needs of our communities; and
3. continuing to fund new green space and tree canopy in municipalities across Victoria will reduce the urban heat effect, improve biodiversity, reduce the impacts of climate change and improve the health and wellbeing of our communities.



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Stronger cooperation between Councils and Parks Victoria

Submitting Council: Manningham City Council

Resolution

That the MAV State Council:

1. notes with concern the lack of investment and appropriate maintenance of many key assets managed by Parks Victoria including at a range of State Parks and various water-facing facilities such as piers and wharves in Port Phillip Bay and its tributary rivers and along the Victorian coast.
2. calls on the Victorian Government to greatly increase the operational funding to Parks Victoria to ensure that staffing levels are adequate to maintain its 4 million hectares of land and marine parks
3. authorises the MAV Board to seek the establishment of a formal MAV-Parks Victoria working group or consultative committee to provide a stronger local government voice as the next State Government develops the future annual Parks Victoria budgets and work plans.

Protection of native forests

Submitting Council: Maribyrnong City Council

Resolution

That the MAV call on the Victorian Government to work collaboratively with industry to bring forward the date to phase out logging of native forests.

Air BnB Rating Category

Submitting Council: City of Greater Bendigo

Resolution

The MAV asks the State Government to allow properties that are listed on accommodation sites like Air BnB to be rated as commercial properties rather than residential properties and supports Councils to easily identify these.



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Motions received after the circulation of the Business Paper

Funding of kindergarten infrastructure to support changes to 3 and 4 year old kindergarten reform

Submitting Council: Boroondara City Council

Resolution

That the MAV call on the Victorian Government to fully fund all infrastructure requirements at Local Government owned kindergarten venues to support changes to 3 and 4 year old kindergarten as part of its recently announced reform.

Increased Government Funding to Rural Councils required for Essential Sealed and Unsealed Road Maintenance

Submitting Council: Strathbogie Shire Council

Resolution

This motion calls for MAV to work in partnership with the State Government to:

1. Urgently request the Victorian Government to release road repair funding due to La Nina and climate change to rural Councils.
2. Call on the State Government to recognise that current levels of rural and local roads funding is not sustainable in a rate capped environment.

10.2

Notice of Motion - 69 McLachlan Street sale options

COUNCILLOR Cr Graham Costin

ATTACHMENTS Nil

1. NOTICE OF MOTION

That Council instructs the Chief Executive Officer to pause the sale of 69 McLachlan St, Apollo Bay, pending receipt of a report and recommendation to a future Council meeting on conditional or other sale options, such as by expressions of interest, that have potential to increase the stock of affordable housing for key and essential workers and/or social housing in Apollo Bay.

2. COUNCILLOR COMMENT

In May 2021, Council resolved to declare a Key and Essential Worker Housing Crisis in Colac Otway Shire. In doing so, Council formally noted the substantial shortage of key and essential worker housing in its coastal towns and the urgent need to secure longer-term safe, secure, and affordable permanent worker housing throughout the year. Council also resolved to regularly engage with coastal communities, coastal businesses, similar coastal councils, and other key stakeholders to forecast future demand for coastal worker housing and to secure housing to meet that demand.

In April 2022, Council resolved to authorise the CEO to sell 69 McLachlan St, Apollo Bay, by public auction should Homes Victoria not accept Council's offer for use of the property for social housing by 30 September 2022. The sale by public auction was conditional on a subsequent Council resolution setting an auction reserve price. The following month, Council paused the sale process pending consideration of other sale options that might deliver a key and essential worker affordable housing outcome.

Other sale options might include sale by Expressions of Interest with conditions for full or partial use of the property for key worker affordable housing, rooming house or group style accommodation or community care accommodation. Those submitting an expression of interest might explore renovation of the existing building as part of any development.

This Notice of Motion formalises the pause in the sale process and instructs the CEO to present a report and recommendation to Council on sale options that might have potential to increase the stock of affordable housing for key and essential workers and/or social housing in Apollo Bay.

