



UNSCHEDULED COUNCIL MEETING

AGENDA

Wednesday 11 September 2024

at 4:00 PM

COPACC

95 - 97 Gellibrand Street, Colac



COLAC OTWAY SHIRE UNSCHEDULED COUNCIL MEETING

Wednesday 11 September 2024

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COLAC OTWAY SHIRE UNSCHEDULED COUNCIL MEETING

NOTICE is hereby given that the next **UNSCHEDULED COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL** will be held at COPACC on Wednesday 11 September 2024 at 4:00 PM.

AGENDA

1 DECLARATION OF OPENING

OPENING PRAYER

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

AMEN

2 PRESENT

3 APOLOGIES

4 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: 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.

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

The sole purpose of this Unscheduled Council meeting is to consider the following agenda items:

- Grey Headed Flying Fox Management Plan Update
- Tirrengower Drainage Scheme – Review of Committee
- Lake Colac Advisory Committee – Appointment of Community Representatives
- Update to S6 Instrument of Delegation Council to Members of Council Staff
- Forrest Wastewater Project
- Colac Regional Saleyards – Advisory Committee Terms of Reference, Fee Amendment and Service Review Update
- Development Plan (DPO10) – Colac West
- Planning Scheme Review
- Adoption of Investment Policy
- Audit and Risk Committee Meeting – Unconfirmed Minutes – 22 August 2024
- Reappointment of Audit and Risk Committee Chair and Reappointment of Independent Member
- Instrument of Appointment and Authorisation – Planning and Environment Act 1987 – Chris (Qiong) Hu
- Report of Informal Meeting of Councillors
- G21 Canberra Delegation – Cr White (Mayor)

5 QUESTION TIME

Please note that as this is an Unscheduled Council meeting, only questions pertaining to this agenda will be responded to. A maximum of 15 minutes is allowed for question time at Unscheduled Council meetings. Any person wishing to participate in question time by videoconference will need to register their intention to do so by contacting the shire prior to 5pm on Monday 9 September 2024. 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 Monday 9 September 2024.
2. Questions by videoconference (by prior arrangement).
3. Questions from the floor.

6 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.

7 CONFIRMATION OF MINUTES

Recommendation

That Council confirm the minutes of the Council Meeting held on 28 August 2024.

Item: 8.1

Grey Headed Flying Fox Management Plan Update

OFFICER	Cameron Duthie
GENERAL MANAGER	Doug McNeill
DIVISION	Infrastructure and Operations
ATTACHMENTS	<ol style="list-style-type: none">1. GHFF Nudging Map - 2024 [8.1.1 - 1 page]2. 28 Aug 2024 Council Meeting Attachment - D 24 11288 Draft - Working Version - Colac Otway Shire Grey [8.1.2 - 86 pages]3. Grey Headed Flying Fox Data - Camp Numbers - Colac Botanic Gardens 2019 - 2024 [8.1.3 - 1 page]

1. PURPOSE

The purpose of this report is to provide Council with an update on the planned management activities for the colony of Grey Headed Flying Fox within the Colac Botanic Gardens which is required to protect the heritage tree assets within the Gardens.

2. EXECUTIVE SUMMARY

Council implemented a management plan in 2019 to proactively manage the colony of Grey Headed Flying Foxes (GHFF) camped in the Botanic Gardens to preserve the health of heritage tree assets within the Gardens. The activities have been undertaken through an Authority to Control Wildlife (ATCW) permit which is a necessary requirement of the Department of Energy, Environment and Climate (DEECA) to manage any wildlife. Initially this management included attempts to relocate the GHFF elsewhere, however based on advice and consultation with stakeholders, the activity has been adjusted to 'nudging' the GHFF to locate elsewhere in the Gardens, away from the more significant trees. This permit requires renewal.

The management plan has been reviewed in consultation with an independent expert who has supervised the GHFF management for Council, based on the more recent 'nudging' approach which has been accepted as an appropriate response from DEECA. It is intended to lodge a new ATCW permit application with DEECA, subject to endorsement by Council of this approach.

3. RECOMMENDATION

That Council:

- 1. Notes the following:**
 - a. The management of Grey Headed Flying Foxes (GHFF) within the Colac Botanic Gardens, undertaken in recent years, have been based on the 'nudging' of these animals to different areas within the gardens to preserve the health of significant heritage trees.**
 - b. The management of GHFF within the Gardens has been undertaken in accordance with strict conditions of permits issued by State Government agencies, and under the supervision of a subject matter industry expert consulting to Council.**
 - c. A revised Management Plan for GHFF in the Botanic Gardens (Attachment 3).**
- 2. Determines to continue the management approach and endorses the draft Management Plan for the purpose of seeking approvals to continue this program.**
- 3. Approves the submission of an application for a new Authority to Control Wildlife (ATCW) permit from the Department of Energy, Environment and Climate (DEECA) which is required for continued management of the GHFF colony, based on the management plan recommendations.**

4. KEY INFORMATION

Background

The Colac Botanic Gardens (CBG) has been home to a camp of Grey Headed Flying Fox (GHFF) seasonally since 2016. The numbers of GHFF at the gardens is frequently changing due to factors including weather, food, the change of seasons and the nomadic nature of the species. The GHFF numbers are usually higher during the warmer months and lower during the cooler months.

Since the establishment of the camp in the current location damage to heritage trees in the Gardens has been observed and reported. With the goal of protecting the tree assets a five-year GHFF Management Plan was prepared in July 2019 with assistance from specialised ecologist consultant Ecosure. To enable GHFF management activities an 'Authority to Control Wildlife' was prepared and submitted to DEECA with the management plan and approval was granted for the period 2019-2023. This Plan required review in early 2024.

After receiving advice from an independent ecologist and after DEECA received negative feedback (including ministerial notification) post the 2020 dispersal program, Council opted in 2021 to change its management approach of the GHFF from that of 'dispersal' from the gardens to 'nudging' them within the gardens to a more suitable location with more robust trees.

Council has used the expert services of ecologist and GHFF expert Dr Rod Van der Ree from WSP to independently oversee management activities in accordance with the Management Plan. The use of a GHFF expert to assist Council and provide advice is a requirement listed in the Plan.

Since the GHFF first arrived at the gardens in 2016 community feedback on the animals and Council's management approach has been both positive and negative.

Under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* GHFF are listed as a vulnerable species and are listed as threatened under the *Victorian Flora and Fauna Guarantee Act 1988*. The management of flying-foxes and their habitat is directly guided by these legislative requirements. Council in consideration of any management activities requires approval from DEECA as the Conservation Regulator.

Issues

DEECA Permits Required

DEECA is the responsible authority for administering ATCW permits and all GHFF management activities are to occur with permission from DEECA. Council has built up a solid working relationship with wildlife officers and the approvals team at DEECA over the past few years. DEECA officers have been present during dawn dispersal and nudging activities and an annual debrief meeting held in October each year of the permit. It is important the management plan meets the requirements of DEECA to facilitate a successful approval process.

Given the previous permit has expired, a new consent from DEECA is required. A draft Management Plan has been prepared which outlines the proposed activities in the protection of the heritage trees which is designed to allow Council to nudge the animals from the current to a more suitable location in the gardens. A copy is attached to this report. It is proposed to make an application based on the amended management plan. Support will be sought through Council resolution for this approach.

Restrictions on Past Nudging Activities

As noted above, the previous ATCW Permit was issued with strict conditions. The most difficult conditions were that nudging activities were restricted to between 4pm and 9am and limited to a maximum of 2.5hrs within any 12-hr period. There was also a restriction of these activities to between 1 April and 31 August annually. No management activities were able to be undertaken after 31 August.

Each year when the nudging program commences, the GHFF are shifted to the desired location quite easily with minimal effort. Over the past few years this has only taken a few weeks. The rest of the program for that year is simply monitoring and nudging GHFF that might return to the non-preferred location. One of the key issues identified is that after the 31 August nudging cut off deadline the GHFF slowly return to the non-preferred location. Outside of the permit timeframe officers are unable to nudge the GHFF back to the preferred location. Activities are not able to recommence until April 1 the following year.

This cycle has been occurring for several years now and consistent GHFF behaviour has been observed. This downtime of nudging has impacted the success of the program. It means that each year in April the colony are redirected again to the preferred location, invariably to return to the non-preferred location post August. One of the key changes to the Draft Management Plan 2024 is to enable nudging to occur for most of the year subject to approval from an independent GHFF expert who will deem it safe to proceed providing the health and wellbeing of the GHFF isn't impacted.

Key changes in the 2024 Grey Headed Flying Fox Management Plan

As noted above, the key activity for GHFF management has changed from 'dispersal' to 'nudging'. This means adopting a cohabitating approach with the GHFF within the gardens whilst nudging the GHFF

to a more suitable location within the gardens. Refer to the attached map. The new plan seeks permission for nudging throughout the year with no or very little downtime during the year, without the restriction of particular months of the year. Maintenance nudging is planned during the day if the GHFF move back to the non-preferred location with heritage tree assets, and the Management Plan has been condensed and made more concise based on feedback from DEECA.

Initially as per the Management Plan a GHFF expert was required to always be onsite when nudging activities were occurring. DEECA showed great confidence in the nudging team recently by allowing the expert to only attend the site as required but to maintain daily contact via phone or email.

5. CONSIDERATIONS

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

The management of the GHFF at the Botanic Gardens has been undertaken in accordance with a thoroughly developed management plan and permit from State Government, balancing amenity and health of the trees in the Gardens with the environmental values of the flying foxes. An independent industry expert has overseen the program, ensuring that this activity is undertaken in the best way possible.

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

There is a range of legislation that is relevant to management of the GHFF, as listed below:

- Victorian Local Government Act (2020)
- Victorian Planning and Environment Act (1987)
- Victorian Catchment and Land Protection Act (1994)
- Victorian Flora and Fauna Guarantee Act (1988)
- Victorian Environment Protection Act (2017)
- Australian Environmental Protection and Biodiversity Conservation Act (1999)

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

Nudging activities are to be undertaken as per permit conditions to ensure the sustainability of the colony which is located within the Botanic Gardens

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

The program as detailed within this report requires community notification by way of letter drop. This activity is detailed in the project plan. In addition, communications by way of social media and media release are a component of the plan.

Public Transparency (s58 LGA 2020)

Public transparency is achieved by reporting the proposed management activities in a public Council meeting and notifying the community through timely media releases and direct notice where relevant.

Alignment to Plans and Strategies

Alignment to Council Plan 2021-2025:

Theme 2 - Valuing the Natural and Built Environment

Objective 3: Protect and enhance the natural environment

Objective 5: Provide and maintain an attractive and safe built environment

Theme 4 – Strong Leadership and Management

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

Objective 3: We provide exceptional customer service

Financial Management (s101 *Local Government Act 2020*)

Management for the GHFF is undertaken within the Services and Operation team's operational budget, including approximately \$35,000 for the independent expert consultant annually. The cost of staff time devoted to this task varies depending on the degree of nudging required and is accommodated within current parks and gardens recurrent operations budgets.

Service Performance (s106 *Local Government Act 2020*)

It is intended that future management of the GHFF be relatively consistent with past management activities. There should therefore be minimal change to the level of service provided within the Services and Operations team. The operational benefit of nudging is that this activity can occur with a modified staff roster and in the most part is performed as business as usual from the team.

Risk Assessment

The activity of nudging is proposed to be in accordance with the Management Plan and the associated Operational Plan covers all aspects of risk including PPE and on-site risks. Closing the gardens during nudging activities is also a risk management strategy which is to be incorporated into the plan.

Communication/Implementation

The supplied Management Plan recommends and requires notification to stakeholders, residents and interested parties of the planned GHFF nudging activities prior to commencement. Once approved it is the intention to advise stakeholders via direct communication, letter drop, mail out, social media and through media release to inform of the commencement of GHFF management practices.

Human Rights Charter

Human Rights are considered and not applicable in this instance.

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 – Endorse the ongoing management approach of nudging.

To protect the heritage trees in the Botanic Gardens this option is recommended and subject to Council support, officers will apply for an Authority to Control Wildlife permit (ACTW) to DEECA with the Colac Otway Shire GHFF Management plan as an attachment. Subject to ATCW approval, an independent GHFF expert will be engaged, and nudging activities will commence as per the management plan and issued permit conditions.

Option 2 – Return to the management approach of Dispersal

This option is not recommended by officers as advice was received from an independent ecologist after DEECA received negative feedback (including ministerial notification) post the 2020 dispersal program. Council opted in 2021 to change its management approach of the GHFF from that of 'dispersal' from the gardens to 'nudging' them within the gardens to a more suitable location with more robust trees. Advice received is that a permit application for dispersal is unlikely to be approved.

Should this approach be the preferred, the supplied Management Plan will need to be changed prior to the submission of an ACTW and an independent ecologist engaged.

Option 3 – Discontinue attempts to manage the GHFF presence at the gardens







This option is not recommended as the current colony of Grey Headed Flying Fox within the Botanic Gardens is impacting the heritage listed trees located adjacent to the pond. A “Do Nothing” approach will see the decline of these heritage trees potentially to the extent that they diminish in condition leading to removal.



Colac Botanic Gardens

Grey Headed Flying Foxes

LEGEND

-  COS Nudging GHFF towards this location. COS preferred location for the GHFF to roost.
-  GHFF Preferred Roosting Location
-  GHFF roosting location after 2023 nudging
-  GHFF roosting location after 2022 nudging
-  GHFF roosting location after 2021 nudging
-  Property Boundaries



1:3,000 in A4 Print



COS090-01-DRAFT

Agenda Unscheduled Council Meeting - 11 September 2024



DRAFT - Colac Grey-Headed Flying-Fox Management Plan v3

2024 - 2029

Prepared by Colac Otway Shire Council in conjunction with:

- The Victorian Department of Energy, Environment and Climate Action,
- The Commonwealth Department of Environment and Energy; and
- NSW Office of Environment and Heritage 'Flying-fox Management Plan standard template'.

Contact Details:

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CONTEXT OF THIS DOCUMENT

The basis of this document has been developed from the NSW Office of Environment and Heritage 'Flying-fox Camp Management Plan Template 2016¹. The Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW) cites their document "Referral guideline for management actions in Grey-headed and Spectacled flying-fox camps 2015" which the above NSW template supposedly informed.

This review is therefore based on the format and content of the superseded management plan.

DCCEEW asserts the right to be attributed as author of the original material in the following manner:
© State of New South Wales and Office of Environment and Heritage 2016.

Title	Colac Botanic Gardens Flying-Fox Management Plan
Project Managers	Mark Robinson
Organisation	Colac Otway Shire Council
Prepared by	Colac Otway Shire Council
Reviewed by	Cameron Duthie Mark Robinson Daniel Roberts
Approved by	Cameron Duthie
Date	24 June 2024 24 June 2024

Revision history

Revision date	Version No.	Document No.	Author	Description of changes
25 May 2020	1.0	CM – D19/118743	S.Antczak	Responses from DELWP and initial IPE meeting comments
13 July 2020	2.0	CM – D20/211725	S.Antczak	IPE review recommendations included
24 June 2024	3.0	CM - D24/11288	M.Robinson D.Roberts	Previous 5 year Management Plan had expired. Change of approach from dispersal to nudging. Condense and simplify based on feedback from DEECA.

¹ <https://www.environment.nsw.gov.au/topics/animals-and-plants/wildlife-management/management-flying-foxes/camp-management>

Acknowledgements

Colac Otway Shire Council would like to thank everyone who was involved in the preparation of this Management Plan and gratefully acknowledge input to the original 2019 Management Plan by land managers and regulators experienced in flying-fox management.

Colac Otway Shire Council acknowledges the template provided by the NSW Office of Environment and Heritage, and consultants Ecosure, in developing the original 2019 Management Plan template on which this Flying-fox Management Plan was based. Dr Peggy Eby also provided advice which was included in the original 2019 template.

This current 2024-2029 Management Plan supersedes any previous versions.



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Acronyms, Abbreviations and Glossary

Acronym	Definition
ABLV	Australian bat lyssavirus
ATCW	Authority to Control Wildlife
CBG	Colac Botanic Gardens
Camp	Used to describe the location where a group of flying-foxes are roosting. See also 'roost' (note these terms may be used interchangeably).
COSC	Colac Otway Shire Council
DCCEEW	Commonwealth Department of Climate Change, Energy, the Environment and Water
DEECA	Department of Energy, Environment and Climate Action)
EEC	Endangered Ecological Communities
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Commonwealth)
FFG Act	<i>Flora and Fauna Guarantee Act 1988</i> (Vic)
FFMP	Flying-fox Management Plan
Flying-fox expert	The flying-fox expert referenced throughout this plan must have the following minimum expertise: <ul style="list-style-type: none"> • Knowledge of flying-fox habitat requirements • Knowledge and experience in flying-fox camp nudging • Knowledge of flying-fox behaviour, including ability to identify signs of flying-fox stress • Ability to differentiate between breeding and non-breeding females • Ability to identify females in final trimester • Ability to estimate age of juveniles • Experienced in flying-fox population monitoring including static and fly-out counts, demographics and visual health assessments. • ABLV-vaccinated and trained in flying-fox rescue.
GHFF	Grey-headed flying-fox (<i>Pteropus poliocephalus</i>)
the Guideline	Referral guideline for management actions in grey-headed and spectacled flying-fox camps 2015 (Commonwealth)
HeV	Hendra virus
LGA	Local Government Area
MAV	Municipal Association of Victoria
MNES	Matters of National Environmental Significance
OEH	Office of Environment and Heritage (NSW)
PEPs	Protection of the Environment Policies
POCT Act	<i>Prevention of Cruelty to Animals Act 1986</i> (NSW)
Roost	Used to describe the act of roosting (verb). See also 'camp'.
TEC	Threatened ecological community
Wildlife A	<i>Wildlife Act 1975</i> (Vic)

Executive Summary

The Colac Botanic Gardens flying-fox camp is located on the southern aspect of Lake Colac in the Shire of Colac Otway, Victoria. The Colac Botanic Gardens are managed by Colac Otway Shire Council. The gardens are popular for locals and a primary destination for visitors coming to Colac. Land uses surrounding the gardens include a caravan park immediately to the east and established residential areas to the south and west.

The camp was first formally recorded in December 2016. It has been intermittently occupied since that time. Whilst the number of flying-foxes has varied since initial occupation, numbers have reached up to 9000 in early 2024.

The Colac Botanic Gardens are listed on the Victorian Heritage Register. Trees of individual significance are listed in the Statement of Significance and some of these trees have become preferred roosting habitats. In general, the flying-fox camp has had a significant impact on the amenity of the botanic gardens in terms of tree health, defecation and noise.

Grey Headed Flying-Foxes (GHFF) are considered 'keystone' species in Australia given their contribution to the health, longevity and diversity among and between vegetation communities. They often roost in large numbers and are increasingly moving into urban areas across eastern and southern Australia.

Grey-headed flying-foxes are listed as a vulnerable species under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and are listed as threatened under the *Victorian Flora and Fauna Guarantee Act 1988*. The management of flying-foxes and their habitat is directly guided by these legislative requirements. Images of the GHFF are shown in Figure 1.



Figure 1 - Flying-Foxes at the CBG

Supporting the EPBC Act is the Commonwealth Department of the Environment and Energy Referral guidelines. The number of grey-headed flying-foxes at the Colac Botanic Gardens does not meet the 'nationally-important' criteria. As a result, no referral is required for management actions including nudging (as confirmed by the Department). Council is proceeding with this Management Plan to ensure that best practice requirements and mitigation standards are met, to respond to community concerns and support the application for an Authority to Control Wildlife from the Department of Energy, Environment and Climate Action.

COLAC OTWAY SHIRE COUNCIL - FLYING-FOX MANAGEMENT PLAN v3: May 2024
CM - D24/11288

The objectives of the Plan are to:

- enable long-term conservation of flying-foxes within Colac Botanic Gardens
- minimise adverse impacts to the community from the annual visitation of flying-fox colonies
- provide a reasonable level of amenity for the surrounding community
- manage public health and safety risks
- improve community understanding and appreciation of flying-foxes, including their critical ecological role
- ensure flying-fox welfare is a priority during all actions.

The Plan applies the accepted standard template for flying-fox management developed by the Office of Heritage and Environment (New South Wales) which is the recommended template to be used as noted in the DCCEEW referral guideline.

DRAFT

1 Overview

1.1 Introduction

Protection of the environment, and Council taking a leadership role to demonstrate best practice and what can be achieved to help preserve our natural resources, has been highlighted as of great importance to our community.

The Shire is committed to conserving its unique biodiversity and achieving improved environmental management particularly on Council-owned and managed land.

The historically significant Colac Botanic Gardens (CBG) is managed by Council and is on the Victorian Heritage Register. Since December 2016 a colony of grey-headed flying-foxes (*Pteropus poliocephalus*) (GHFF) have used the CBG intermittently as a camp. This has negatively impacted on the health of the historic (and other) trees and amenity value of the CBG, refer to **Figures 5 and 6**. Some visitors are also concerned about potential human health risks.

Whilst Council has a duty of care for the historic gardens and to apply best practice arboriculture to ensure the ongoing health of the trees, the GHFF welfare is central to Council's response to biodiversity management.

The GHFF are listed as a vulnerable species under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* and are listed as threatened under the *Victorian Flora and Fauna Guarantee Act 1988*. The management of flying-foxes and their habitat is directly guided by these legislative requirements.

1.1.1 Key stakeholders

In response to the issues associated with the CBG flying-fox camp, Council has proactively led the development of the previous & current management plans and has worked collaboratively with the following key stakeholders and consultants:

- Department of Energy, Environment and Climate Action (DEECA)
- Department of Climate Change, Energy, the Environment and Water (DCCEEW)
- Specialist flying-fox consultants, Ecosure & WSP Ecologists
- Specialist arborists, Enspec
- Council's Colac Botanical Gardens (CBG) maintenance team
- Community interest groups

1.1.2 Key technical documents applied in this Plan

Central to this Plan is the **Flying-fox Management Plan Template 2016²** and its technical data developed by the Office of Heritage and Environment (NSW).

Despite the fact that Colac Otway Shire does not fall within the NSW jurisdiction, the template is accepted as best practice by the Commonwealth DCCEEW. Accordingly this has been used in the development of this Plan, with the addition of local detail and the most-up-to-date information available.

² <https://www.environment.nsw.gov.au/research-and-publications/publications-search/flying-fox-camp-management-plan-template-2016>
Accessed 30 July 2019

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A summary of authors of this & previous versions of the Colac Flying-fox Management Plan is provided in Table 1.

Table 1 – Summary of Plan Authors

Section of this report	Author
Acknowledgements Executive Summary, Sections 1, 2, 3, 4.2, 4.3, 4.4 Appendix A, B, C	Colac Otway Shire Council The Flying-fox Management Plan standard template was used with local up to date data inserted.
Appendix D, G	NSW Office of Environment and Heritage Key sections of the NSW Flying-fox Management Plan standard template are reproduced in whole or part in this document
Sections 4.1, 5, 6, 7, 8 Appendix F	Flying-fox consultants, Ecosure The Flying-fox Management Plan template was updated with technical data by Ecosure Consultants
Appendix E	Specialist arborist consultants, Enspeg Specialist arborist advice provided by Enspeg

In 2021, the Commonwealth Government published the **National Recovery Plan for the Grey-headed Flying-fox *Pteropus poliocephalus***³ (refer also Section 4.1.2). The Plan addresses management and research actions necessary to stop the decline of, and support the recovery of, the GHFF.

The plan notes the following social and economic impacts:

The Grey-headed Flying-fox is capable of causing significant damage to commercial fruit crops, public gardens and native vegetation.

In recent years Grey-headed Flying-foxes have been reported in areas where they were previously only rarely seen.

Camps in urban areas can have localised negative impacts on amenity when they are located near centres of human activity such as schools, or in areas of special cultural significance, such as botanic gardens. Some people living adjacent to camps complain about the noise and smell associated with flying-fox camps as well as the perceived disease risk despite it being rare and preventable.

³<https://www.dcceew.gov.au/sites/default/files/documents/recovery-plan-grey-headed-flying-fox.pdf>.
Accessed 20 February 2024

1.2 Purpose of this Management Plan

This Management Plan provides a framework for Council in the management of flying-foxes within Colac Shire Council local government area. Council is cognisant of the ecological importance of flying-foxes and its obligation to develop sustainable alternative locations within the Colac Botanic Gardens footprint.

This Plan aims to:

- protect and manage the flying-fox population in the Shire
- minimise risks associated with flying-foxes in the Shire
- provide best practice short, medium and long-term management actions for the management of the flying-fox population in Colac
- contains information to support license applications for flying-fox camp management actions where required
- seeks to preserve the CBG, amenity of the CBG for visitors, adjacent residents and the wider Colac Otway community.

The Plan seeks to establish a balance in managing the flying-fox population, preserving the CBG and ensuring the health of the heritage-listed trees, as well as the well-being of residents and visitors.

1.3 Objectives

Objectives of this Plan are to:

- enable long-term conservation of flying-foxes within Colac Botanic Gardens
- minimise adverse impacts to the community from the annual visitation of flying-fox colonies
- develop alternative roosting location within Colac Botanic Gardens
- provide details around councils non preferred GHFF roosting locations within the CBG
- provide detail of councils approach to gently nudge the GHFF to a more suitable roosting location within the CBG
- provide a reasonable level of amenity for the surrounding community
- manage public health and safety risks
- effectively communicate with stakeholders during planning and implementation of management activities to ensure management is sympathetic to flying-fox behaviors and requirements
- improve community understanding and appreciation of flying-foxes, including their critical ecological role
- ensure flying-fox welfare is a priority during all actions.
- Preserve and protect the heritage values of the entire botanic gardens and trees. Including individually heritage listed trees.

2 Context

2.1 Site and surrounds

The CBG flying-fox camp is located on the southern aspect of Lake Colac in the Shire of Colac Otway, Victoria (refer Figure 2).

Colac is approximately 80 km south-west of Geelong and approximately 150 km south-west of Melbourne (refer Figure 3).



Figure 2 - Local Context – Source Google Maps



Figure 3 - Regional Context Source - Google Maps

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The CBG are managed by Colac Otway Shire Council. The gardens are popular for locals and are a primary destination for visitors coming to Colac. Land uses surrounding the gardens include a caravan park immediately to the east and established residential areas to the south and west (refer Figure 4).

Key features of the CBG include a café, barbecue area and picnic shelter, an historic cannon, a feature pond, a children's playground and car park that services the Gardens and visitors to the lake (refer Figures 7 and Visitor Map Appendix A).

The camp was first formally recorded in December 2016 and intermittently used since this time, with numbers reaching close to 10,000 in early 2024 (Section 2.4.1).

The two closest known flying-fox camps to CBG are more than 50 km away, Lismore to the North and Geelong to the south-east.



Figure 4 - Colac Botanic Gardens

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Figure 5 - Flying-Foxes at CBG showing tree damage



Figure 6 - Flying-Foxes at CBG showing tree defoliation



Figure 7 - Walking paths at CBG

2.2 Heritage Significance of the Colac Botanic Gardens

The CBG is on the State's heritage register.

The following Statement of Significance from the Victorian Heritage Register⁴ provides a detailed description of the site.

What is significant?

The Colac Botanic Gardens occupy an elevated site of approximately 16 hectares north-east of the town centre bounded by the southern shores of Lake Colac, Gellibrand Street, Fyans Street and Barongarook Creek.

*The main entrance to the Colac Botanic Garden is through the south-west entrance Bilson gates (1962) on the corner of Fyans Street and Gellibrand Street where a carriage drive, lined with predominantly *Quercus robur* (English Oak) and few *Quercus cerris* (Turkey Oak), forms a row around the perimeter of the Gardens and is open to vehicle access. The area enclosed by the drive has a network of winding paths and is mainly open lawn with specimen trees, shrubberies, some bedding plants together with a palm bed, rose garden, rose arbour, pond and fountain, and cannon (acquired 1904) near the south eastern gate. The curator's cottage (c.1924, now a café) is located at the western end of the gardens with playground equipment, picnic facilities and car parking at the eastern end. A caravan park occupies the north-east corner along Barongarook Creek adjacent to the lake shore.*

*A steep escarpment planted with *Pinus radiata* (Monterey Pines) and specimen trees runs between the botanic gardens and the flat area around the shore of Lake Colac which contains remnant terracing, an old brick toilet block with castellated roof (c1930s), a walking track, a fire brigade asphalt training track and shed, rotunda (1999), car parks, a rowing club, angling club, public toilets, boat ramp (1968) and jetty (1971). The escarpment provides separation between the two areas and provides extensive views from the Botanic Gardens over Lake Colac.*

The site was temporarily reserved in 1865 for botanical and recreational purposes after a request from local residents. Little progress was made until 1868 when Daniel Bunce, Director of the Geelong Botanic Gardens, was approached to lay out a plan for the garden. Implementation of the plan was slow with the construction of a carriageway and planting of trees the only known details.

Between c1875 -80, curators Reeves and McDonald made changes to the carriageway and introduced garden beds, curved paths, lawns and shady arbours. In the 1890s structures added to the gardens included a pavilion overlooking the lake a conservatory in the south-eastern corner and a permanent rowing clubhouse on the edge of the lake joining the existing structures of piers, baths and a boat shed. Most of these structures have been removed.

In 1910 William Guilfoyle, Director of the Melbourne Botanic Gardens, prepared a plan and a 'Report on the remodelling and development of the Colac Botanic Gardens', which are extant, suggesting some improvements and remodelling to take advantage of the slope and vistas across over the lake which he considered had been ignored. This included simplifying the existing path system within the circular drive, and removal of borders and crowded areas in favour of larger trees and clumps of shrubs and a palm and cordyline bed all of which were implemented. Curators Archibald Campbell (1911-40) and Dugald Leitch (1940-55) were responsible for implementation of part of the Guilfoyle plan and maintaining the maturing Gardens but, with Guilfoyle's death in 1912, any further influence ended. The last resident curator Donald Greenwood (1955-65) was responsible for the addition of

⁴ http://vhd.heritage.vic.gov.au/places/result_detail/147162

many native plants and in more recent times the gardens have more simplified planting and a park-like character.

*The Colac Botanic Gardens contains many rare plant species only found in historic gardens and several significant and uncommon trees including four *Cupressus forbesii* (Tecate Cypress), a very large *Sophora japonica* (Pagoda Tree), a *Pittosporum tenuifolium* 'Eila Keightley' (Kohuhu), a large *Araucaria bidwillii* (Bunya Pine) and an outstanding *Ulmus x hollandica* 'Vegeta' (Huntington Elm). In March 1996, James Guilfoyle, grandson of William Guilfoyle, planted an *Arbutus canariensis* (Canary Island Strawberry Tree). In 2004 the Australian Plant Society planted an Otway Flora Bed on the eastern side of the Gardens.*

This site is on the land of the Gulidjan people. The Colac Otway Shire proudly acknowledges the Gulidjan people past, present and emerging, as the traditional custodians of this site.

How is it significant?

Colac Botanic Gardens are of historical, aesthetic, and scientific (botanical) significance to the State of Victoria.

Why is it significant?

Colac Botanic Gardens are of historical significance as an important example of a regional botanical garden, established in the nineteenth century in response to the increased wealth of Victoria with the discovery of gold and the desire to provide a place for recreation and education in keeping with European trends.

The Colac Botanic Gardens are of historical importance through the association with Daniel Bunce and William Guilfoyle, two pioneers of botanic gardens and garden design in Victoria.

The Colac Botanic Gardens are of aesthetic significance due to their park – like character and elevated location immediately above the southern shore of Lake Colac, providing vistas across the lake. The gardens are of aesthetic significance for the sub-tropical plant groups supported by Guilfoyle together with his gardenesque style. They are of aesthetic significance for the contrasting form and variety of trees and plants which includes conifers, evergreen and deciduous plantings, together with the leaf shapes, colours and flowers, also contribute to the Garden's aesthetic quality and appeal.

*The Colac Botanic Gardens are of scientific (botanical) significance for a number of rare plants and trees including four *Cupressus forbesii* (Tecate Cypress), the only known examples in Victoria, a large *Sophora japonica* (Pagoda Tree), *Pittosporum tenuifolium* 'Eila Keightley' (Kohuhu), and large *Araucaria bidwillii* (Bunya Bunya Pine) and an outstanding *Ulmus x hollandica* 'Vegeta' (Huntingdon Elm).*

Table 2 shows trees that are listed on both the Heritage Victoria Statement of Significance and the National Trust of Australia Tree Register.

Correspondence from both Heritage Victoria and the National Trust have raised their concerns regarding damage to the trees within the CBG and support Council's plans to preserve the health of these trees by finding a more suitable roosting location.

Table 2 - Trees on the Significant Tree Register

	Common name	Individual listing on the Victoria Heritage Register	Individual listing on the National Trust Tree register (1984)
<i>Cupressus forbesii</i>	Tecate cypress	✓	✓
<i>Sophora japonica</i>	Pagoda Tree	✓	✓
<i>Pittosporum tenuifolium</i>	Eila Keightley (Kohuhu)	✓	✓
<i>Ulmus x hollandica</i> 'Vegeta'	Huntington elm	✓	✓
<i>Arbutus canariensis</i>	Canary Island Strawberry Tree	✓	Not listed
<i>Araucaria bidwillii</i>	Bunya pine	✓	✓
<i>Quercus robur</i>	English oak	✓	Not listed
<i>Quercus cerris</i>	Turkey oak	✓	Not listed
<i>Pinus radiata</i>	Monterey pines	✓	Not listed

2.3 Land Tenure

The 16ha site is a Crown Reserve and managed by the Shire of Colac Otway Council on behalf of DEECA.

The land is identified as:

- Crown allotment 25B and 25C, Township of Colac and
- Part of Crown allotment 62A, Parish of Colac.

2.4 Flying-Fox Population and Impacts on the Local Environment.

2.4.1 Population

The GHFF was first recorded by Council in December 2016. Since then numbers have fluctuated substantially (refer Table 3 and Figures 7 and 8). We estimate in January 2024 that there was close to 10,000 GHFF in the CBG for the first time. The late months of December 2023 and early months of 2024 held the largest number of GHFF the CBG has seen.

The GHFF numbers generally increase in the warmer months and drop off in the cooler months. It's common for the GHFF to fully vacate the CBG during winter and then return in the warmer months.

During the winter of 2023 the GHFF remained roosting in the CBG and stayed for the entire year. This was the first year this occurred since GHFF first arrived back in 2016.

See Figures 7 and 8 for the trend over the seasons.

Note: GHFF numbers are monitored daily and recorded on Colac Otway Shire Council records system.

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Table 3 - Changes recorded in the CBG Flying-Fox camp since 2016-2019

Date	Change recorded in the colony
December 2016	Numbers initially 100 increasing to 3,000
June 2017	Colony left the Gardens. None recorded
November 2017 – February 2018	Colony did not return
March 2018	300 returned and resided in Pagoda Tree
January 2019	Numbers increased to 6,500
March 2019	Numbers reduced to 3,000
May 2019	Numbers reduced to 2,500
July 2019	Numbers reduced to 384

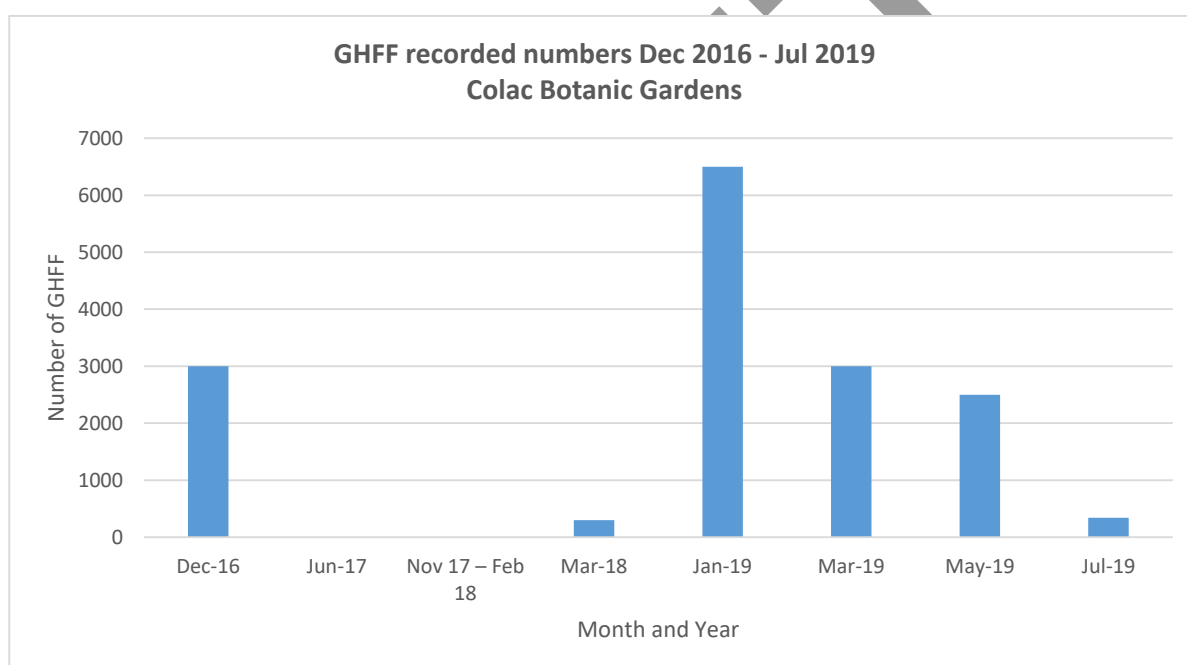


Figure 7 - CBG Count Data since 2016. Source: Colac Otway Shire Council 2019

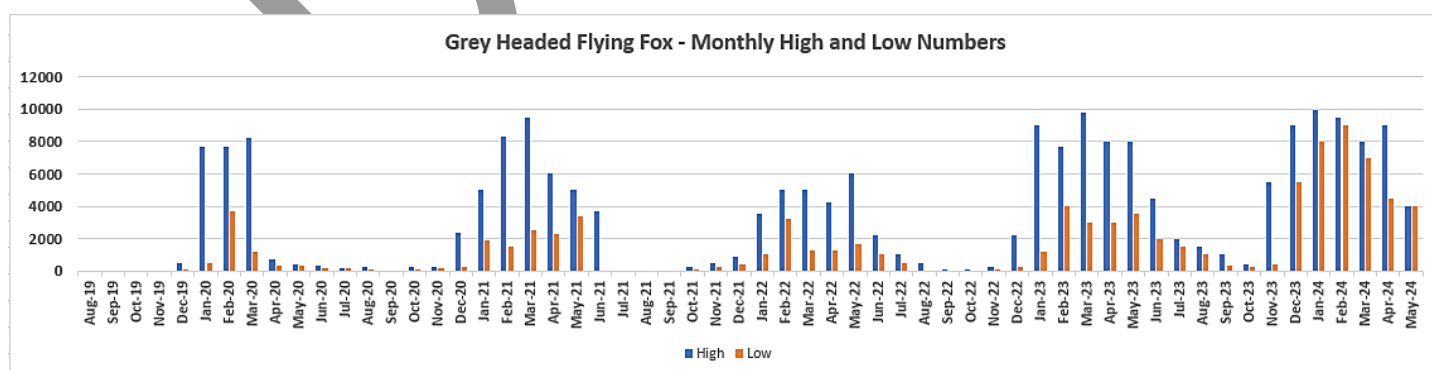


Figure 8 - CBG Count Data from 2019 to 2024. Source: Colac Otway Shire Council

2.4.2 Impacts on Trees

A second detailed assessment of the trees at CBG was undertaken in April 2024⁵. Refer to Table 4 for a list of trees impacted by the GHFF.

Note: A previous detailed tree assessment was completed in 2019 and was appendix G in the 2019-2024 Management Plan.

2024 assessment - Key findings & recommendations include:

- *To date, none of the trees have died as a result of the occupation by the camp, although sections of the upper canopy of some trees have died, negatively affecting the aesthetic value of those trees.*
- *Remedial work on the trees is not currently recommended. While reducing the aesthetic value of the trees, the current dead branches provide roosting space for the flying foxes that will have no further detrimental impact on tree health. Removing the existing dead branches will force the camp onto living branches on the remaining trees or spread the impact onto new trees, leading to new damage.*
- *Compared to the 2019 assessment, the camp has spread, and substantially more trees were actively being used as roost sites. The camp has shifted slightly east and spread into trees north of the previous roosts, although most of the previous roost area is still being used.*
- *38 trees were observed as having flying foxes present. Of these, 23 were observed to be suffering health impacts from minor to moderate extent.*

Table 4 - Individual Trees Listed in the Statement of Significance Impacted by Flying-Foxes

Tree	Common name	Flying-fox impact
<i>Cupressus forbesii</i>	Tecate cypress	-
<i>Sophora japonica</i>	Pagoda Tree	Significant impact
<i>Pittosporum tenuifolium</i>	Eila Keightley (Kohuhu)	-
<i>Ulmus x hollandica 'Vegeta'</i>	Huntington elm	Significant impact
<i>Arbutus canariensis</i>	Canary Island Strawberry Tree	-
<i>Araucaria bidwillii</i>	Bunya pine	-
<i>Qhercus robur</i>	English oak	Impacted
<i>Quercus cerris</i>	Turkey oak	-
<i>Pinus radiata</i>	Monterey pines	-

2.5 Management Response to Date

Council has taken a conservative approach in managing the flying-fox population due to the need to monitor conditions and the fluctuating population of the camp. For example, in March 2018, 300 GHFF returned but by January 2019 the population had increased to 6,500. In the winter months the population generally significantly reduces.

⁵ Refer Appendix C: Arborist Report undertaken by Enspeg Consultant Arborists, 2024

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In response, Council has:

- monitored the flying-fox numbers and condition of the CBG by staff
- undertaken a stakeholder meeting on 6 March 2019 to discuss options available to Council and the community. Community engagement was initiated when flying-foxes first arrived at CBG and was escalated in order to gain community feedback on this Camp Management Plan.
- undertaken a community awareness program through Council's website
- In 2019, Council and Ecosure undertook a non-event dispersal program. (Council was prepared and programmed to commence a dispersal but the GHFF left the CBG beforehand, so a practice dispersal event took place with no GHFF present)
- In 2020, Council and independent Ecologist WSP Dr Rod Van der Ree undertook a dispersal program to remove the GHFF from the CBG
- Significant amount of negative correspondence was received by Council and DELWP (DEECA) concerning 2020 dispersal program. GHFF returned to Pond area of CBG in Sept 2020
- Council briefing took place March/April 2021, with independent ecologist Dr Rod Van der Ree providing advice for Council to consider nudging the GHFF to a preferred location within the CBG rather than the dispersal approach. Guidance provided by Management, Council and DEECA that nudging to a more suitable location within the CBG was the preferred option going forward.
- Nudging program commenced May 2022 and GHFF returned to the non-preferred location within CBG in October 2022.
- Nudging program commenced May 2023 and GHFF moved easily with minimal inputs (hand clapping). It is estimated that close to 1000 GHFF stayed in preferred location within CBG for first time over winter.
- Council has restricted vehicle movement within CBG over winter and altered mowing times to minimize disturbance to roosting GHFF. This has proven very successful.
- Larger GHFF numbers returned to Council's non-preferred location from Mid-November 2023 and remain at this location in May 2024.
- We estimated in January 2024 that there was close to 10,000 GHFF in the CBG for the first time. These were the highest numbers recorded to date.
- The start of the annual nudging program each year shows the GHFF are easily moved from Council's non-preferred to Council's preferred roosting location with minimal noise. Hand clapping has proven to be very effective. 1-2 weeks of this type of low impact nudging has been enough to see some consistent behavior with the GHFF staying in the preferred location.
- Previous Authority to Control Wildlife (ATCW) conditions state *Disturbance activities may only occur between 1 April – 31 August*. Based on our experience to date Council can now show some consistent behavior of the GHFF roosting locations altering outside these timeframes. Once nudging stops, they return to the pond area quickly.
- In response to the changing conditions, Council has progressed with a more detailed approach that includes:
 - preparation of this Management Plan to provide a framework for managing the flying-fox visitations.
 - external advice from flying-fox experts, both in government and in the private sector.
 - arboriculture advice on the damage to the heritage listed trees; and

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- leading ongoing discussions with DEECA and DCCEEW regarding licence application requirements and the relevance of the NSW Flying-fox Management Plan standard template.
- Liaise with other Councils on the management of their GHFF populations.