10.3

Notice of Motion - Skenes Creek to Wild Dog Creek Path

COUNCILLOR Cr Stephen Hart

ATTACHMENTS Nil

1. NOTICE OF MOTION

That Council:

- 1. Acknowledges the increasingly urgent need for safe pedestrian and cycling links between Skenes Creek and Wild Dog Creek, Apollo Bay.**
- 2. Notes Federal and State Government have withdrawn any further City Deals funding for the already designed Apollo Bay to Skenes Creek Coastal Trail.**
- 3. Requests the Chief Executive Officer to write to all relevant State and Federal Government Ministers and local Members of Parliament to:**
 - a. Express its disappointment at the lack of consultation with Council and withdrawal of City Deals funding for this Trail, and**
 - b. Advocate for safe pedestrian and cycling links (either shared or separate) to connect Skenes Creek to the existing off-road pathway from Wild Dog Creek to Apollo Bay.**

2. COUNCILLOR COMMENT

Increasing traffic on the Great Ocean Road and a desire to attract more tourists for longer stays, led the Apollo Bay - Skenes Creek community to advocate for a safe pedestrian and cycling link along the coast between Apollo Bay and Skenes Creek since the late 1990's.

Responding to this advocacy, Barwon Water provided funding through its Skenes Creek sewerage project for a coastal path between Apollo Bay and Skenes Creek in the early 2000's. The need to upgrade stormwater outlets in the Apollo Bay urban area and limited funding available precluded construction of the 2.84 km section between Wild Dog Creek to Skenes Creek.

Ongoing advocacy by the community to complete the path through to Skenes Creek, resulted in a detailed Sport and Recreation, Victoria and Council-funded Feasibility Study to explore completion of the path during 2017-18. After extensive community and agency consultations, along with consideration of climate change and environmental issues, it was concluded the extension was both technically and economically feasible with appropriate design and environmental safeguards.

City Deals funding to build the Apollo Bay to Skenes Creek Coastal Trail was announced in 2020. The project vision was to build an iconic world-class Trail on the coast side of the Great Ocean Road with boardwalks, seating, viewing platforms, interpretive signage and environmental protection measures. The detail design was completed in 2022. At State Government direction, it was designed to be suitable for all-ages and all-abilities.

The expected benefits of this proposed world-class recreation Trail included:

- Making more accessible and showcasing the iconic GOR coastline along a short length between Apollo Bay and Skenes Creek.
- An opportunity to recognise the relationship of First Nations people with the Otways coast.
- Promotion of safe active lifestyles and active transport for improved community health and well-being.
- Filling a gap in local tourism offerings to increase over-night visitation and local tourism spend.
- An estimated increase of 23 full time equivalent (FTE) local jobs and 37 indirect jobs, and an overall economic boost of almost \$10m (2017) over 25 years with a benefit-cost ratio of 2.9; and
- Increased volunteer and community partnership opportunities.

Also in 2020, the State Government commenced a Feasibility Study to explore the potential of a long coastal walking and cycling trail between Fairhaven and Skenes Creek (the Great Ocean Road Trail). The Study assumed the Skenes Creek to Wild Dog Creek section would soon be completed to provide an off-road link connecting the Surf Coast Trail to the Great Ocean Walk. The design work for this long trail is continuing with some sections already constructed.

The withdrawal of City Deals funding for the Apollo Bay to Skenes Creek Coastal Trail has been a huge disappointment to the local community after so many years of advocacy. There continues to be an increasing amount of traffic, including large buses and heavy vehicles, using the Great Ocean Road, and an increasing number of cyclists, runners and pedestrians using the road verge, including families with prams and young children. The alternate beach walk is not suitable for all ages and all abilities as it traverses loose sand, water crossings and dangerously slippery rocks.

It is appropriate that Council formally lodge its protest at the lack of consultation and withdrawal of City Deals funding, and that it partner with the local community for a safe pedestrian and cycling route between these two closely linked towns.