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3 Community Engagement

Community engagement was initiated shortly after the arrival of flying-foxes at the CBG in 2016.

In 2019, engagement was then escalated in order to further inform this Camp Management Plan.

3.1 Initial Community Observations pre-2019

The following list is a collation of the issues related to the camp that have been reported by the community from 2016 to early 2023. The list has been compiled from information collected by staff and from residents contacting Councillors.

Reported issues include:

- noise as flying-foxes depart or return to the camp
- noise from the camp during the day particularly to users of the Gardens
- faecal drop on outdoor areas, cars and private property
- smell particularly to users of the Gardens
- fear of disease
- reduced general amenity
- damage to vegetation, particularly to a number of heritage listed trees in the Gardens
- impacts on other fauna species
- possible impact on adjacent businesses.

3.2 Stakeholders in the Development of this Plan

The community engagement process drew on the following stakeholders who were directly or indirectly affected by the flying-fox visitations or who were interested in Council's management approach.

Key stakeholders

- Residents close to the CBG
- Friends of the Colac Botanic Gardens
- Shire wide residents and businesses
- Business owners
- Colac Turf Club
- Colac Pony Club
- Shire-wide vets
- Friends of Bats & Bushcare

Government stakeholders

- Departments within Council
- Other councils
- Heritage Victoria
- DEECA Wildlife Victoria
- DCCEEW

4 Legislation and Policy

4.1 Commonwealth

4.1.1 *Environment Protection and Biodiversity Conservation Act 1999*

The Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides protection for the environment, specifically matters of national environmental significance (MNES). A referral to the Commonwealth DCCEEW is required under the EPBC Act for any action that is likely to significantly impact on NES.

Matters of environmental significance in the CBG are summarised in Table 5.

MNES under the EPBC Act that relate to flying-foxes include:

- world heritage sites (where those sites contain flying-fox camps or foraging habitat)
- wetlands of international importance (where those wetlands contain flying-fox camps or foraging habitat)
- nationally threatened species and ecological communities.

The GHFF is listed as a vulnerable species under the EPBC Act, meaning it is a MNES. It is also considered to have a single national population. DCCEEW has developed the Referral guideline for management actions in GHFF and SFF⁶ camps⁷ (the Guideline) to guide whether referral is required for actions pertaining to the GHFF.

The Guideline defines a nationally important GHFF camp as one that has either:

- contained ≥10,000 GHFF in more than one year in the last 10 years, or
- been occupied by more than 2500 GHFF permanently or seasonally every year for the last 10 years.

The CBG does not meet either of these criteria (see Section 2.4.1 for historic camp data) and is therefore not considered a nationally important camp. As such, management of this camp (including nudging) are unlikely to significantly impact on the GHFF and do not need to be referred under the EPBC Act. This was confirmed by DCCEEW.

Council is committed to best practice, and therefore has incorporated mitigation standards for nationally important camps into those that will be used to avoid impacts during management actions at CBG (see Section 5).

Referral will be required if a significant impact to any other MNES is considered likely as a result of management actions outlined in this Plan. Self-assessable criteria are available in the Significant Impact Guidelines 1.1⁸ to assist in determining whether a significant impact is likely; otherwise consultation with DCCEEW will be required. Table 5 outlines other MNES.

⁶ spectacled flying-fox (*P. conspicillatus*)

⁷<http://www.environment.gov.au/system/files/resources/6d4f8ebc-f6a0-49e6-a6b6-82e9c8d55768/files/referral-guideline-flying-fox-camps.pdf> Accessed 31 July 2019

⁸<http://www.environment.gov.au/epbc/publications/significant-impact-guidelines-11-matters-national-environmental-significance> Accessed 31 July 2019

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Table 5 - Matters of National Environmental Significance – Colac Botanic Gardens Summary

Matter of National Environmental Significance where the EPBC Act applies	CBG site specific response	Standard has or will be met in this Plan
World heritage sites	The Colac Botanic Gardens is not a world heritage site, it does not contain a nationally significant flying-fox camp or nationally significant foraging habitat	Not required
Wetlands of international importance	Lake Colac is not a wetland of international importance, it does not contain a nationally significant flying-fox camp or nationally significant foraging habitat	Not required
Nationally threatened species and ecological communities	The grey-headed flying-fox is listed as a vulnerable species under the EPBC Act list of threatened fauna.	✓

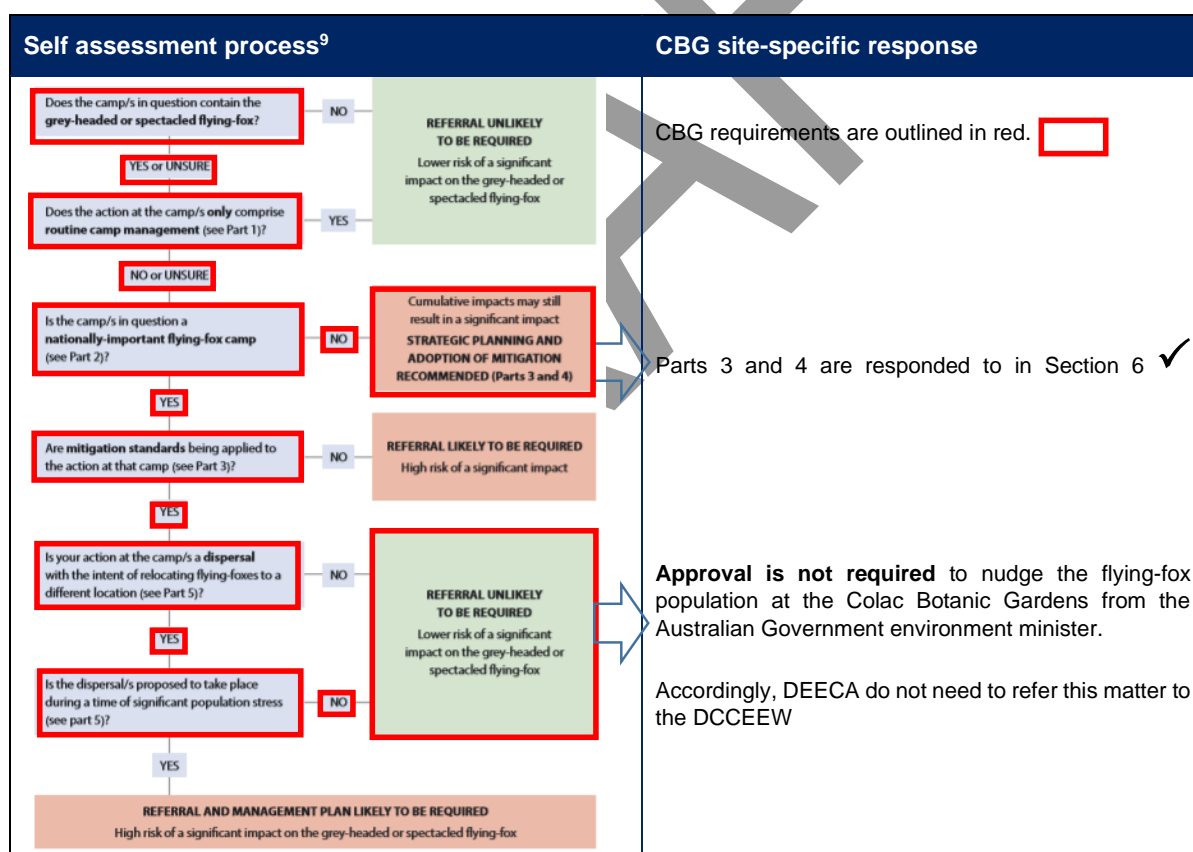


Figure 9 - Summary of the Referral Decision-Making Process for Proponents

⁹ http://www.environment.gov.au/system/files/resources/42f84df4-720b-4dcf-b262-48679a3aba58/files/neg-guidelines_1.pdf

The GHFF is listed as a vulnerable species under the EPBC Act and is therefore a MNES. However, the CBG is not a nationally important camp and therefore referral under the EPBC Act is not required. An ATCW from DEECA is required for camp nudging or other non-routine camp management.

4.1.2 Application of the DCCEE Draft Recovery Plan for the Grey-Headed Flying-Fox.

The DCCEE Draft Recovery Plan provides a suite of objectives, performance criteria and actions to be used in management plans for the national flying-fox population. Despite the fact that the CBG is not a nationally important camp, Council has responded to the objectives and actions in Table 6.

Table 6 - Draft Recovery Plan for the Grey Headed Flying-Fox. Summary of Objectives and Actions

	Objective	Action	Standard has or will be met in this Plan
1	Identify, protect and enhance native foraging habitat critical to the survival of the GHFF.	Actions associated with this objective seek to increase foraging habitat in Australia by 100km ² .	✓
2	Identify, protect and enhance roosting habitat of GHFF camps.	Actions associated with this objective seek to protect ten nationally significant camps and provide legislation for this.	✓
3	Determine population trends in GHFF so as to monitor the species' national distribution and conservation status.	Actions associated with this objective include improved monitoring and a more detailed understanding of the population.	✓
4	Build community capacity to coexist with GHFF and minimise the impacts on urban settlements from existing camps without resorting to dispersal.	Actions associated with this objective include improving community engagement and information centred on living with flying-foxes to avoid dispersal numbers.	✓
5	Increase public awareness and understanding of GHFF and the recovery program and involve the community in the recovery program where appropriate.	Actions associated with this objective include improved community education resulting in reduced numbers of camp dispersals.	✓
6	Improve the management of GHFF camps in areas where interaction with humans is likely.	Actions associated with this objective include the need to increase public awareness on the referral guideline.	✓
7	Significantly reduce levels of deliberate GHFF destruction associated with commercial horticulture.	Actions associated with this objective seek to limit the impact on crops through non-destructive methods.	✓

Objective		Action	Standard has or will be met in this Plan
8	Support research activities that will improve the conservation status and management of GHFF	Actions associated with this objective seek to increase awareness of the GHFF	✓
9	Assess and reduce the impact on GHFF of electrocution on power lines, and entanglement in netting and on barbed-wire.	Actions associated with this objective include reducing the extent of man-made obstacles that may impact on the health of the GHFF	✓

This flying-fox management plan will respond to the objectives, performance criteria and actions outlined above.

4.2 State

4.2.1 Flora and Fauna Guarantee Act 1988

The *Flora and Fauna Guarantee Act 1988* (FFG Act) is the key piece of Victorian legislation for the conservation of threatened species and ecological communities and for the management of potentially threatening processes that are threatening to Victoria's native flora and fauna. The Act is designed to protect species, genetic material and habitats, to prevent extinction and allow maximum genetic diversity. The Act's objectives aim to conserve all of Victoria's native plants and animals.

As at 2013, the GHFF was listed as a threatened species under the Victorian *Flora and Fauna Guarantee Act 1988*.

Penalties apply if a dispersal is not handled correctly.

4.2.2 Protecting Victoria's Environment – Biodiversity 2037

Victoria's biodiversity strategy, *Protecting Victoria's Environment 2037* was released in April 2016. Required under the FFG Act the Plan states that:

- *Native plants and animals have an intrinsic right to exist, thrive and flourish. Multiple life forms contribute to biodiversity and have significant intrinsic value. Victorians have a duty to protect biodiversity, regardless of whether it provides tangible benefits to humans.*¹⁰
- *There will be continuing changes to species numbers and distribution, and to the extent and quality of their habitats.*¹¹

Human-induced changes to the environment have, in some situations, led to native species ...becoming locally overabundant, often to the detriment of other native species. Coordinated planning and implementation may be needed to address over-abundance where there are significant

¹⁰https://www.environment.vic.gov.au/_data/assets/pdf_file/0022/51259/Protecting-Victorias-Environment-Biodiversity-2037.pdf
Accessed 6 June 2019. Page 6

¹¹https://www.environment.vic.gov.au/_data/assets/pdf_file/0022/51259/Protecting-Victorias-Environment-Biodiversity-2037.pdf
Accessed 6 June 2019. Page 8

impacts on biodiversity assets. In some circumstances, however, targeted action at a local level may be sufficient to mitigate the impact.¹²

There is a need to respond to the impact of the flying-fox in the local area and at the same time, support the ongoing sustainability of the species.

4.2.3 Wildlife Act 1975

The Wildlife Act 1975 and associated regulations provide a framework for members of the community wishing to control, possess, display, breed, trade or interact with wildlife. It also provides the framework for the rescue and rehabilitation of wildlife by authorised volunteers, wildlife shelters and foster carers.

It is an offence to kill, take, control or harm wildlife under the Wildlife Act. Severe penalties (including imprisonment and fines) apply to those found guilty of an offence under the Wildlife Act.

Anyone wishing to control wildlife in Victoria must have an authorisation from DEECA. The most common authorisation is an Authority to Control Wildlife (ATCW).

Under the Act, causing the death of a flying-fox can result in a fine of up to \$37,310 and/or 24 months' imprisonment. Further penalties under the *Prevention of Cruelty to Animals Act 1986* may also apply.

ATCW for the GHFF in Victoria

DEECA is transparent with the community about issuing ATCW licenses. DEECA typically issue ATCW approvals for matters such as Corellas and Grey Kangaroos, both of which are abundant species and not listed as threatened on the State or Commonwealth lists. ATCWs can be issued for the non-lethal control of threatened species, for example, to scare GHFF to avoid the destruction of property.

The number of GHFF ATCW permits issued over recent years has gradually increased as has the number of animals it serves to protect. This is mainly due to increased awareness in government and community circles.

Council requires approval from DEECA for an ATCW license.

To support Council's ATCW application, DEECA require additional information on the flying-fox in Colac Otway Shire, its habitats, threats and proposed management actions.

Table 7 outlines the ATCW permit requirements.

Table 7 - ATCW Permit Requirements

Requirements of the ATCW Application Process	Standard has or will be met in this Plan
Property details	✓
Species and number of wildlife recorded	✓
Type and extent of damage	✓
The actions taken that do not require an ATCW	✓
Proposed control method	✓

¹²https://www.environment.vic.gov.au/data/assets/pdf_file/0022/51259/Protecting-Victorias-Environment-Biodiversity-2037.pdf
Accessed 6 June 2019. Page 47

4.2.4 Prevention of Cruelty to Animals Act 1986

The purpose of this Act is to:

- prevent cruelty to animals; and
- to encourage the considerate treatment of animals; and
- to improve the level of community awareness about the prevention of cruelty to animals.

The Act does not permit cruelty to animals to occur.

Penalties apply under the *Protection of Cruelty to Animals Act 1986* if a dispersal is not handled correctly.

4.2.5 Heritage Act 2017

The *Heritage Act 2017* is administered by Heritage Victoria. It is the central piece of legislation to manage Victoria's cultural heritage. The Act (and its register) identifies and protects heritage places including trees and gardens that are of state level significance.

The Minister for Planning is responsible for the Heritage Act and the associated Victorian Heritage Register. The Colac Botanic Gardens are listed on this register as VHR H2259¹³. As the land manager for the gardens, Council has a formal obligation and duty of care to ensure that:

- the cultural heritage significance of the gardens is upheld;
- the plantings are managed to ensure that they are in a healthy state and free of pests and disease; and
- that all physical elements such as pathways, buildings fences and other features are conserved.

The entire site is subject to the Heritage Act. Individual trees are listed on the Statement of Significance.

Council, as land manager, has an obligation under the Heritage Act to conserve and maintain the CBG. In light of the impacts of the flying-fox population on the CBG, the management plan should respond to the ongoing health of the trees.

No permit is required under the Heritage Act for regular maintenance.

Heritage Victoria will consider exemptions for the removal of dead, diseased or dangerous trees.

¹³ Colac Botanic Gardens Statement of Significance. Heritage Council of Victoria

4.2.6 The Planning and Environment Act 1987

The *Planning and Environment Act 1987* sets out the objectives for land use planning in Victoria and the legislative framework for achieving these objectives.

The Act:

- sets out to 'provide for the protection of natural and manmade resources and the maintenance of ecological processes and genetic diversity'
- requires municipalities to prepare and administer local planning schemes and protection of the natural environment.
- sets out processes for enforcing planning schemes.

Table 8 shows the State Planning controls that apply o GHFF management.

Table 8 - Colac Otway Planning Scheme - State Planning Controls Impacting on Flying-Fox Management

Clause		Name of control	Impact of Planning Control
12.01-1S		Protection of biodiversity	Consideration of loss of habitat, particularly rare or threatened species.

The key State clause is:

There is a state government requirement to consider habitat loss of threatened species.

4.3 Approvals Pathway Summary (Federal and State)

4.3.1 Approvals from the Australian Government Environment Minister.

Approval is not required to nudge the flying-fox population at the Colac Botanic Gardens from the Australian Government environment minister.

Accordingly, DEECA do not need to refer this matter to DCCEEW.

4.3.2 Approvals from the Victorian Government: DEECA

Council require approval from the DEECA for an ATCW permit.

To support Council's ATCW application, DEECA require additional information on the flying-fox activity in Colac Otway Shire, its habitats, threats and proposed management actions.

This includes:

- property details;
- species and number of wildlife recorded;
- type and extent of damage;
- the actions taken that do not require an ATCW; and
- proposed control method.

This information will be provided in the GHFF Management Plan for the Colac Botanic Gardens that will support the ATCW application.

This process is summarised in Figure 10.

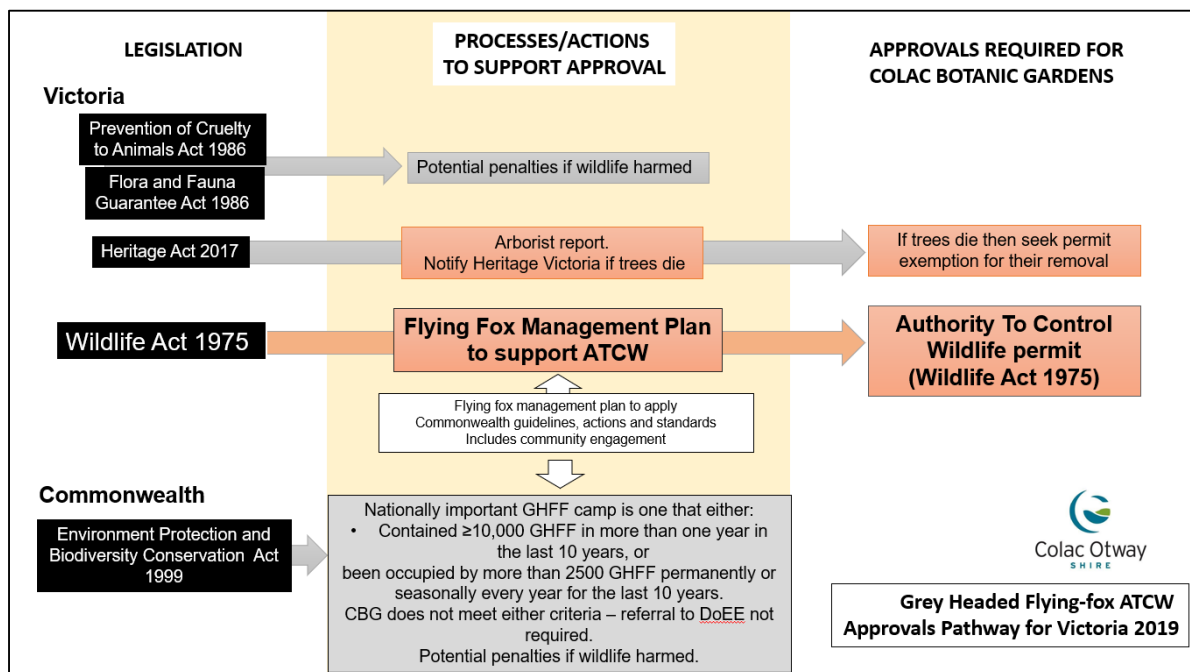


Figure 10 – Approvals Pathway for CBG

4.4 Local Government Provisions

Meeting local provisions is not a formal requirement of the Wildlife Act or the EPBC Act processes. A summary is provided below to demonstrate that the proposal meets the requirements of the local policy platform of the Colac Otway Shire.

4.4.1 The Colac Otway Planning Scheme

The Colac Otway Planning Scheme provides the following provisions for the CBG. They are listed in Table 9 with their relevance provided:

Table 9 - Colac Otway Planning Scheme - Local Planning controls. Colac Botanic Gardens site

Clause	Name of Control	Impact of Planning Control	Standard has or will be met in this Plan
21.04-9	Municipal Strategic statement Cultural Heritage	The MSS notes the importance of the historic places and landscapes (the CBG) as being key to the identity of Colac.	✓
36.02	PPRZ Public park and recreation zone	No permit is required for planting, landscaping or maintenance works.	✓

Clause	Name of Control	Impact of Planning Control	Standard has or will be met in this Plan
42.01	ESO2 Environment significance overlay 2	No permit is required for maintenance works of non-native vegetation.	✓
43.01	HO Heritage Overlay (ref 113)	Exempt due to the site being on the Heritage Register	Not required

No permits are required under the Colac Otway Planning Scheme for flying-fox management.

4.4.2 Council Plan 2021 – 2025

Relevant to the management of the flying-foxes at the CBG is the following goal and corresponding action¹⁴

Theme 2: Valuing The Natural Environment

enabled through:

We will protect our natural environment and communities, by maintaining and providing resilient infrastructure, and being leaders in sustainable living, modelling innovation and best practice.

Council will meet its commitment to its community by ensuring that best practice standards and management of the flying-fox colonies are applied.

4.4.3 Lake Colac Foreshore Masterplan 2016-2026

The adopted masterplan notes the environmental sensitivity of the shallow lake and its ecosystem and seeks to reinstate native vegetation.

4.4.4 Draft - Colac Botanic Gardens Masterplan Review 2024

A new CBG Masterplan is currently being developed. This project is currently underway. The masterplan will provide short, medium and long-term actions for the gardens that take into account its heritage status, microclimate, capacity for additional canopy trees and environmental risks. The latter addresses weed management and climate change impacts on plantings. Suggestions for improved signage and a stronger online presence are noted.

Education and awareness on flying-foxes can be included in any signage updates at the gardens.

¹⁴ Council Plan 2021-2025 Page 1

4.4.5 Colac Otway Shire Environmental Sustainability Strategy updated 2023- 2033

Protected and thriving natural landscapes, ecosystems and habitats.

The protection of healthy natural landscapes and ecosystems, and the minimisation of negative impacts on native flora was identified as the highest environmental priority for our communities, as expressed through the Council plan and this updated Environmental Sustainability Strategy.

Education and awareness will be central to Council's approach to community engagement in developing the flying-fox strategy.

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5 Management Approach

5.1 Management Options and Planned Actions

- Level 1: Routine camp management actions (approval for actions not required)
- Level 2: Creation of buffers (DEECA approval required)
- Level 3: Camp disturbance or nudging (DEECA approval required).

The use of the word “dispersal” has been removed from the current management plan in favour of “nudging” due to a change in management approach. Refer to section 2.5.

Table 10 provides an overview of options and planned management actions for flying-foxes in Colac. A nudging strategy is detailed in Section 5.2.

Table 10 - Analysis of Management Options

Management Option	Relevant Impacts	Cost	Advantages	Disadvantages	Site-specific Detail and Actions
Level 1 actions					
Education and awareness programs	Fear of disease Noise Smell Faecal drop	\$	Low cost, increasing awareness will help the community understand the ecology of flying-foxes, providing options for landholders to reduce impacts. This is an effective long-term solution, can be undertaken on an ongoing basis and based on community concerns.	Education and advice itself will not mitigate all issues, and on its own would not be acceptable to the community.	Council has engaged with the community in the development of this Plan (see Section 3) and will continue to provide information via Council's website and the provision of fact sheets. Council's flying-fox (FF) awareness program will focus on alleviating community concern, including how to effectively mitigate the low health risk associated with flying-foxes, the ecological importance of flying-foxes, options available to reduce impacts from roosting and foraging flying-foxes, information about flying-fox behaviour and numbers at Colac, and management actions being undertaken.

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Management Option	Relevant Impacts	Cost	Advantages	Disadvantages	Site-specific Detail and Actions
Property modification	Noise Smell Faecal drop Health/wellbeing Property devaluation Lost rental return	\$--\$	Property modification is one of the most effective ways to reduce amenity impacts of a camp, promotes conservation of flying-foxes, is a long-term option, can be undertaken quickly, will not impact on the site and may add value to the property.	May be cost-prohibitive for private landholders, however subsidies would assist.	At this stage the impact on property has been minimised and property modifications have not been required. If roosting flying-foxes impact properties in the future, Council will liaise with affected landholders regarding available management options and will investigate a subsidies program for property modification or services (e.g. cleaning) if the community is being significantly impacted.
Routine management	Health/wellbeing	\$	Will allow property maintenance, likely to improve habitat, could improve public perception of the site, will ensure safety risks of a public site can be managed. Weed removal has the potential to reduce camp availability and reduce numbers of roosting FFs. To avoid this, weed removal should be staged and alternative camp habitat planted, otherwise activities may constitute a Level 3 action.	Will not generally mitigate amenity impacts for nearby landholders. Impact on the heritage listed trees is a high priority for Council and removal of trees within the CBG is not a preferred strategy.	Council's Park maintenance regime will continue, including: <ul style="list-style-type: none"> removal of tree limbs or whole trees that pose a genuine health and safety risk, as determined by a qualified arborist weed removal trimming of understorey vegetation or the planting of vegetation at COSC preferred roosting location application of mulch or removal of leaf litter or other material on the ground mowing grass and similar groundskeeping actions that will not create a major disturbance to roosting flying-foxes. Consider mowing near roosting areas after dusk. Private landholders are also permitted to undertake routine property maintenance activities provided flying foxes are not disturbed and actions are in line with measures in Section 5. Council has prepared a Standard Operating Procedure for working around flying-foxes based on information in this Plan to ensure human health and safety and flying-fox welfare during management activities.

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Management Option	Relevant Impacts	Cost	Advantages	Disadvantages	Site-specific Detail and Actions
Alternative habitat creation	All	\$\$– \$\$\$	If successful in attracting FFs away from high conflict areas (pond & playground areas), dedicated habitat in low conflict areas will mitigate all impacts, promotes FF conservation. Rehabilitation of degraded habitat that is likely to be suitable for FF use could be a more practical and faster approach than habitat creation.	Generally costly, long-term approach so cannot be undertaken quickly, previous attempts to attract FFs to a new site have not been known to succeed.	Council has identified potential alternative flying-fox camp sites within the CBG and is commencing a program of restoration and planting with a view of creating alternative flying-fox roosting habitat.
Protocols to manage incidents	Health/wellbeing	\$	Low cost, will reduce actual risk of negative human/pet-FF interactions, promotes conservation of FFs, can be undertaken quickly, will not impact the site.	Will not generally mitigate amenity impacts.	A Flying-fox Rescue Protocol is provided in Appendix B. Council is also developing a Standard Operating Procedure for working around flying-foxes to ensure human health and safety and flying-fox welfare.
Research	All	\$	Supporting research to improve understanding may contribute to more effectively mitigating all impacts, promotes FF conservation.	Generally cannot be undertaken quickly, management trials may require further cost input.	Council has commenced discussions with other Victorian authorities to improve internal understanding of flying-fox behaviour and results of nudging programs. Council will provide in-kind support and stay up-to-date on contemporary research, particularly projects that inform effective management of flying-fox impacts. Relevant findings will be incorporated in this Plan during annual reviews. Also attend annual GHFF conference.
Do nothing	Nil	Nil	No resource expenditure.	Will not mitigate impacts and unlikely to be considered acceptable by the community.	As detailed in the arborist report (Appendix C), if the flying-foxes continue to camp in the CBG some trees will be permanently damaged, including National Trust classified heritage trees, and tree losses are likely. Council has a responsibility to protect these trees and the option of doing nothing is not appropriate.

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Management Option	Relevant Impacts	Cost	Advantages	Disadvantages	Site-specific Detail and Actions
Level 2 Actions					
Noise attenuation fencing	Noise Smell Health/wellbeing Property devaluation Lost rental return	\$\$	Will eliminate/significantly reduce noise impacts, will reduce other impacts, limited maintenance costs.	Costly, likely to impact visual amenity of the site, will not eliminate all impacts, may impact other wildlife at the site.	Noise attenuation fencing is suited where noise from a camp is impacting nearby sensitive receivers. This option is not applicable to the CBG camp and impacts to heritage trees, however may be evaluated in consultation with DEECA should flying-foxes establish at a new site near sensitive receivers.
Level 3 Actions					
Nudging, including maintenance nudging	All	\$\$- \$\$\$	If nudging is successful, this may mitigate all impacts.	Costly, FFs will continue attempting to recolonise the area unless combined with habitat modification/ deterrents. The option for all year maintenance nudging away from non-preferred locations to be permitted is COSC desired outcome.	Council has a preferred roosting location within the Colac Botanic Gardens. The nominated roosting site is away from the children's playground and pond area.
Passive nudging through vegetation management	All at that site but not generally appropriate for amenity impacts only	\$\$- \$\$\$	If successful can mitigate all impacts at that site, compared with active nudging less stress on FFs, less ongoing cost, less restrictive in timing with ability for evening vegetation removal.	Costly, will impact site, risk of removing habitat before outcome known, potential to splinter the camp creating problems at other locations (although less than active nudging, potential welfare impacts, disturbance to community, negative public perception, unknown conservation impacts, unpredictability makes budgeting and risk assessment difficult, may increase disease risk (see Section 5.2.5), potential to impact on aircraft safety.	Not appropriate at the CBG, however this option may be evaluated in consultation with DEECA should flying-foxes establish at a new undesirable site.
Passive nudging through water management	All at that site but not generally appropriate for amenity impacts only	\$\$- \$\$\$	Potential advantages as per with passive nudging through vegetation removal, however likelihood of success unknown.	Potential disadvantages as per passive nudging through vegetation removal, however likelihood of success unknown.	This option may be suited to an undesirable site with a small waterbody but is not applicable to the CBG which is located immediately adjacent to Lake Colac.

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Management Option	Relevant Impacts	Cost	Advantages	Disadvantages	Site-specific Detail and Actions
Early nudging before a camp is established at a new location. (can also be referred to maintenance nudging)	All at that site	\$\$– \$\$\$	Potential advantages as per other nudging methods, but more likely to be successful than nudging of a historic camp.	Potential disadvantages as per other nudging methods, but possibly less costly and slightly lower risk than nudging a historic camp. Potential to increase pressure on FFs that may have relocated from another nudged camp, which may exacerbate impacts on these individuals.	Any new camp in Colac will be assessed as per Section 5.2.11, and flying-foxes roosting in undesirable locations will be nudged in accordance with the nudging strategy in Section 5.2 before a camp establishes.

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5.2 Nudging Strategy

5.2.1 Alternative Camp Habitat Relocate to more Resilient Trees Within Gardens.

Council has identified a preferred camp habitat approximately 200 metres west of the children's playground and pond area. This area has been selected as it is away from the 8 trees listed on the National Trust Tree Register and Victorian's Heritage Register. The area contains more robust species that will have greater ability to cope with the GHFF camp. For the last three years Council has nudged the GHFF's towards this preferred location. Last year (2023) saw the GHFF remain over winter in the preferred location for the first time. Refer to Figure 4.

5.2.2 Nudging Methods – General

A range of tools can be used to actively nudge flying-foxes as they attempt to return to the camp pre-dawn after nightly foraging.

Nudging tools should vary and be used at unexpected locations to discourage flying-foxes from habituating, which may render that tool ineffective for the mid to long term. Each nudging team member should have multiple tools (visual and aural) that can be used intermittently and changed as required in response to flying-fox behaviour. If flying-foxes are not responding to a nudging tool, it should be immediately replaced to avoid habituation.

During the recent nudging programs the GHFF have been nudged quite easily using low impact methods such as hand clapping.

1-2 weeks of this type of low impact nudging has been enough to see some consistent behaviour with the GHFF staying in the preferred location.

Based on our experience to date council can now show evidence of some consistent GHFF behaviour during nudging activities & also when the nudging stops.

Post nudging program, the GHFF return to the pond area quickly. Experience shows the downtime of no nudging (outside of previous ATCW permit) the GHFF return to the non-preferred location. Refer to Figure 4.

5.2.3 Roles and Responsibilities

Table 11 provides a description of roles and responsibilities.

The following is an indicative nudging resource allocation. Note that the number of personnel may be downscaled if appropriate, or conversely, additional resources may be required:

- Program Coordinator/Manager – Overall responsible for the program. Stakeholder engagement, Community Consultation and COSC & DEECA reporting.
- Nudging Supervisor– flying-fox expert¹⁵. Required to be onsite at the start the nudging program but not required be to onsite each day after commencement. Expert to then advise of frequency onsite. Recommended to be onsite once a fortnight depending on GHFF behavior. Provide advice & training to the Team Leader as required. Available to be on call to attend site at short notice. Expert must be onsite if nudging is occurring during late pregnancy or pups present.

¹⁵ see glossary definition

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- Team Leader – The role of Nudging Supervisor and Team Leader is very similar working closely together. Team leader is responsible for the daily nudging activities and daily reporting.
- Team Members – depending on GHFF numbers and location, 1-3 nudging personnel could be required on nudging days (in addition to the Team Leader).

All team members should be in regular communication, providing information on flying-fox behaviour and movements to the Team Leader who will coordinate and direct activities. It is critical that the nudging approach is continually adapted in a strategic way in response to flying-fox behaviour, changes to risk based on location etc. and other variables (e.g. weather, community concerns).

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Table 11 - Roles, Responsibilities, Authority and Communication Lines Between the Management Team

Role	Who	Required Competencies	Responsibilities/Authority	Communication Lines
Program Coordinator/Manager	Council (Manager Services & Operations)	As required by Council.	<ul style="list-style-type: none"> Stakeholder consultation Landholder liaison and access Report to DEECA Inform and consult with the community and interested parties Determine management actions in consultation with PWG Evaluate program 	<p>Reports to: Council and stakeholders</p> <p>Direct reports: Nudging Supervisor & Team Leader</p>
Nudging Supervisor*	Council/ Contractor (GHFF Expert)	Flying-fox expert (see glossary definition); able to take general fauna spotter catcher role responsible for rescuing other fauna if required.	<ul style="list-style-type: none"> Train all team members and endorse as competent Train and provide advice & direction to Team Leader Assist team leader to Induct all personnel to the program Liaise with DEECA Liaise with wildlife carers/veterinarians (for orphaned/injured wildlife only) Report to Manager Services and Operations 	<p>Reports to: Program Manager</p> <p>Direct reports: Team Members</p>
Team Leader**	Council (Parks & Gardens Team Leader or nominated Team Member)	<p>To be endorsed as competent by Nudging Supervisor.</p> <p>Team Leader (in addition to the Nudging Supervisor) can also be a flying-fox expert (see glossary definition). Potentially able to take general fauna spotter catcher role responsible for rescuing other fauna if required or use Wildlife Carer/Veterinarian for this catcher role.</p>	<ul style="list-style-type: none"> Coordinate field teams Pre- and post-nudging monitoring Coordinate daily site briefings Monitor flying-fox behaviour Rescue flying-foxes if required (and no carer/vet on site) Determine daily nudging end point Participate & lead daily nudging activities Monitor and managing daily maintenance nudging Collect and collate data Frequent reporting to nudging supervisor, program manager & DEECA. Liaise with DEECA 	<p>Reports to: Nudging Supervisor</p> <p>Direct reports: Team Members</p>
Team Members	Council (Parks & Gardens Staff)	All to be endorsed as competent by Nudging Supervisor & Team Leader.	<ul style="list-style-type: none"> Participate in Nudging Supervisor training Attend daily site briefings Participate in nudging as directed by Nudging Supervisor and/or Team Leader 	<p>Reports to: Team Leader</p> <p>Direct reports: Nil</p>

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Role	Who	Required Competencies	Responsibilities/Authority	Communication Lines
Observer/support	Wildlife Carer/Veterinarian	Relevant qualifications and licences.	Provide rescue & care of injured/orphaned wildlife if required	Reports to: Nudging Supervisor / Team Leader Direct reports: Nil

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5.2.4 Timing

5.2.4.1 Seasonal Timing

Initial nudging will avoid periods when females are in the late stages of pregnancy, or when dependent young are present. Nudging advice and direction will be sought from the Flying Fox expert during these times including peak mating periods. However, as the breeding season is influenced by a range of variables and out-of-season breeding is not uncommon, nudging timing should be based on assessment by a flying-fox expert¹⁶ rather than through confinement to pre-determined times of the year.

Note that maintenance nudging¹⁷ to prevent camp re-establishment or early intervention nudging to prevent a new camp establishing in an undesirable location may occur during the GHFF breeding season (September – May) provided a flying-fox expert determines that breeding and animal welfare will not be impacted. Maintenance nudging during this time will be restricted to low intensity methods such as hand clapping to minimise the risk of stressing and impacting more susceptible individuals that may join the camp at any time (e.g. pregnant females, females carrying pups). Nudging, including maintenance nudging, will only occur when crèched young are present if the flying-fox expert determines that animal welfare is not impacted. Nudging monitoring must be rigorous at all times, but especially at times when breeding animals may join the camp.

5.2.4.2 Daily Timing

Nudging staff should be in position prior to flying-foxes returning to the camp, which is generally approximately half an hour before first light. While the CBG camp does not meet the criteria for a nationally important camp, Council acknowledges best practice in accordance with mitigation standards in the EPBC Referral Guideline for Management of GHFF Camps (Part 3).

Nudging, including maintenance nudging will be limited to a maximum of 2hrs over a 24hr period with a maximum of (nudging) 3 times a day. This could include the initial dawn nudge each day if required and allow for 2 other maintenance nudges during the day. Based on our experience this would only be required if the GHFF return to the non-preferred location from outside sources. For example, barking dogs, vehicles, nearby lawn mowers & chainsaws from nearby residents.

The use of dancing men (wind dancers) have been effectively used in the past to deter the GHFF from returning to the non-preferred location (pond area) post the early morning nudging. These dancing men can also be used at other non-preferred locations as a deterrent. The use of these dancing men will be restricted to 2hrs over a 24hr period separate to the nudging and maintenance nudging 2hr limit.

Maintenance nudging during the day will reduce the amount of dawn nudging required and overall reduce the duration of the program.

Some other standards aligned with Part 3 and Part 5 of the Referral Guideline are detailed in Section 5.2.8 and 5.2.10).

¹⁶ see glossary definition

¹⁷ Maintenance nudging refers to nudging activities to prevent the camp from re-establishing in any non-preferred locations. It differs from initial nudging by aiming to discourage occasional over-flying individuals from returning, rather than attempting to actively nudge the animals that have been recently roosting at the site.

5.2.5 Human Health and Safety

Flying-foxes may carry pathogens with the potential to cause disease in humans. Australian Bat Lyssavirus (ABLV) is a rabies-like virus that may be transmitted to humans through exposure to saliva of an infected flying-fox (or other bat). All known cases have been through a bite or scratch, however exposure to mucous membranes (eyes, mouth) could potentially also lead to infection. While ABLV can be fatal if it develops, effective pre- and post-exposure vaccinations and other simple measures to prevent the disease in humans are available.

Council and contractors will need to complete their own risk assessments to determine whether pre-exposure vaccinations are required. The following precautions should be adopted:

- only appropriately trained personnel with ABLV pre-exposure vaccinations, wearing puncture resistant gloves and forearm protection, are to attempt to handle or capture an animal
- all personnel to wear appropriate PPE: long sleeves and pants, eye protection and hat
- all personnel working underneath the active camp to wash clothes daily
- all personnel working underneath the camp during machine operations that aerosol (e.g. cause dust) the substrate or camp vegetation to also wear protective breathing equipment (P3 breathing mask)
- appropriate hygiene practices must be adopted such as hand washing with soap and water before eating and smoking
- local public health authorities be made aware that the nudging/vegetation management is occurring and that ABLV exposure may be possible
- if a person is bitten or scratched by a bat, the wound should immediately be washed with soap and water for at least five minutes, followed by application of an antiseptic with anti-viral action (i.e. Betadine) and immediate medical attention (post-exposure vaccinations may be required). Medical attention should also be immediately sought if a person is exposed to an animal's saliva or excreta through the eyes, nose or mouth.

Flying-foxes are also a natural host for Hendra virus (HeV), which can be transmitted to horse, likely through contaminated feed or water. Infected horses have been known to amplify the virus and humans can be infected through close contact with an infected horse. There has been no recorded case of direct transmission of HeV from flying-foxes to humans.

This disease is preventable with an effective vaccination available for horses.

Council will consult with horse owners in Colac to ensure HeV risk is appropriately managed.

5.2.6 Consultation Prior to and During Nudging Program

5.2.6.1 DEECA

Council will consult with DEECA regularly in the lead-up to nudging and will provide DEECA with a nudging schedule prior to commencing.

During nudging, Council will provide DEECA regular updates at least weekly or as conditioned in the ATCW.

Council will notify DEECA at least the day before any planned early intervention nudging.

In the unlikely event a flying-fox is injured during nudging, or there is an increase in the number of flying-fox rescues that may be associated with the nudging, all nudging activities will be temporarily ceased and DEECA will be immediately consulted to discuss a way forward.

5.2.6.2 Community

The Colac community will be informed of planned nudging activities, including:

- methods and timeframes
- desired/acceptable outcomes
- contingency planning
- procedures to follow in the event an injured, orphaned or dead flying-fox is located
- additional HeV precautionary measures for horse owners
- contact information for the Program Coordinator.

Council will encourage the community to report unusual flying-fox behaviour or activity. Council staff fielding phone calls need to clearly identify whether flying-foxes were likely to have been roosting or foraging (i.e. by time of day/night), so that reports of foraging activity are not mistakenly investigated as possible new camps.

It is critical the community is aware not to interfere with management in any way, both from a statutory perspective but also to allow the program to be properly assessed and strategically managed without impacts from other activities (e.g. unauthorised nudging.)

Council will ensure all landholders have consented where access to non-Council managed land is required.

This Management Plan is also made public on Council's website.

5.2.6.3 Other Stakeholders

In addition to the above, the following stakeholders will also be informed prior to the nudging:

- local police
- airports and airfields within 20 km of the CBG
- Colac Racecourse - to increase HeV precautionary measures and immediately report daytime flying-fox sightings given the highly attractive habitat on site
- Colac Golf Club - to immediately report daytime flying-fox sightings given the highly attractive habitat on site.
- Wildlife carers and veterinary staff - to be on stand-by during nudging
- The Victorian Department of Health and Human Services
- Australian Lamb Company
- Lake View Café
- Corangamite Catchment Authority
- Local vet clinics
- Wildlife carers & Wildlife Victoria
- Friends of the Colac Botanic Gardens

- Lake Colac Caravan Park
- Local primary and secondary schools.

5.2.7 Managing Community Impacts

Some level of impact is likely for residents within 150 metres of nudging locations (CBG and surrounding suitable habitat), and possibly up to 300 metres depending on the nudging methods used. Impacts may include:

- sleep disruption on nudging days (potentially from 5:30am)
- stress to noise-phobic pets
- increased flying-fox vocalising during the day
- flying-foxes roosting in new and potentially undesirable locations (Residents will have contact details for the Nudging Team Leader or council customer service should any significant issues be experienced and Council will work affected residents to minimise these issues as much as possible.

5.2.8 Monitoring and Stop Work Triggers

A robust monitoring program around the nudging is required to evaluate its success, ensure flying-fox welfare, and manage other risks such as the formation of splinter colonies, in a timely and appropriate manner.

Static counts at the camp during the day are the simplest and most resource effective method of monitoring. These also allow an assessment of species composition, breeding status and body condition, which are not possible during a fly-out count.

Monitoring personnel will be experienced in flying-fox identification and biology, and they should be limited in number to minimise the effects of observer bias. Council and contractors will need to complete their own risk assessment to determine requirements for pre-exposure vaccinations against ABLV for personnel (see also Section 5.2.5).

Pre-nudging and daily monitoring should include:

- a visual flying-fox health and body condition assessment
- breeding status i.e. whether pregnant flying-foxes are in final trimester, dependent young are present or mating behavior is observed
- age estimates of any sub-adults present
- signs of morbidity or mortality
- camp extent
- a total count. Where parts of the camp are not visible and cannot be accessed, each roost tree that can be seen should be counted and then extrapolated to the estimated total number of roost trees/area of the camp to obtain a total count.

Table 12 shows the recommended mitigation measures that should be implemented when certain undesirable aspects of the nudging exercise become evident.

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Table 12 - Planned Actions for Potential Impacts During Management.

Welfare Trigger	Signs	Action
Unacceptable levels of stress	If any individual is observed: <ul style="list-style-type: none"> panting saliva spreading located on or within 2m of the ground unusual vocalisations 	Works to cease for the day.
Fatigue	In-situ management (relates to daily maintenance activities in the CBG): <ul style="list-style-type: none"> more than 30% of the camp takes flight individuals are in flight for more than 5 minutes flying-foxes appear to be leaving the camp Nudging causes: <ul style="list-style-type: none"> low flying laboured flight settling despite nudging efforts 	Works to cease and recommence only when flying-foxes have settled* / move to alternative locations at least 50 m from roosting animals. Works to cease for the day.
Risk of injury/death	<ul style="list-style-type: none"> crècheing young present loss of condition evident any flying-fox mortality is reported within 1 km of the dispersal site that appears to be related to the nudging loss of condition evident; flying-fox appears to have been injured/killed on site (including aborted fetuses) 	<p>Works to cease immediately, DEECA & expert notified.</p> <p>AND</p> <p>rescheduled</p> <p>OR</p> <p>adapted sufficiently so that significant impacts (e.g. death/injury) are highly unlikely to occur, as confirmed by flying-fox expert (see glossary definition)</p> <p>OR</p> <p>stopped indefinitely and alternative management options investigated.</p>

*maximum of two unsuccessful attempts to recommence work before ceasing for the day.

5.2.9 Maintenance Program

Council will monitor the CBG daily following the nudging program, (reducing as appropriate over time). Maintenance nudging will be undertaken as needed, in accordance with the above nudging strategy.

Nudging, including maintenance nudging will be limited to a maximum of 2hrs over a 24hr period with a maximum of (nudging) 3 times a day. This could include the initial dawn nudge each day if required and allow for 2 other maintenance nudges during the day. Based on our

experience this would only be required if the GHFF return to the non-preferred location from outside sources. For example, barking dogs, vehicles, nearby lawn mowers & chainsaws from nearby residents.

The use of dancing men (wind dancers) have been effectively used in the past to deter the GHFF from returning to the non-preferred location (pond area) post the early morning nudging. These dancing men can also be used at other non-preferred locations as a deterrent. The use of these dancing men will be restricted to 2hrs over a 24hr period separate to the nudging and maintenance nudging 2hr limit.

Maintenance nudging during the day will reduce the amount of dawn nudging required and overall reduce the duration of the program.

Closing or preventing public vehicles from driving around the CBG carriageway near COSC preferred location has proven to be effective in holding the GHFF in this location. This method can be used again depending on the roosting locations. Attempts will be made to minimise noise during the day if GHFF are in the desired location. For example, mowing under the roosting location after dusk when the GHFF have flown out.

5.2.10 Additional Flying-Fox Impact Mitigation Measures

In addition to those detailed above, the following mitigation measures will be complied with at all times during Plan implementation:

- All personnel will be appropriately experienced, trained and inducted. Induction will include each person's responsibilities under this Plan.
- All personnel will be briefed prior to the action commencing each day and debriefed at the end of the day.
- Works will cease and DEECA consulted in accordance with 'stop work triggers' in **Section 5.2.8**.
- Non-critical maintenance activities will ideally be scheduled when the camp is naturally empty. Where this is not possible, they will be scheduled for the best period for that camp (e.g. when the camp is seasonally lower in numbers and breeding will not be interrupted, or during the non-breeding season, generally May to August).
- Works will not take place in periods of adverse weather including strong winds, sustained heavy rains, in very cold temperatures or during periods of likely population stress (e.g. food bottlenecks). Expert will be consulted to determine whether the population appears to be under stress.
- Works will be postponed on days predicted to exceed 35°C, and for one day following a day that reached ≥35°C. If an actual heat stress event has been recorded at the camp or at nearby camps, a rest period of several weeks will be scheduled to allow affected flying-foxes to fully recover. See the OEH fact sheet on [Responding to heat stress in flying-fox camps](#).
- If impacts at other sites are considered by DEECA to be a result of management actions under this Plan, Council will assist the relevant land manager to amend impacts. Details of this assistance are to be developed in consultation with DEECA.
- Any proposed variations to works detailed in the Plan will be approved by DEECA in writing.
- Any additional requirements conditioned in the ATCW will be complied with at all times.
- DEECA may require changes to methods or cessation of management activities at any time.

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- Monitoring will be in accordance with **Section 5.2.8** and recorded to inform future planning.
- At least one flying-fox rest day with no nudging will be scheduled every 10 days.

5.2.10.1 Additional Measures for Vegetation Trimming/Removal

- Trimming will be in accordance with relevant Australian Standards (e.g. AS4373 - 2007 Pruning of Amenity Trees), and best practice techniques used to remove vegetation in a way that avoids impacting other fauna and remaining habitat.
- No tree in which a flying-fox is roosting will be trimmed or removed. Works may continue in trees adjacent to roost trees only where a flying-fox expert assesses that no flying-foxes are at risk of being harmed. A flying-fox expert is to remain on site to monitor when canopy trimming/removal is required within 25 m of roosting flying-foxes or when this person considers disturbance of roosting flying-foxes is likely.
- While most females are likely to be carrying young (generally October – January) vegetation removal within 25 metres of the camp will only be done in the evening after fly-out, unless otherwise advised by a flying-fox expert.

5.2.10.2 Additional Measures for Level 3 Actions

- Nudging methods will be limited to non-harmful methods only, as marked as suitable for use in Colac in **Appendix D**.
- Nudging may continue for up to a total of 2 hours in a 24-hour period, early morning, during the day and/or in the evening. Evening nudging (if incorporated) will not begin before sunset. If flying-foxes are showing signs of distress or are tiring, nudging will cease for the day as per 'stop work triggers' in the Plan.
- A section of the camp will be designated as a rest area for flying-foxes during nudging to be progressively reduced in size over time, unless the nominated flying-fox expert²⁰ justifies a reason not to do so.
- Council will liaise with wildlife carers to monitor whether there is an increase in the number of flying-foxes being taken into care or showing signs of stress. If increases are apparent and coincide with nudging, DEECA will be consulted before continuing nudging.
- Maintenance nudging activities (i.e. deterring flying-foxes from recolonizing) may be undertaken during the breeding season. Nudging will only occur when crèched young are present if the flying-fox expert¹⁶ determines that animal welfare is not impacted.
- Nudging monitoring must be rigorous at all times, but especially at times when breeding animals may join the camp.
- While females are likely to be in final trimester or carrying young (generally September to January), maintenance nudging will be implemented at a reduced intensity determined by the flying-fox expert.

5.2.11 Contingency Planning

Any new location where flying-foxes are observed roosting during the day will be assessed. Flying-fox expert to provide advice and direction on any new location as some locations might be deemed suitable roosting locations.

Early intervention nudging to be allowed to prevent camp establishment if flying-foxes attempt to roost in one of the following locations:

- in close proximity (e.g. 50 m) to residents
- where flying-fox movements are likely to increase the risk of flying-fox/aircraft strike
- adjacent to schools or daycare
- in close proximity to aged care facilities
- in close proximity to equine centers or horse paddocks where HeV risk cannot be sufficiently managed
- Colac Memorial Square
- In non-preferred locations within the Colac Botanic Gardens such as the pond and children's playground zone.
- where it is likely to cause any other significant conflict.

6 Assessment of Impacts

6.1 Grey-Headed Flying-Fox

The GHFF is highly nomadic and travels long distances in response to flowering and fruiting, moving between camps across its range. Given this nomadic lifestyle, all GHFF individuals are considered to form part of a single population¹⁸.

The CBG has been irregularly used by roosting GHFF since it was first recorded in December 2016. GHFF numbers fluctuate annually but the population peaked to close to 10,000 in January 2024. As detailed in **Section 4.1**, it does not meet the criteria for a nationally important GHFF camp and is not currently counted in the National Flying-fox Monitoring program (NFFMP)

The aim of the management program is to discourage flying-foxes from roosting in the pond area and eastern end of the CBG.

Measures outlined in this plan will ensure impacts to individual flying-foxes are also avoided.

In summary, actions outlined in this plan will not have a significant impact on flying-foxes in Colac or the GHFF national population.

6.2 Other Ecological Values

Actions in this plan are aimed at protecting mature trees from significant damage and preventing tree losses predicted by arborists if flying-foxes continue to camp in the pond area of the CBG. Recommended actions in this plan with the potential to impact ecological values are:

- temporary nudging using non-harmful flying-fox nudging methods (e.g. noise & lights) to deter flying-foxes from roosting in the CBG (and other unsuitable locations) for up to 2 hours per 24 hour period
- Tree planting at councils preferred roosting location. Planting on the Lake Foreshore will also offer further wind protection for the GHFF.

There will be no removal of vegetation (other than routine maintenance/trimming).

Other fauna may be temporarily disturbed by nudging activities, however these impacts are expected to be minimal due to the limited time and focussed area(s) of nudging, and it is not anticipated that any species would be displaced from their entire home range. A GHFF expert will oversee nudging activities (see **Section 5.2.3**) and will monitor for impacts to native wildlife, and the program will be adapted as required. If any MNES or MSES is recorded using the nudging site(s), DEECA will be contacted to discuss appropriate impact mitigation measures.

Only if required, a suitably qualified wildlife expert will also assess each tree in the CBG to identify any hollows, nests or dreys prior to installation of deterrents to ensure other fauna is not impacted.

¹⁸ DoEE 2017 Draft Recovery Plan for the Grey-headed Flying-fox *Pteropus poliocephalus*, Department of Environment and Energy, Canberra.

7 Evaluation and Review

The Plan will have a scheduled review annually, which will include evaluation of management actions against objectives in Section 1.3. Annual review will include flying-fox expert assessment of the potential for cumulative impacts, to ensure alignment with Part 4 of the Referral Guideline. If at any point criteria for consideration as a nationally important camp are met by a camp being managed in Colac, all nudging activities at that location will cease and Council will consult with DEECA and DCCEEW to reconsider the need for referral and update this Plan as required.

A reactive review will be triggered by any significant incident associated with Plan implementation (e.g. human health/safety, flying-fox welfare).

Results of each review will be made available to DEECA as required.

Guidelines for when the nudging can be considered a success include when:

- after a 12-month period without additional management there is an acceptably low or zero number of flying-foxes around the significant trees in the Eastern end of CBG
- newly established camp(s) are:
 - in an acceptable location overwintered in Councils preferred location
 - of sufficient area, nature and quality to support at least 9,000 GHFF
 - with sufficient vegetation cover to ensure that mortality from extreme weather conditions (e.g. heat stress events) are minimised
- Council determines that impacts have been sufficiently mitigated
- negative impacts are not created or exacerbated at other locations (including neighbouring LGAs).

8 Plan Administration

This Flying-fox Management Plan has been prepared by Colac Otway Shire Council as the land manager of the Colac Botanic Gardens and public space within the Shire. This plan will be solely managed by Council and will involve stakeholders as required.

A Standard Operating Procedure is being developed in conjunction with this Plan to ensure that staff are aware of their obligations and procedures relating to the welfare of the animals.

8.1 Monitoring of the Camp

Council will monitor the CBG and will contact CSIRO to request that camp(s) in Colac are added to the quarterly NFFMP census program.

8.2 Reporting

Council will prepare annual reports that will detail the management activities being undertaken, progress of approved/licenced actions and flying-fox monitoring data.

8.3 Funding Commitment

Council is responsible for providing appropriate funding to undertake the actions included in this Plan. The Plan will be in operation from 2024 – 2029 and will require resourcing for each 5 year review and implementation of agreed actions.

The funding of actions identified in this Plan will form part of Council's annual budget process.

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Appendix A - Colac Botanic Gardens Map



Appendix B - Flying-Fox Rescue Protocol

Reference documents:

OEH 2012, [NSW Code of Practice for Injured, Sick and Orphaned Flying-foxes](#), Office of Environment and Heritage, Sydney.

OEH 2011, [NSW Code of Practice for Injured, Sick and Orphaned Protected Fauna](#), Office of Environment and Heritage, Sydney.

Agriculture Victoria 2000, [Code of Practice for the Welfare of Wildlife During Rehabilitation](#), Victorian Government Gazette, Victoria.

This protocol is based on the NSW plan template with minor additions from the Victorian COP. Discussion to occur with DELWP Victoria in ascertaining their requirements.

Purpose

These work instructions are intended for Australian bat lyssavirus (ABLV)-vaccinated fauna spotter catchers (FSCs) or wildlife rescue personnel on site during dispersal activities to monitor, capture or provide first aid treatment for sick or injured flying-foxes that may require human intervention for their survival. Flying-fox rescue must only be attempted by personnel trained and experienced in flying-fox rescue and handling.

This work instruction provides rescuers with information regarding capture and first aid until a flying-fox is in the specialist care of a veterinarian or person qualified in wildlife rehabilitation.

Requirements

FSC and wildlife rescue personnel involved in flying-fox rescue must:

- be trained and experienced in rescue and handling
- be vaccinated against ABLV (titre levels checked at least once every two years)
- be aware of the hazards and risks of coming into contact with all bats
- utilise appropriate PPE and equipment for capture, transport and treatment of flying-foxes
- undertake a risk assessment before carrying out a rescue – do not endanger yourself or others during a rescue
- have the contact details for a local veterinarian or bat carer who will accept the sick or injured flying-fox.

Human first aid

All bats in Australia should be viewed as potentially infected with ABLV. If bitten or scratched by a bat, immediately wash the wound with soap and water (do not scrub) and continue for at least five minutes, followed by application of an antiseptic with anti-viral action (e.g. Betadine), and immediate medical attention (post-exposure vaccinations may be required). Similarly medical attention should be immediately sought if exposed to an animal's saliva or excreta through the eyes, nose or mouth.

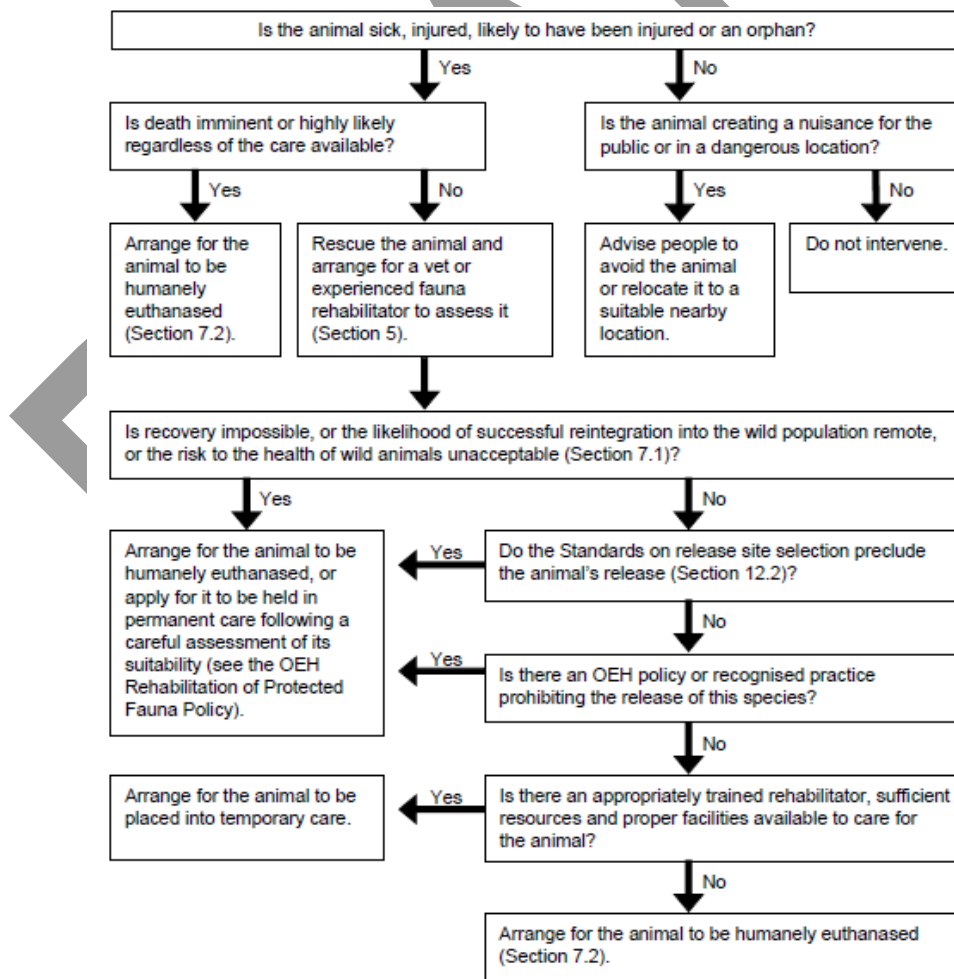
Equipment

- lidded plastic carry basket or 'pet-pack' with bedding (juveniles) / transport container with hanging perch, tall enough for bat to hang without hitting its head (in accordance with Section 5.1 of the NSW Code of Practice for Injured, Sick and Orphaned Flying-foxes (OEH 2012) and 'Housing and enclosure design' in the Victoria Code of Practice for the Welfare of Wildlife During Rehabilitation (Agriculture Victoria 2000)
- warm water bottle / cold brick
- wraps / towels
- teats for small bottle
- extension pole or broom
- bat first aid kit – juice drink/glucose powder, syringes, cloths for wounds, Betadine/saline, dummy for baby bats. FFs only to be offered liquids under advice from a licensed wildlife carer.

Work instructions

Initial case assessment

Observe, assess and then determine if/what intervention is required using the decision tree in the NSW Code of Practice for Injured, Sick and Orphaned Protected Fauna (OEH 2011), included below.



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Personnel should approach stressed flying-foxes cautiously. If flying-foxes panic or fly this will waste energy; retreat and continue to monitor behaviour.

1. Dehydration: Eyes dull or depressed in skull, change to skin elasticity, skin stays pinched, animal cold, wing membranes dry, mouth dry.
2. Heat stress: wing fanning, shade seeking, clustering/clumping, salivating, panting, roosting at the base of trees, on the ground, falling from tree.
3. Obvious injury: bleeding, broken bones.

Rescue instructions

As per Section 4 of the NSW Code of Practice for Injured, Sick and Orphaned Flying-foxes (OEH 2012):

- i. The objective is to rescue a flying-fox while minimising further stress and injury to the animal.
- ii. Before a rescue attempt, rescuers must assess the risks to the flying-fox from environmental hazards and from capture.
- iii. Rescuers must employ the correct rescue equipment for the condition and location of the flying-fox, and be trained in its use.

Example scenarios

1. Bat low in tree:
 - quickly place towel around bat before it can move away
 - grab hold of feet, toes may curl over rescuers fingers
 - place in carry basket / transport container.
2. Bat high in tree:
 - place pole wrapped in towel in front of bat
 - coax bat onto towel
 - once on towel, quickly move away from branches and lower to ground
 - once on ground, cover with towel and place into carry basket / transport container.
3. A bat caught on barbed wire fence:
 - two people only – one to restrain with towel, while the other untangles
 - put towels on the wire strands under or around to avoid further entanglement
 - if the membrane has dried onto wire, syringe or spray water onto wing
 - use pliers or wire cutter if necessary.

Animal first aid

Physical assessment: Keep animal wrapped and head covered, only expose one part at a time. Examine head. Unwrap one wing and extend. Wrap and extend other wing. Check legs. Examine front and back of body.

Dehydration: Offer water/juice (low acid juice only, e.g. apple/mango) orally with syringe (under supervision/advice from licensed wildlife carer ONLY).

Heat stress: Reduce temperature in heat exhausted bats by spraying wings with tepid water.

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Hypothermia: May be seen in pups separated from mother – keep head covered and warm core body temperature slowly by placing near (not on) warm water bottle covered by towel.

Bleeding: Clean wounds with room temperature saline or diluted Betadine.

Transport to veterinarian / wildlife carer

See Section 5 of the NSW Code of Practice for Injured, Sick and Orphaned Flying-foxes (OEH 2012) summarised below.

Objective

To transport a flying-fox so as to minimise further stress and injury to the animal.

Standards

- a. The transport container must be tall enough for the flying-fox to hang by its feet without hitting its head on the floor.
- b. The container must be designed, set up and secured to prevent injuries to the flying-fox. The sides of the container must prevent the flying-fox from poking its head or wings out.
- c. The container must be designed to prevent the flying-fox from escaping.
- d. The flying-fox must be allowed to hang by its feet from the top of the container or if it is unable to hang, wrapped in material (e.g. sheet or flannel) and placed in a sling so its feet are higher than its head.
- e. The container must be kept at a temperature which is appropriate for the age and condition of the flying-fox. A range of 25–27°C is appropriate for an adult. A temperature of 28°C is appropriate for an orphan. A cool or warm water bottle may be required.
- f. The container must be ventilated so air can circulate around the flying-fox.
- g. The container must minimise light, noise and vibrations and prevent contact with young children and pets.
- h. During transport, a container holding a flying-fox must have a clearly visible warning label that says 'Warning – live bat'.
- i. A flying-fox must not be transported in the back of an uncovered utility vehicle or a car boot that is separate from the main cabin.

Guidelines

- Flying-fox transport should be the sole purpose of the trip and undertaken in the shortest possible time.
- The fauna rehabilitation group's contact details should be written on the transport container in case of an emergency.

Rehabilitation case assessment

As detailed in the Victorian [Code of Practice for the Welfare of Wildlife During Rehabilitation](#):

- Upon collection, animals must be assessed accurately and without delay by a person who is knowledgeable in the particular requirements of the species (a veterinarian if possible, or an experienced wildlife rehabilitator). At all stages of the rehabilitation process, animal welfare should be the primary objective.

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- Where the animal is found to be suffering from significant pain, distress, trauma or disease that cannot be relieved, it must be promptly euthanased.
- Where the animal would not survive without extended treatment or surgery, and is unlikely to recover sufficiently to return to the wild, it should be promptly euthanased.
- Where there is uncertainty regarding the suitability of a release site (see below for details) the animal should be humanely euthanased.
- If there is a reasonable expectation that the animal can be successfully rehabilitated and released to its own environment, the wildlife rehabilitator should ensure that he/she has the capacity to provide for the captive needs of the animal. For example, experience with the particular species, suitable housing, and access to species specific social groups where relevant.
- Conditions which could preclude successful rehabilitation and release include:
 - Loss of limbs or function of limbs, including tails
 - Permanent vital sensory loss (hearing, sight, smell, feeding)
 - Untreatable infectious disease
 - Permanent damage to the nervous system
 - Inability to adjust to temporary captivity
 - Chronic ill health
 - Imprinted behaviour patterns.
- The following considerations are important when assessing a release site:
 - The release site should be suitable habitat in the general vicinity from which the animal was originally collected. For instance, if an animal were found injured on a highway, an area of bushland adjacent to the highway would be a suitable release site. Exceptions may be ocean going seabirds or migratory species.
 - There should be an available home range for the animal upon release. The sooner an animal can be rehabilitated and released back to its own environment, the more likely its place within the home range will not have been reoccupied.
 - If there are limited resources available at the release site (for example, due to large numbers of conspecifics or vegetation removal), the cost of release to the existing population must be justified in terms of competition for food and shelter.
 - The factors that lead to the original injury or condition must not pose an unacceptable risk to the animal again upon release (for example, if there are unusually high numbers of introduced predators at the site).
- Continual reassessment during the process of rehabilitation is required, to ensure it remains in the best interests of the animal and that eventual release to the wild remains likely. If it becomes evident during the rehabilitation process that successful return to the wild is unlikely, the animal should be promptly euthanased.
- Exceptional circumstances where a threatened species is involved should be discussed with an officer from DELWP.

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Appendix C - Arborist Technical Report

Tree Impact Assessment

Grey-headed Flying Fox Colony

Colac Botanic Gardens

Completed for: Colac Otway Shire

Report date: 16 April 2024

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Arboriculture Report

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Related documents –

- ENSPEC - Flying Fox Tree Damage Colac Botanic Gardens 20190619.pdf
- ENSPEC - Colac Botanic Gardens Tree Assessment 20221118.pdf

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1. EXECUTIVE SUMMARY

ENSPEC was requested by Colac Otway Shire to assess damage to trees at Colac Botanic Gardens from roosting Grey-headed Flying Foxes (*Pteropus poliocephalus*) to assist with the review of the Flying Fox Management Plan.

A Grey-headed Flying Fox camp has been established at the Gardens since late 2016. The population using the camp fluctuates but can at times number in the thousands. Their use of feature trees, some of heritage value, has had some detrimental impact on the aesthetics of this section of the garden.

To date, none of the trees have died as a result of the occupation by the camp, although sections of the upper canopy of some trees have died, negatively affecting the aesthetic value of those trees. As the animals prefer to use the upper canopy of the trees and seem to not move into the lower canopy when the dead branches in the upper canopy become unsuitable to them, it is considered unlikely that the camp will directly cause the death of any particular tree.

Attempts to move the camp have been unsuccessful and short-term goals to encourage the use of pines trees nearer the lake shore are considered unlikely to be successful as they do not provide enough suitable roosting branches.

In the short-term, the most effective strategy to protect tree health appears to be to disburse the camp over a broader area, reducing the impact on individual trees. This appears to have occurred to some extent already, whether naturally or as a result of the recent active attempts to "nudge" the camp.

Disbursing the camp does have the adverse impact of spreading other potentially undesirable aspects such as noise, faeces and smell into new areas of the gardens. If the presence of the flying foxes becomes problematic for visitor activity it may be more practical to consider options to encourage visitors to temporarily not use the areas where the camp is active, such as closing paths, temporary fencing, signage and preventing parking along that section of the driveway.

Long-term plans set out in the current Management Plan to establish or enhance alternative appropriate habitat for camps in less used areas around Lake Colac are encouraged.

While the Botanic Gardens is a feature site, the typical visitor use of the areas around the affected trees is quite sporadic and overall is considered low. As a result, the potential risk from larger dead branches that develop and may be shed on infrequent occasions is very low.

Remedial work on the trees is not currently recommended. While reducing the aesthetic value of the trees, the current dead branches provide roosting space for the flying foxes that will have no further detrimental impact on tree health. Removing the existing dead branches will force the camp onto living branches on the remaining trees or spread the impact onto new trees, leading to new damage.

ENSPEC's key recommendations –

- Continue to monitor tree health within the Grey-headed Flying Fox camp,
- Attempt to disburse the camp from areas of high concentration to spread the load across more trees,
- If concerns develop, consider opportunities to temporarily move visitor activity away from roosting trees when in use,
- Develop appropriate alternative habitat for camps at lower use sites around Lake Colac away from the Botanic Gardens.

2. BRIEF & INSPECTION METHODOLOGY

ENSPEC was requested by Colac Otway Shire to assess damage to trees at Colac Botanic Gardens from roosting Grey-headed Flying Foxes (*Pteropus poliocephalus*) to assist with the review of the Management Plan for the flying foxes.

Site methodology involved a visual inspection of the use of trees by the flying foxes and an assessment of the impact on each tree's health.

3. DATE OF INSPECTION

The assessment was conducted on 15 April 2024. The weather conditions while conducting the assessment were partly overcast with little wind.

4. ARBORIST CONDUCTING ASSESSMENT

Name of Arborist	Craig Hinton
Qualifications	B. App. Sci. (Hort. [Env. Hort.]) Diploma of Arboriculture Diploma of Ecology Dip. App. Sci. (Hort.) Licenced Professional Registered Consulting Arborist #AL1100 Tree Risk Assessment Qualification (TRAQ) Quantified Tree Risk Assessment (QTRA) #3968 VALID Tree Risk-Benefit Validator
Industry experience	Cert. IV Assessment and Workplace Training 1994-current, 29 years in consultancy, local government, utility, industry development & research
Phone number	+61 428 193 626
E-mail Address	craig.hinton@enspec.com

5. TOPOGRAPHY/BACKGROUND

The Colac Botanic Gardens (CBG) are listed on the Victorian Heritage Register. Since December 2016 a colony of Grey-headed Flying Foxes (*Pteropus poliocephalus*) (GHFF) have used the CBG intermittently as a camp. Certain trees of significance have become preferred roosting habitats within the established flying-fox camp. The camp has had a significant impact on the amenity of the botanic gardens in terms of tree health, defecation and noise. Some visitors are concerned about potential human health risks.

Grey-headed Flying Fox (*Pteropus poliocephalus*) is a protected native mammal of the east coast of Australia. They are nocturnal animals that roost during the day in camps near a permanent water source with the camps typically comprised of thousands of animals. The flying foxes hang head down from the branches of trees. Once established, flying fox camps are typically re-visited by the colony year after year, with peak occupancy during breeding season and rearing young, which occurs in spring and summer.

The increased presence of Grey-headed Flying Foxes in urban areas is attributed to native tree clearing and habitat loss, resulting in reduced natural roosting areas. This is exacerbated by the diversity of vegetation in urban areas as this creates a varied and reliable food source, particularly when natural food sources are in limited supply.

While now more common in urban areas, habitat loss has led to a decline in the total population and the species is now listed as Vulnerable under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 and listed as threatened under the Victorian Flora and Fauna Guarantee Act 1988.

Whilst Council has a duty of care for the historic gardens and to apply best practice arboriculture to ensure the ongoing health of the trees, the GHFF welfare is central to Council's response to biodiversity management.

6. RISK ASSESSMENT

Trees are living, dynamic organisms that pose some risk of harm to people and property. There are many factors that affect the level of risk associated with trees including the time of the year, extreme weather, and previous maintenance works.

Overall risk from trees is extremely low. Norris (2010) compiled statistics from a 53-month period and calculated the fatality rate from accidental tree failure in an urban area at 1:17.7 million annually during that period.

Management of unreasonable risk is an appropriate response; however, the elimination of all risk from trees in our community is not practical or environmentally sound, as this would require the removal of many trees in the community. This is not desirable as the exceedingly small risk that the population of trees represent is outweighed by the benefits that the trees provide.

Risk versus Hazard

There is often confusion between risks and hazards when assessing risk. Risk and hazard are not the same. A hazard is the presence of, or ability of, something to cause harm. With all mature trees, there may be a hazard present, just as there may be with any man-made structure. For example, the ceiling of a building could fall into a room. This is a hazard. It is a hazard that, if it falls on a person, will most likely cause some level of injury. This injury is classified as a consequence. The likelihood of the ceiling failing is extremely remote. The likelihood of the ceiling failing when it could cause an injury is even more remote, as the room will not be occupied at all times over a 24-hour period.

The combination of the consequence and the likelihood is the risk. In the example above the risk is so small that a reasonable person would take no particular action to avoid the risk. A risk assessment aims to categorise risks to identify risks that are unacceptably high. A decision then can be made on the most appropriate way to manage the risk down to an acceptable level.

Risk assessment

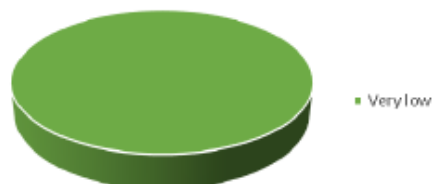
A tree risk assessment is undertaken to identify trees that pose a risk of harm to people or property that is greater than the risk threshold that is acceptable based on normal community standards of risk and any specific factors for the tree or location.

The risk assessment considers the hazard from the tree, and any factors that increase the hazard of that tree from the general population of trees. These factors will include tree health, tree structure and the presence of observable dead or broken branches, cavities, or structural issues. The risk assessment also takes into account the magnitude of harm that may occur from the most likely hazard posed by the tree and the likelihood of that harm occurring based on the type of target (e.g. person, building) and how often that target is likely to occupy the target area.

Mitigation measures are recommended for trees that have been identified as an unacceptable risk to reduce the risk to an acceptable level.

A summary of the risk assessments is provided in the following table. Individual tree risk assessments and inspection periods are provided in the accompanying data tables.

Risk rating	Trees	% of total
Very low	40	100.0%
Grand Total	40	100.0%



Despite the development of dead branches in a few trees, none of the trees are rated as an unacceptable risk.

7. DISCUSSION

The initial tree assessment in 2019 found that heritage trees within the gardens were being affected, including 2 National Trust Classified Trees – Tree 1382 *Sophora japonica* (Japanese Pagoda Tree) – National Trust Tree NT 11492 and Tree 1370 *Ulmus X hollandica* 'Vegeta' (Huntingdon Elm) – National Trust Tree NT11495. At the time, other affected trees included –

- *Quercus coccinea* (Pin Oak) Tree 1464
- *Quercus cerris* (English Oak) Tree 1294
- *Ulmus X hollandica* (Dutch Elm) Tree 3749
- *Liquidambar styraciflua* (Liquidambar) Tree 206
- *Populus nigra* 'Italica' (Lombardy Poplar) Tree 3744
- *Syzygium floribundum* (Weeping Lilly Pilly) Tree 388
- *Stenocarpus sinuatus* (Firewheel Tree) Tree 1279
- *Phoenix canariensis* (Canary Island Date Palm) Tree 3734

Figure 1 - GHFF Affected trees, current and previous



A new assessment of affected trees was undertaken in the late morning on 15 April 2024. An accurate population count of Grey-headed Flying Foxes present at the time was not undertaken but it was estimated to be ± 2000 .

Compared to the 2019 assessment, the camp has spread, and substantially more trees were actively being used as roost sites. The camp has shifted slightly east and spread into trees north of the previous roosts, although most of the previous roost area is still being used.

38 trees were observed as having flying foxes present. Of these, 23 were observed to be suffering health impacts from minor to moderate extent. The following table, which includes two previously affected trees, provides an overview of the health and aesthetic impact on the occupied trees on the day of assessment.

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It is possible, even likely, that some other trees are occupied intermittently but were not on the day of assessment.

Table 1 - Affected trees

Tree ID	Species	Common name	Roosting	Impact
183	<i>Ulmus X hollandica</i>	Dutch Elm	Few	Limited
201	<i>Syzygium smithii</i>	Lilly Pilly	Some	Moderate
204	<i>Quercus robur</i>	English Oak	Some	Minimal
206	<i>Liquidambar styraciflua</i>	Liquidambar	Many	Limited
223	<i>Ficus macrophylla</i>	Moreton Bay Fig	Some	Limited
242	<i>Quercus robur</i>	English Oak	Few	Minimal
246	<i>Quercus robur</i>	English Oak	Some	Minimal
254	<i>Quercus robur</i>	English Oak	Many	Limited
259	<i>Fraxinus Raywood</i>	Claret Ash	Few	Minimal
266	<i>Ulmus X hollandica</i>	Dutch Elm	Some	Minimal
267	<i>Quercus robur</i>	English Oak	Some	Limited
293	<i>Fraxinus oxycarpa</i>	Desert Ash	Few	Limited
300	<i>Cedrus atlantica f. glauca</i>	Blue Atlas Cedar	Few	Minimal
302	<i>Cedrus atlantica f. glauca</i>	Blue Atlas Cedar	Few	Limited
314	<i>Quercus robur</i>	English Oak	Some	Minimal
324	<i>Catalpa bignonioides</i>	Indian Bean Tree	Some	Limited
326	<i>Flindersia australis</i>	Crow's Ash	Few	Minimal
336	<i>Syzygium smithii</i>	Lilly Pilly	Some	Limited
337	<i>Quercus robur</i>	English Oak	Some	Minimal
351	<i>Ficus macrophylla</i>	Moreton Bay Fig	Some	Limited
369	<i>Quercus robur</i>	English Oak	Some	Limited
388	<i>Syzygium floribundum</i>	Weeping Lilly Pilly	Some	Moderate
395	<i>Quercus palustris</i>	Pin Oak	Few	Minimal
399	<i>Pinus patula</i>	Mexican Weeping Pine	Few	Limited
1262	<i>Callistemon salignus</i>	Willow-leaved Bottlebrush	Some	Minimal
1276	<i>Pittosporum tenuifolium</i> 'Ella Keightley'	Kohuhu	Few	Minimal
1279	<i>Stenocarpus sinuatus</i>	Firewheel Tree	Few	Moderate
1294	<i>Quercus cerris</i>	Turkey Oak	Many	Moderate
1305	<i>Quercus cerris</i>	Turkey Oak	Some	Limited
1312	<i>Quercus canariensis</i>	Algerian Oak	Some	Minimal
1326	<i>Quercus canariensis</i>	Algerian Oak	Some	Limited
1344	<i>Alectryon excelsus</i>	Titoki	Few	Minimal
1370	<i>Ulmus X hollandica</i> 'Vegeta'	Huntington Elm	None	Limited
1382	<i>Sophora japonica</i>	Japanese Pagoda Tree	Few	Moderate
1464	<i>Quercus coccinea</i>	Red Oak	Few	Limited
1546	<i>Fraxinus excelsior</i> 'Aurea'	Golden Ash	Some	Limited
1586	<i>Syzygium floribundum</i>	Weeping Lilly Pilly	Few	Limited
3744	<i>Populus nigra</i> 'Italica'	Lombardy Poplar	None	Limited
3749	<i>Ulmus X hollandica</i>	Dutch Elm	Some	Limited
5302	<i>Quercus palustris</i>	Pin Oak	Few	Minimal

Figure 2 - Trees on significant tree registers (from Council's Flying-Fox Management Plan)

	Common name	Individual listing on the Victoria Heritage Register	Individual listing on the National Trust Tree register (1984)
<i>Cupressus forbesii</i>	Tecate cypress	✓	✓
<i>Sophora japonica</i>	Pagoda Tree	✓	✓
<i>Pittosporum tenuifolium</i>	Ella Keightley (Kohuhu)	✓	✓
<i>Ulmus x hollandica</i> 'Vegeta'	Huntington elm	✓	✓
<i>Arbutus canariensis</i>	Canary Island Strawberry Tree	✓	Not listed
<i>Areucaria bidwillii</i>	Bunya pine	✓	✓
<i>Quercus robur</i>	English oak	✓	Not listed
<i>Quercus cerris</i>	Turkey oak	✓	Not listed
<i>Pinus radiata</i>	Monterey pines	✓	Not listed

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The *Ulmus X hollandica* 'Vegeta' (Huntington Elm) previously affected had no flying foxes observed to be roosting on the day of assessment and the population seems to have abandoned a few trees at this eastern edge of the camp compared to the situation in 2019.

Photo 1 – Tree 1382 *Sophora japonica* (NT 11492) 2019



Photo 2 – Tree 1382 *Sophora japonica* (NT 11492) 2024



Photo 3 – Tree 1294 *Quercus cerris* in 2024



The extent of health impacts on the trees is related to the preference of the animals to use the trees as roosts. There appears to be a clear preference for taller and more spreading canopies that provide more horizontal branches of appropriate branch diameter for the bats to hang from and roost.

Photo 4 – Tree 206 *Liquidambar styraciflua* 2019



Photo 5 – Tree 206 *Liquidambar styraciflua* 2024



Photo 6 – Tree 206 *Liquidambar styraciflua* in 2024



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Some smaller trees and trees that seem less suited for roosting are being used, but the number of animals present in these trees was commensurately less, as was the damage observed. These included the two *Cedrus atlantica* f *glauca* (Blue Atlas Cedar) the small *Pinus patula* (Mexican Weeping Pine) and somewhat surprisingly, the large *Fraxinus* 'Raywood' (Claret Ash), that would seem to be a fairly suitable tree based on its form.

Despite the continued use of some trees that were part of the camp in 2019, significant further deterioration in tree health was not apparent. Examples of 2019 compared to 2024 for two trees are shown in Photos 1-6.

While the camp has continued to use particular trees, it appears that the preference to use the upper canopy of the tree has meant that the damage has been contained and that dead branches continue to be used while suitable smaller branches remain attached. Once these have deteriorated and broken off, the larger dead branches are unsuitable and use of that tree, or part of the tree, declines. Rather than use lower parts of the affected tree, other trees seem to be preferred. While there is permanent aesthetic damage to some trees, it does seem that the death of tree whole tree from use as part of the camp is unlikely.

Photo 7 - Roosting



Photo 8 - Roosting



Observation of the preferred roosts shows that the flying foxes prefer the taller trees, presumably to be further from the ground away from predators and disturbance. They appear to settle on small branches that are typically 2-4cm in diameter and while they will use near vertical branches (Photo 7), horizontal ones seem to be preferred (Photo 8). Even on the more vertical branches most of the animals seems to be using short horizontal stubs.

Movement of the flying foxes associated with landing, take-off, moving to more suitable or comfortable positions, and at times, squabbling over positions, appears to result in the breaking of small twigs resulting in loss of foliage on the roosting branches. Over time, this causes the death of the roosting branches and, if enough smaller branches are killed, the larger supporting branches also die.

Substantial dead branches of 8cm diameter or more are only present in a few trees such as Tree 206, the large *Liquidambar styraciflua*. This tree has been a preferred roost since the earliest days of the camp and is probably the best example so far of the longer-term impact of the camp. While looking somewhat untidy and unsightly, the tree is not currently considered at risk of dying; however, the aesthetics of the tree have been permanently reduced as a result of death of parts of the upper canopy.

The Council website notes that there have been at least two attempts to "nudge" the camp, in 2022 and 2023, where the "intention is to encourage the Flying Foxes from where they're currently roosting, to more robust pine trees nearby in the gardens which are able to house the colony in a more sustainable way. The trees are located toward the foreshore away from the fountain, playground and BBQ area."

Based on this assessment, the "nudging" program has been unsuccessful as most of the previously inhabited trees remain part of the camp and the camp has spread into other high amenity value trees along the driveway and near the playground.

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The goal to shift the camp into the mature pine trees is considered unlikely to succeed. Large, mature pine trees tend to lack the type of finer branches that seem to be the preferred roost for the flying foxes. The thick bark and dense outer canopy of the pines does not lend itself to the development of these type of fine branches in substantial numbers and where they do form, they are typically on the outer part of the canopy and densely foliated with pine needles that could be expected to discourage landing and roosting. At the time of assessment there was no evidence of the nearby pines being used as roosts and any use is likely to be transient.

Based on the current situation, it seems the camp is likely to remain in the Botanic Gardens for the foreseeable future. The most successful strategy appears to be spreading out the camp to reduce the load and impact on any individual tree. Some trees are likely to remain preferred, but long-term impacts have already emerged on these, and as dead branches are eventually shed from their upper canopies, the use of these trees is also likely to be reduced.

If the presence of the flying foxes becomes problematic for visitor activity it may be more practical to consider options to encourage visitors to temporarily not use the areas where the camp is active, such as closing paths, temporary fencing, signage and preventing parking along that section of the driveway.

The 2019-2024 Management Plan has identified potential alternative camp locations around the lake. Work to enhance these through tree planting, weed control and habitat improvement is likely to be the best long-term strategy to provide potential alternative camp sites to move, or at least disburse, the impact away from the Botanic Gardens.

Despite the development of dead branches in a few trees, none of the trees are rated as an unacceptable risk. The dead branches are considered an aesthetic concern given the generally high amenity value, heritage, and quality of the general maintenance.

8. RECOMMENDATIONS & WORKS

While the Botanic Gardens is a feature site, the typical visitor use of the areas around the affected trees is quite sporadic and overall is considered low. As a result, the potential risk from larger dead branches that develop and may be shed on infrequent occasions is very low.

Remedial work on the trees is not currently recommended. While reducing the aesthetic value of the trees, the current dead branches provide roosting space for the flying foxes that will have no further detrimental impact. Removing the existing dead branches will force the camp onto living branches on the remaining trees or spread the impact onto new trees.

ENSPEC's key recommendations –

- Continue to monitor tree health within the Grey-headed Flying Fox camp,
- Attempt to disburse the camp from areas of high concentration to spread the load across more trees,
- If concerns develop, consider opportunities to move visitor activity away from roosting trees when in use,
- Develop appropriate alternative camp sites away from the Botanic Gardens.

8.a. Pruning

Any pruning work must be carried out by appropriately qualified arborists working to AS4373-2007 *Pruning of amenity trees* and Minimum Industry Standard *MIS308 Tree pruning*.

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9. CONCLUSION

A Grey-headed Flying Fox camp has been established at the Colac Botanic Gardens since 2016. The population using the camp fluctuates but can at times number in the thousands. Their use of feature trees, some of heritage value, has had some detrimental impact on the aesthetics of this section of the garden.

To date, none of the trees have died, and it is considered unlikely that the camp will directly cause the death of any particular tree.

Attempts to move the camp have been unsuccessful and short-term goals to encourage use of pines trees nearer the lake shore are considered unlikely to be successful.

In the short-term, the most effective strategy to protect tree health appears to be to disperse the camp over a broader area, reducing the impact on individual trees. This does have the adverse impact of spreading other potentially undesirable aspects of the camp such as noise, faeces and smell into new areas of the gardens.

Long-term plans to establish alternative appropriate camps in less used areas around Lake Colac are encouraged.

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11. DISCLOSURE STATEMENT

ENSPEC Pty Ltd and their employees are specialists who use their knowledge, training and education (qualifications), infield learning experiences, personal experiences research, diagnostic tools, scientific equipment to examine trees, recommend measures to enhance the beauty, health and preservation of trees, to reduce the risk of living near trees.

Trees are living organisms that can be affected by pests, diseases and natural events outside of ENSPEC control. ENSPEC and their employees cannot detect every condition that affects a trees health, condition and structural integrity. Conditions are often hidden within trees and below ground where humans cannot naturally see. Unless otherwise stated, ENSPEC's employee's observations have been visually made from ground level.

In the event that ENSPEC recommends retesting or inspection of trees at stated intervals, or ENSPEC recommends the installation engineering solutions, ENSPEC must inspect the engineering solution at intervals of not greater than 12 months, unless otherwise specified in writing. It is the client's responsibility to make arrangements with ENSPEC to conduct re-inspections.

Intervention treatments of trees may involve considerations beyond the scope of ENSPEC's service, such as property boundaries and ownership, disputes between neighbours, sight lines, landlord-tenant matters and other related incidents. ENSPEC cannot take such issues into account unless complete and accurate information is given prior or at the time of the site inspection. Likewise ENSPEC Pty Ltd cannot accept responsibility for the authorisation or non-authorisation of any recommended treatment or remedial measures undertaken.

ENSPEC Pty Ltd cannot guarantee that a tree will be healthy or safe under all circumstances or for a specified period of time after our initial inspection and recommendations.

If this written report is to be used in a court of law, or any other legal situation, or by other parties ENSPEC must be advised in writing prior to the written report being presented in any form to any other party. All written reports must be read in their entirety. At no time shall part of the written assessment be referred to unless taken in full context with the whole written report.

Clients may choose to accept or disregard the recommendations of the assessment and written report.

Notwithstanding anything in the report, express or implied, the client is not entitled to recover from ENSPEC Pty Ltd, its employees, agents and/or subcontractors any damages for business interruption or loss of actual or anticipated revenue, income or profits or any consequential, special, contingent or penal damage, whatsoever, and the client releases ENSPEC Pty Ltd from any such liability. Without limitation of the foregoing, a party shall at all times be limited (to the extent permitted by law) damages in the amount paid by the Client to ENSPEC Pty Ltd for ENSPEC Pty Ltd services. The limitation applies whether the claim is based on warranty, contract, statute, tort (including negligence) or otherwise.

12. APPENDIX 1 - TREE RISK ASSESSMENT PROCESS

The following table shows the ratings for the Likelihood of Failure, Likelihood of Impact, and the Consequences. We have developed a simple formula to categorise the risk posed by the tree. The formula is:

$$\frac{\text{Likelihood of Failure} \times \text{Likelihood of Impact} \times \text{Consequences}}{2}$$

At the completion of this assessment a more detailed analysis may be required to document the risk. The maximum total score that can be allocated to a tree or area using this matrix is **500 points**.

At the completion of the assessment, and to help categorise the final quantified risk of the tree, we have applied the following points table; these categories are not set and may be amended to meet specific local requirements for special needs. It is important that the assessor uses common sense when providing recommendations. Mitigation of risk should not always involve only the tree; simple options such as the relocation or realignment of the target can be a workable, cost effective outcome (e.g. shifting a footpath). Alternative options can be clearly documented in a management plan.

1 -125 points = Very Low Risk Tree. For example, the tree will have no failures prior to the next inspection period and in most cases no remedial arboriculture works will be required.

125 – 250 points = Low Risk Tree. For example, remedial arboricultural work or tree removal may be required to mitigate the risk of this tree. A management plan defining the outcomes of the assessment may be required. Engineering solutions may also be considered to mitigate the risk.

250 – 375 points = Medium Risk Tree. For example, remedial arboricultural work or a management plan will be required to manage the tree. Engineering solutions may need to be implemented to mitigate the risk. Total removal may be the only option.

375 – 500 points = High Risk Tree. For example, extensive remedial arboricultural work and an extensive management plan are required to manage the tree (if retained). Engineering solutions may need to be implemented to mitigate the risk. Total removal of the tree may be the only option.

Likelihood of Failure

The Likelihood of Failure (e.g. the branch or tree failing) is assessed up to the next designated inspection date. If the tree is on an annual inspection regime the assessor must only assess that part of the tree he believes could, or will, fail within the inspection period. If there are other defects in the tree that could fail outside of the inspection period their Likelihood of Failure should not be considered, as they have not been identified as the 'immediate risk'. Such defects should be documented in some form, such as in a comment section or a more detailed written report - the client should define these requirements.

Likelihood of Impact

The Likelihood of Impact is assessed by estimating the period the target is occupied by a human. A tree could have several different Likelihood of Impact ratings under the tree's own canopy; for example, the tree may overhang a footpath, as well as an area that cannot be accessed by humans or vehicles. If the defect is located above a footpath that is used for 4-8 hours per day the assessor would categorise the Likelihood of Impact as 'Frequent Use', whereas, if the defect is located above an area that is not used (e.g. grass or garden bed) the Likelihood of Impact would be assessed as 'Low Use'.

Consequences

When assessing the Consequences, the section of tree that must be assessed (e.g. branch, trunk) is that which the arborist believes could fail within the defined inspection time frame and hit the designated Likelihood of Impact (target). The specific section being assessed for Likelihood of Failure could be any part of the tree, from a small piece of dead wood of <25 mm through to the whole tree. The rating for Consequences is calculated by estimating the extent, severity and value of damage caused by a tree failure resulting in an impact.

The re-inspection date plays a critical role in determining the Likelihood of Failure and it is critical that the future inspection regime is determined prior to or at the completion of the tree inspection. Full inspection cycles are generally categorised as 1, 3 or 5 years.

Additional Assessment

At all times, the assessor should complete a second risk assessment while on site if remedial works or engineering solutions are to be recommended in the final report; this allows the client to understand the risk the tree poses **after the recommendations have been implemented**.

Likelihood of Failure

10	Almost certain	Obvious fault that indicates a failure is almost certain under normal conditions within the re-inspection period (better than 1:2 - 50% chance)
8	Likely	Obvious fault that indicates a failure is highly likely under normal conditions within re-inspection period (better than 1:4 - 25% chance)
6	Moderate	Obvious fault that indicates failure is possible under normal conditions within re-inspection period (better than 1:10 - 10% chance)
4	Unlikely	Obvious fault that indicates failure is unlikely to occur under normal conditions within re-inspection period (better than 1:50 - 2% chance)
2	Rare	Obvious fault that indicates failure is very unlikely to occur under normal conditions within re-inspection period (better than 1:100 - < 2% chance)
1	Not expected	No observable fault that would suggest failure is likely to occur within re-inspection period

Likelihood of Impact

10	Constant Use 1:3	An area that is used or occupied more than 8 hours per day by human beings or other transient situations, such as parked cars
8	Frequent Use 1:6.25	An area that is used or occupied between 4 & 8 hours per day by human beings or other transient situations, such as parked cars
6	Occasional Use 1:12.5	An area that is used or occupied between 2 & 4 hours per day by human beings or other transient situations, such as parked cars
4	Minimal Use 1:25	An area used or occupied between 1 & 2 hours per day by human beings or other transient situations, such as parked cars
1	Low Use <1:25	An area used or occupied for less than 1 hour per day by human beings or other transient situations, such as parked cars

Consequences

10	Catastrophic	1. HUMAN impacts - paraplegia, quadriplegia, brain damage or death 2. Extensive property damage - will require the building to be rebuilt; potential for a consequence catastrophic Property damage likely to be more than \$100,000
8	Major	1. HUMAN impacts - serious and / or extensive injuries requiring medical treatment with hospital admission 2. Significant property damage / partial loss - will require substantial works to repair the building; consequence major Damage likely to be greater than \$20,000 and less than \$100,000
6	Moderate	1. HUMAN impacts - moderate injuries requiring medical treatment but without hospital admission 2. Moderate property damage requiring repair work; damage to building medium; consequences moderate Damage likely to be more than \$5000 and less than \$20,000
4	Minor	1. HUMAN impacts - minor injuries immediately treated on-site with First Aid treatment 2. Minor property damage - damage to building light; minor effect on persons inside; consequences minor Damage likely to be more than \$1000 and less than \$5000
1	Insignificant	1. HUMAN impacts - unlikely to cause injuries 2. Insignificant damage likely to the building or property; consequences insignificant Damage will be less than \$1000 e.g. broken tiles or windows

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Appendix D - Nudging Tools

Assessment of management methods. Only those marked as suitable for use in Colac will be used in the Nudging program without further consultation with DEECA.

Type	Examples	Level of Historic Success	Advantages	Disadvantages	Suitable for use in Colac
Aural	Stock whips, starter pistols, distress callers, heavy music, air horns, vehicle horns, banging metal objects, hand clapping, gas cannons, megaphones.	High (but requires ongoing effort)	Cost effective tools that are easily varied.	High operational costs (human resources). Flying-foxes may habituate quickly to some visual deterrents.	✓
	Bird scare cartridges (e.g. Bird Frite)	Effective at moving flying-foxes but high stress tool which prevents a strategic approach		High stress to flying-foxes Potential to damage flying-fox hearing Prevents strategic dispersal approach	✗
Visual	Lighting - hand-held spotlights, light towers, strobe lights	Moderate (but requires ongoing effort).	Cost effective tools that are easily varied. Most effective in combination with audio tools.	Costly operational costs (human resources). Flying-foxes quickly habituate.	✓
	General - dancing men (wind dancers), kites, balloons, plastic bags/reflective objects hung from branches	Moderate – localised only (i.e. single tree or less). Dancing men have proven effective to prevent flying-foxes from returning to any non-preferred locations.	Can remain in place for periods of time without human operation so no operational costs. Can be used as a flying-fox deterrent tool to discourage flying foxes returning to any non-preferred locations.	Installing to cover large enough areas can be logistically difficult and resource intensive. Flying-foxes may habituate quickly to some visual deterrents.	✓*
Physical	Water - hoses ¹⁹ , sprinklers (including canopy-mounted)	Unknown (but likely to be moderate-high).	Can be automated so minimal operational costs (water only).	Initial installation costly. Potential welfare implications associated with use of hoses.	✓*

¹⁹ Hoses should not be directed at flying-foxes for obvious welfare reasons, but can be used to deter flying-foxes from landing in a tree or re-establishing a camp.

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Type	Examples	Level of Historic Success	Advantages	Disadvantages	Suitable for use in Colac
Smoke	Smoke machine or fires contained in pits/drums.	High (but ongoing)	Effective	Requires careful use ²⁰ and monitoring to avoid welfare impacts. Heavily affected by weather conditions (rain, wind). Staff required to monitor fire drums. Potential risk of bush fire. Unsuitable during fire bans.	✓
General	Fogging	High (but not appropriate)	Not appropriate	Use of oils (i.e. white oil) has potential for serious health impacts to flying-foxes.	✗
	Aircraft e.g. helicopters	Unknown (but not appropriate)	Not appropriate	Significant potential for strike resulting in human or wildlife injury/death.	✗
	Paint ball guns	Unknown (but not appropriate)	Not appropriate	Significant potential for wildlife injury/ death.	✗
	Fireworks	Unknown (but not appropriate)	Not appropriate	Significant potential for human or wildlife injury/death.	✗

²⁰ Care should be taken when using smoke to ensure: fire must be extinguished should flying-foxes land in the area to avoid health impacts associated with smoke inhalation, and; materials that may produce harmful smoke or fumes when burnt are removed/not used (i.e. paint on drums, wood from toxic plants, petrol, etc.).

*May be suitable in some situations and/or if available resources allow.

Appendix E - Flying-Fox Ecology and Behaviour

Ecological Role

Flying-foxes, along with some birds, make a unique contribution to ecosystem health through their ability to move seeds and pollen over long distances (Southerton et al. 2004). This contributes directly to the reproduction, regeneration and viability of forest ecosystems (DoE 2016a).

It is estimated that a single flying-fox can disperse up to 60,000 seeds in one night (ELW&P 2015). Some plants, particularly *Corymbia* spp., have adaptations suggesting they rely more heavily on nocturnal visitors such as bats for pollination than daytime pollinators (Southerton et al. 2004).

Grey-headed flying-foxes may travel 100 km in a single night with a foraging radius of up to 50 km from their camp (McConkey et al. 2012), and have been recorded travelling over 500 km in two days between camps (Roberts et al. 2012). In comparison bees, another important pollinator, move much shorter foraging distances of generally less than one kilometre (Zurbuchen et al. 2010).

Long-distance seed dispersal and pollination makes flying-foxes critical to the long-term persistence of many plant communities (Westcott et al. 2008; McConkey et al. 2012), including eucalypt forests, rainforests, woodlands and wetlands (Roberts et al. 2006). Seeds that are able to germinate away from their parent plant have a greater chance of growing into a mature plant (EHP 2012). Long-distance dispersal also allows genetic material to be spread between forest patches that would normally be geographically isolated (Parry-Jones & Augee 1992; Eby 1991; Roberts 2006). This genetic diversity allows species to adapt to environmental change and respond to disease pathogens. Transfer of genetic material between forest patches is particularly important in the context of contemporary fragmented landscapes.

Flying-foxes are considered 'keystone' species given their contribution to the health, longevity and diversity among and between vegetation communities. These ecological services ultimately protect the long-term health and biodiversity of Australia's bushland and wetlands. In turn, native forests act as carbon sinks, provide habitat for other fauna and flora, stabilise river systems and catchments, add value to production of hardwood timber, honey and fruit (e.g. bananas and mangoes; Fujita 1991), and provide recreational and tourism opportunities worth millions of dollars each year (EHP 2012; ELW&P 2015).

Flying-foxes in urban areas

Flying-foxes appear to be roosting and foraging in urban areas more frequently. There are many possible drivers for this, as summarised by Tait et al. (2014):

- loss of native habitat and urban expansion
- opportunities presented by year-round food availability from native and exotic species found in expanding urban areas
- disturbance events such as drought, fires, cyclones
- human disturbance or culling at non-urban camps or orchards
- urban effects on local climate
- refuge from predation

- movement advantages, e.g. ease of maneuvering in flight due to the open nature of the habitat or ease of navigation due to landmarks and lighting.

Under threat

Flying-foxes roosting and foraging in urban areas more frequently can give the impression that their populations are increasing; however, the grey-headed flying-fox is in decline across its range and is listed as threatened under the Victorian Flora and Fauna Guarantee Act 1988.

At the time of listing, the species was considered eligible for listing as vulnerable as counts of flying-foxes over the previous decade suggested that the national population may have declined by up to 30%. It was also estimated that the population would continue to decrease by at least 20% in the next three generations given the continuation of the current rate of habitat loss and culling.

The main threat to grey-headed flying-foxes in Victoria is clearing or modification of native vegetation. This threatening process removes appropriate roosting and breeding sites and limits the availability of natural food resources, particularly winter–spring feeding habitat. The urbanisation of the coastal plains of south-eastern Queensland and northern NSW has seen the removal of annually-reliable winter feeding sites, and this threatening process continues.

There is a wide range of ongoing threats to the survival of the GHFF, including:

- habitat loss and degradation
- conflict with humans (including culling at orchards)
- infrastructure-related mortality (e.g. entanglement in barbed wire fencing and fruit netting, power line electrocution, etc.)
- predation by native and introduced animals
- exposure to extreme natural events such as cyclones, drought and heat waves.

Flying-foxes have limited capacity to respond to these threats and recover from large population losses due to their slow sexual maturation, small litter size, long gestation and extended maternal dependence (McIlwee & Martin 2002).

Roosting characteristics

All flying-foxes are nocturnal, roosting during the day in communal camps. These camps may range in number from a few to hundreds of thousands, with individual animals frequently moving between camps within their range. Typically, the abundance of resources within a 20–50 kilometre radius of a camp site will be a key determinant of the size of a camp (SEQ Catchments 2012). Therefore, flying-fox camps are generally temporary and seasonal, tightly tied to the flowering of their preferred food trees. However, understanding the availability of feeding resources is difficult because flowering and fruiting are not reliable every year, and can vary between localities (SEQ Catchments 2012). These are important aspects of camp preference and movement between camps, and have implications for long-term management strategies.

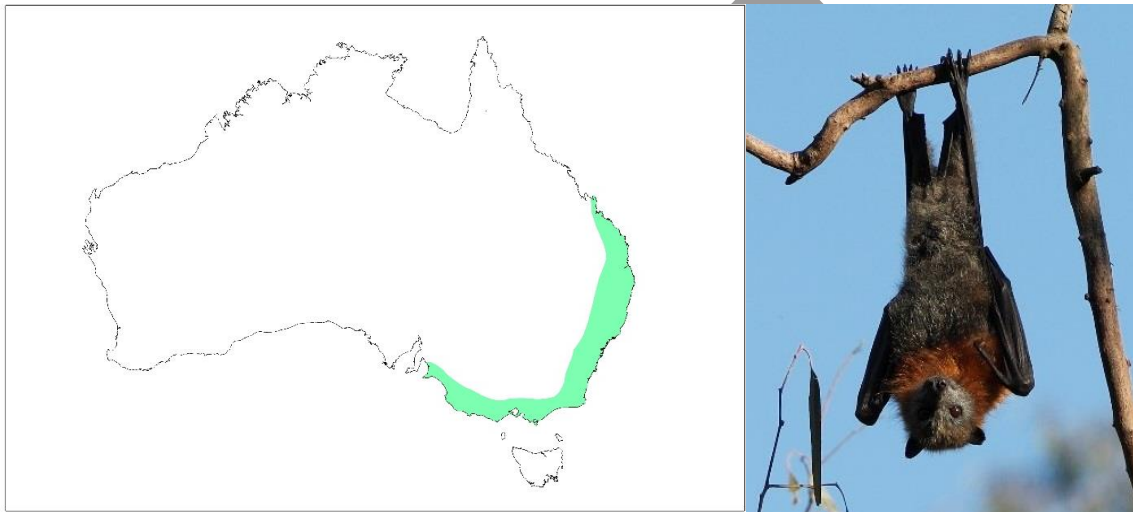
Little is known about flying-fox camp preferences; however, research indicates that apart from being in close proximity to food sources, flying-foxes choose to roost in vegetation with at least some of the following general characteristics (SEQ Catchments 2012):

- closed canopy >5 metres high

- dense vegetation with complex structure (upper, mid- and understorey layers)
- within 500 metres of permanent water source
- within 50 kilometres of the coastline or at an elevation <65 metres above sea level
- level topography (<5° incline)
- greater than one hectare to accommodate and sustain large numbers of flying-foxes.

Optimal vegetation available for flying-foxes must allow movement between preferred areas of the camp. Specifically, it is recommended that the size of a patch be approximately three times the area occupied by flying-foxes at any one time (SEQ Catchments 2012).

Grey-headed flying-fox (*Pteropus poliocephalus*)



Grey-headed flying-fox indicative species distribution, adapted from OEH 2015a

The grey-headed flying-fox (GHFF) is found throughout eastern Australia, generally within 200 kilometres of the coast, from Finch Hatton in Queensland to Melbourne, Victoria (OEH 2015d). This species now ranges into South Australia and has been observed in Tasmania (DoE 2016a). It requires foraging resources and camp sites within rainforests, open forests, closed and open woodlands (including melaleuca swamps and banksia woodlands). This species is also found throughout urban and agricultural areas where food trees exist and will raid orchards at times, especially when other food is scarce (OEH 2015a).

All the GHFF in Australia are regarded as one population that moves around freely within its entire national range (Webb & Tidemann 1996; DoE 2015). GHFF may travel up to 100 kilometres in a single night with a foraging radius of up to 50 km from their camp (Roberts et al. 2012). They have been recorded travelling over 500 km over 48 hours when moving from one camp to another (Roberts et al. 2012). GHFF generally show a high level of fidelity to camp sites, returning year after year to the same site, and have been recorded returning to the same branch of a particular tree (SEQ Catchments 2012). This may be one of the reasons flying-foxes continue to return to small urban bushland blocks that may be remnants of historically-used larger tracts of vegetation.

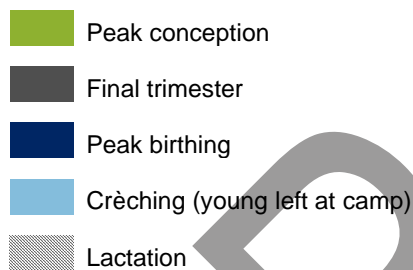
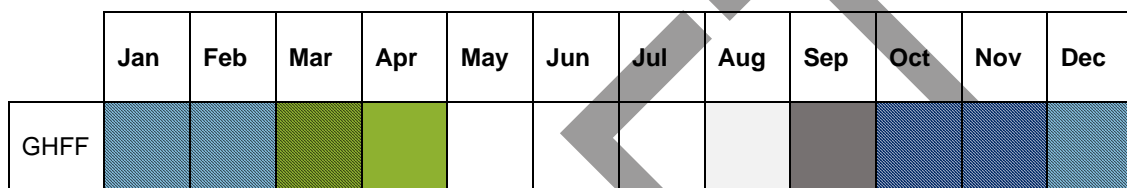
The GHFF population has a general annual southerly movement in spring and summer, with their return to the coastal forests of north-east NSW and south-east Queensland in winter (Ratcliffe 1932; Eby 1991; Parry-Jones & Augee 1992; Roberts et al. 2012). In summer they are distributed across Queensland, NSW, ACT, Victoria, Tasmania and South Australia (DoEE

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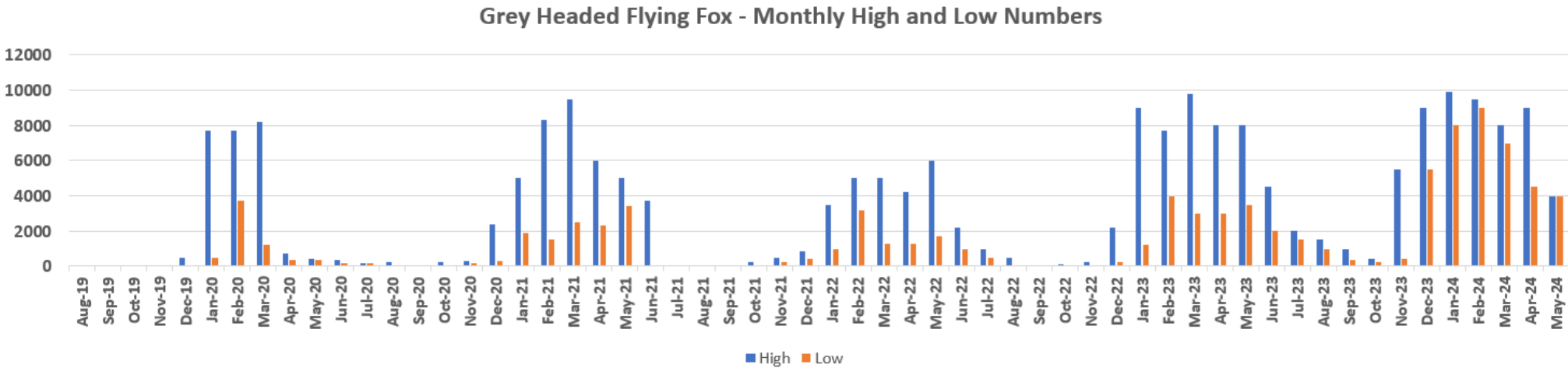
2017), but in spring and winter are uncommon in southern states. The total number of GHFF at Victorian camps monitored in the NFFMP between 2013 and 2018 generally comprise between 2% (November 2018) and 14% (May 2014) of the national population across approximately 24 camps (total camps as at November 2018) (NFFMP 2013-2019). Colac is towards the western extent of the GHFF range with only three known camps further west (Lower Gellibrand and Warrnambool, Victoria and Adelaide, South Australia) (NFFMP 2019).

There is evidence the GHFF population declined by up to 30% between 1989 and 2000 (Birt 2000; Richards 2000 cited in OEH 2011a). There is a wide range of ongoing threats to the survival of the GHFF, including habitat loss and degradation, deliberate destruction associated with the commercial horticulture industry, conflict with humans, infrastructure-related mortality (e.g. entanglement in barbed wire fencing and fruit netting, power line electrocution, etc.) and competition and hybridisation with the BFF (DECCW 2009).

Indicative grey-headed flying-fox reproductive cycle for Victoria is shown in the figure below.



Indicative grey-headed flying-fox reproductive cycle.



Item: 8.2

Tirrengower Drainage Scheme - Review of Committee

OFFICER	Doug McNeill
GENERAL MANAGER	Doug McNeill
DIVISION	Infrastructure and Operations
ATTACHMENTS	1. Tirrengower Drainage Scheme Advisory Committee - Terms of Reference [8.2.1 - 6 pages]

This item was deferred by Council at the 28 August 2024 Council Meeting to be considered at the Unscheduled Council Meeting 11 September 2024.

1. PURPOSE

To advise Council on the outcome of a review of the former Section 86 Tirrengower Drainage Scheme Committee that had been established under the former *Local Government Act 1989* and seek endorsement of the creation of a new Advisory Committee to assist in the administration of the drainage scheme.

2. EXECUTIVE SUMMARY

Council transitioned most Committees appointed under Section 86 of the *Local Government Act 1989* to Community Asset Committees in September 2020 due to changes with the new *Local Government Act 2020*. The Tirrengower Drainage Scheme Committee was one of two Committees where it was unclear how they might transition, and it was identified that further investigation would be necessary to confirm the appropriate governance structure. The Committee is responsible for ensuring the maintenance of a rural drainage scheme which has been in place for several decades and minimises flooding of a large number of farming properties to the west of Colac.

Whilst legal advice was sought in 202/21 there was no clear outcome and the governance structure was not settled. Committee members have in the meantime continued to undertake necessary maintenance works and Council has collected funds under the Special Charge Scheme, paying for the maintenance as required. A review has recently been undertaken into options for this Committee under the Council's Committees Policy structure. Whilst a Community Asset Committee has been considered (which would facilitate continued maintenance of the scheme by community members), there has not been clear advice that this is the most appropriate governance structure for the Scheme and there are concerns about the risk to Council of works being commissioned without direct oversight by Council. The preferred option is that an Advisory Committee be established that supports Council

to undertake any required maintenance activities taking into account the advice of landowners represented on the Committee. It is proposed that Council initiates an Expression of Interest (EOI) process to seek community nominations, and that the committee be established in accordance with the attached Terms of Reference.

3. RECOMMENDATION

That Council:

- 1. Notes the advice provided on options for future management of the Tirrengower Drainage Scheme.***
- 2. Acknowledges the work of the former Section 86 Committee for the Tirrengower Drainage Scheme and thanks the former Committee members for their contributions to managing the effective maintenance of the drainage scheme over many years.***
- 3. Establishes a new Advisory Committee to guide the future maintenance of the Tirrengower Drainage Scheme in accordance with the Terms of Reference attached to this report.***
- 4. Seeks nominations from landowners impacted by the drainage scheme to be members of the Advisory Committee.***
- 5. Notes that nominations to the Advisory Committee will be considered by Council at a future meeting.***
- 6. Notes that funds expended by Council for the purpose of maintaining the Tirrengower Drainage Scheme will be sourced through a Special Charge as per adopted Budget 2024-25.***

4. KEY INFORMATION

Background

The Tirrengower Drainage Area includes approximately 10,000ha of land in Bungador, Swan Marsh and Irrewillipe areas as shown on the maps below. The land is flat and drainage of farmland relies on the effective functioning of drainage lines that run through private land. Minor changes in effectiveness of the drain can have significant impacts on the performance of the system overall and contribute to widespread flooding of farmland and other assets.

There has historically been in place a designated drainage scheme to ensure that the drains are kept well maintained and function as intended. The original drain (approximately 4km of drains) was established in 1887 by the owners of Tirrengower Station and neighbouring properties to join to the upper reaches of the Pirron Yallock Creek. In the 1970s following a number of very wet seasons a group of the most affected landowners elected a Drainage Committee which lobbied the State Government for drainage improvements. The major system that is in place now was constructed with a government contribution. Individual landowners then privately built interconnecting systems within their own property boundaries. The Committee oversaw the maintenance however the drainage system gradually fell into disrepair. With a change in municipal boundaries in 1994 local landowners lobbied the Council for improvement and re-establishment of the drainage system. In 1995 a Special Rate was introduced by the Colac Otway Shire, where the monies raised were spent on the re-establishment and maintenance of the Tirrengower Drainage System.

for defraying the costs associated with the ongoing care and management of the drainage system. The funds raised by the Special Charge Scheme are used for works including:

- Drain clearing by excavation when required.
- Yearly drain spraying of trouble areas.
- Cyclic drain spraying of other sections.
- Capital improvements including the installation of gates in boundary fences along the drain.

At its meeting on 27 September 2017 (at the conclusion of the previous 10-year period), Council resolved to declare a new Special Charge Scheme. The rate applied was \$2.50 per hectare per year for each of the properties referred to in the resolution. The resolution states the charge will apply up until 30 June 2028. The charge is to be paid annually as a lump sum within one month of 1 July.

Status of Committee

Council transitioned most Committees appointed under Section 86 of the *Local Government Act 1989* to Community Asset Committees in September 2020 due to changes with the new *Local Government Act 2020*. The Tirrengower Drainage Scheme Committee was one of two Section 86 Committees where it was unclear how they might transition, and it was identified that further investigation would be necessary to confirm the appropriate governance structure. Whilst legal advice was sought late in 2020 and early 2021 there was no clear outcome for the governance structure and it has not yet been resolved. Committee members have in the meantime continued to undertake necessary maintenance works and Council has collected funds under the Special Charge Scheme, paying for the maintenance as required. There was \$81,000 held in reserve at 30 June 2023 under this Scheme to ensure that the funds collected are spent on works to maintain the drainage scheme (the reserve balance is being updated at year end for 2023/24).

Options for Committee Governance

There has not been definitive legal advice that the Scheme could be managed by a Community Asset Committee (where members of the Committee directly organise and oversee works on the ground, and funds are reimbursed from Council). Whilst this is the management option preferred by the community questions have arisen about this being appropriate given that the majority of drainage in the Scheme is on private land. Whilst legal advice has indicated that this option could be pursued, it is not unambiguous advice.

The alternative option under Council's Committee's Policy is to establish an Advisory Committee. This would enable interested landowners affected by the Scheme to meet with Council periodically to provide advice on the performance of the drainage scheme and discuss required maintenance works. Council would facilitate these meetings and utilise the advice received to inform a program of works to be undertaken by the Council (or its contractors). Landowners (as members of the Drainage Committee) would previously have commissioned these works themselves. Some works are undertaken by land owners themselves.

Whilst this option increases the burden on Council staff to directly manage maintenance works it will ensure that there is stronger governance on administration of funds. It would ensure that Council's procurement policies are adhered to and that occupational health and safety risks are addressed appropriately. There is a high risk to Council if the previous model of volunteers undertaking work themselves was to continue, particularly from a safety perspective as Council has no oversight of the works. Directly administering the required works will ensure that they are conducted according to Council's strong OH&S policies and practices. It would be the aim however that maintenance activities

can continue to occur in a timely manner and a commitment would be required by Council staff to work collaboratively with the Committee to facilitate required works as the need arises.

Council resolution will be required to proceed with establishing an Advisory Committee. A Terms of Reference is attached for Council consideration.

5. CONSIDERATIONS

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

The current review of the Committee is to ensure that it is properly functioning within the confines of the Local Government Act and Council's policies concerning Committees of Council.

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

Council's Policy 18.8 Council Committees provides a framework for assessing, establishing, managing and reviewing Committees formed by Council, and representation on external Committees and appointment. The recommendation is that Council establish an Advisory Committee as outlined in the Policy as this would be the most effective option to manage the drainage scheme.

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

The effective maintenance of the drainage under this scheme ensures that environmental impacts of stormwater drainage are minimised.

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

It is proposed to communicate with all land owners in the area affected by the Scheme to confirm the new Committee arrangements. Officers have met with former Committee members prior to the meeting to explain the proposed approach.

Public Transparency (s58 LGA 2020)

The review of this Committee is being conducted publicly. It is proposed that Council communicates with all affected landowners to ensure there is strong understanding of the process going forward and encourage nominations for the Advisory Committee.

Alignment to Plans and Strategies

Alignment to Council Plan 2021-2025:

Theme 1 - Strong and Resilient Community

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

Objective 3: Key infrastructure investment supports our economy and liveability

Theme 4 – Strong Leadership and Management

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

The proposed new Committee structure will ensure that Council is facilitating the continued effective maintenance of the Tirrengower Drainage Area in support of rural landowners that rely on this Scheme.

Financial Management (s101 *Local Government Act 2020*)

As noted earlier in the report, Council has an annual budget for expenditure on drainage maintenance for the Scheme (\$22,500) and collects a charge annually from landowners to cover this cost. Unspent funds are held in a reserve.

Service Performance (s106 *Local Government Act 2020*)

As noted above, the proposed change in structure of the Committee to an Advisory Committee would increase the staff resources applied to management of the scheme through organisation of required maintenance works, although this is not expected to be significant. Some costs will be recovered through the funds collected for this purpose.

Risk Assessment

It is important that the status of the Committee is confirmed and that appropriate insurance arrangements are in place. As noted above, it is considered that Council is at high risk whilst maintenance activities are being procured and undertaken by community members without oversight by Council. The recommended option would result in these actions being taken by Council upon advice from the Advisory Committee members.

Communication/Implementation

Should Council support the approach, the former Committee members will be advised, and a meeting held to explain the new process. Council would initiate an EOI process to seek nominations from the community for membership on the Committee, and the outcome of this process would be reported to Council for acceptance of nominations.

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 – Endorse the proposal to establish a new Advisory Committee in place of the former Section 86 Committee

This option is recommended by officers as it would address concerns about the risk to Council of maintenance works being conducted by community members without Council oversight. An Advisory Committee would still provide an avenue for landowners within the Scheme to give direction on the maintenance works required.

Option 2 – Support the creation of a new Community Asset Committee in place of the former Section 86 Committee

This option is not recommended by officers for the reasons outlined in the report. The nature of the drainage scheme is such that much of the benefitting land is privately owned and there is not clear legal advice that a Community Asset Committee is an appropriate governance structure under the 2020 Local Government Act. There are identified risks to Council of maintenance works being commissioned by community members without Council oversight.

Option 3 – Do not endorse either of the options provided

This option is not recommended by officers as there is a clear and urgent need for an alternative structure to be put in place for management of funds to maintain the drainage scheme.

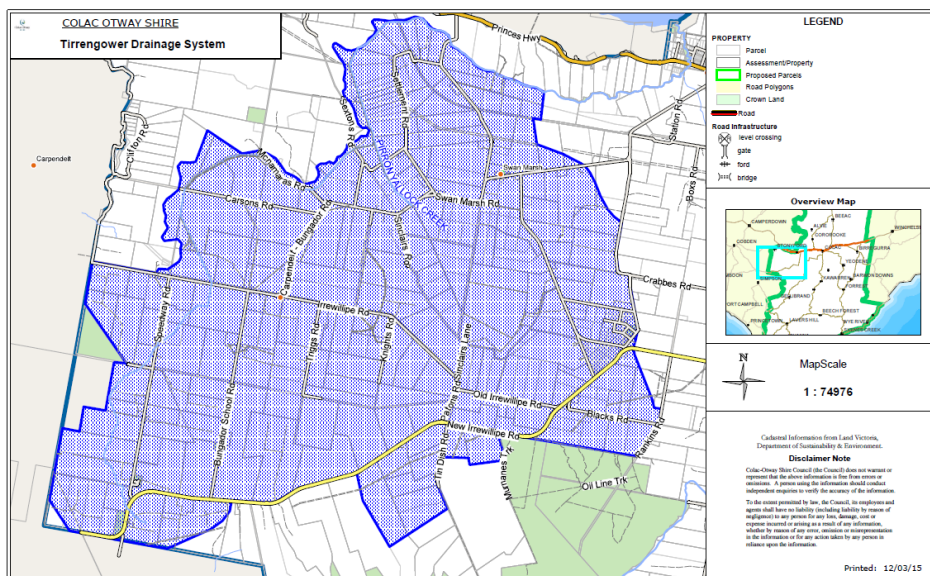


TERMS OF REFERENCE

Tirrengower Drainage Scheme Advisory Committee

1. Introduction

The Tirrengower Drainage Area includes approximately 10,000 ha of land in Bungador, Swan Marsh and Irrewillipe areas as shown on the map below. The land is flat and drainage of farmland relies on the effective functioning of drainage lines that run through private land. Minor changes in effectiveness of the drain can have significant impacts on the performance of the system overall and contribute to widespread flooding of farmland and other assets. There has historically been in place a designated drainage scheme to ensure that the drains are kept well maintained and function as intended. In 1995 a Special Rate was introduced by the Colac Otway Shire (Council), where the monies raised were spent on the re-establishment and maintenance of the Tirrengower Drainage System. This Scheme remains in place.



Council resolved in 2006 to declare a Special Charge Scheme for defraying the costs associated with the ongoing care and management of the drainage system. The funds raised by the Special Charge Scheme are used for works including:

- Drain clearing by excavation when required.
- Yearly drain spraying of trouble areas.
- Cyclic drain spraying of other sections.
- Capital improvements including the installation of gates in boundary fences along the drain.

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At its meeting on 27 September 2017 (at the conclusion of the previous 10-year period), Council resolved to declare a new Special Charge Scheme. The rate applied was \$2.50 per hectare per year for each of the properties referred to in the resolution. The resolution states the charge will apply up until 30 June 2028. The charge is to be paid annually as a lump sum within one month of 1 July.

Council is responsible for commissioning drainage maintenance that is undertaken under the Scheme, and for administration of the Special Rate funds.

2. Purpose & Scope

The Tirrengower Drainage Scheme Advisory Committee operates to inform the Colac Otway Shire of maintenance requirements for the effective operation of drainage within the scheme.

Whilst Council is responsible for initiating drainage maintenance activities, it requires the advice of landowners within the scheme to determine priorities for maintenance and allocation of funding collected from a Special Rate charged to affected properties for this purpose.

Whilst land owners will undertake maintenance on their own properties, Committee members do not have authorisation to commission works or engage contractors.

3. Governance

The Committee will operate as an Advisory Committee according to the Council Policy for Committees.

4. Membership

The Committee shall comprise of the following:

- 1 x Colac Otway Shire - General Manager Infrastructure & Operations (or delegate)
- 6-8 x community representatives – these must be landowners within the Tirrengower Drainage Scheme.

Community representatives will be appointed by Council resolution for a period of four years following an Expression of Interest process.

5. Roles and responsibilities

5.1 Chair

The Chair will be the General Manager Infrastructure & Operations at Colac Otway Shire, or his/her delegate.





5.2 Chair responsibilities

The chair has the following functions:

- chairing meetings
- facilitating the Committee to perform its functions

Additionally, the chair will:

- Ensure the Committee operates in accordance with the requirements of this Terms of Reference
- Preside at and manage all meetings
- Confirm the agenda for each meeting
- Ensure that the Committee meets according to its schedule
- Ensure that meetings are efficient and effective
- Provide leadership to the Committee in its deliberations
- Facilitate frank and open discussion
- Ensure that all members can participate equally
- Ensure that Council takes direction from the Committee to inform programmed and ad-hoc maintenance of the Scheme as appropriate
- Coordinate out of session matters that require resolution due to time constraints

5.3 Member responsibilities

Members are asked to participate in the Advisory Committee as a partnership and provide advice in the best interest of the landowners within the drainage scheme.

All members will:

- Prepare for, prioritise and attend scheduled meetings
- Proactively contribute to the work of the Committee
- Respect confidential and privileged information
- Represent the views of other landowners in the Scheme, with a focus on emerging maintenance issues/tasks that require action.

6. Administrative Arrangements

This section outlines the frequency of meetings and committee management arrangements.

6.1 Meeting frequency

The Committee will meet quarterly. The Chair may schedule additional meetings as required.

6.2 Meeting venue

Colac Otway Shire offices unless otherwise advised.





6.3 Meeting papers and documentation

Any member can submit items to be included on the agenda. The chair will confirm the agenda prior to each meeting.

Meetings will be conducted on a formal basis, with key matters discussed recorded and action items documented.

6.4 Secretariat

Council will perform secretarial duties for meetings, including:

- Scheduling meetings
- Providing committee members with the meeting agenda
- Taking minutes and distributing them after meetings
- Induction of new committee members
- Develop/send correspondence for the Committee
- Maintain the contact list of Committee members.

6.5 Quorum

A minimum of four members is required for the meeting to be recognised as an authorised meeting for the recommendations to be valid.

6.6 Decision making

In accordance with the Council Committees Policy, the Committee will act in an advisory capacity only and have no delegated authority to make decisions. The Committee will provide advice to Council to assist in their decision making in matters relating to the Tirrengower Drainage Scheme, with an emphasis on required maintenance priorities.

6.7 Conflict of interest

Where a member of the Advisory Committee has an interest or conflict of interest in relation to a matter in which the Committee is concerned, or is likely to be considered or discussed, the member must disclose the interest to the Committee before the matter is considered or discussed at the meeting. Disclosure must include the nature of the relevant interest and be recorded in the minutes of the meeting.

6.8 Observers/Guests

An observer/guest may attend a meeting for any number of reasons, including to provide technical insight from time to time. Committee members will advise the chair of the attendance of an observer before a meeting, where possible.

Observers must respect all confidentiality and operating protocols of the Committee, and must not:

- propose or vote on motions
- intrude on the procedures of the Committee
- take part in the meeting proceedings without the invitation of the chair.





7. Financial Management

Funds are collected annually by the Council under a Special Rate established for the Tirrengower Drainage Scheme and is responsible for making decisions on the expenditure of these funds. The Committee itself does not have any financial delegation or responsibility to make decisions.

The role of the Committee is to provide advice and guidance to Council on the maintenance that is required to be conducted for the drainage scheme.

8. Reporting

The Tirrengower Drainage Scheme Advisory Committee is required to prepare an annual report to a Councillor Briefing session reflecting the objectives of the Committee.

9. Communications Protocol

All communications to the media regarding the Tirrengower Drainage Scheme Advisory Committee will be through Council. Committee members may not express views on behalf of the Committee. Committee members may communicate with the media with regards to issues specific to the Scheme as individuals.

10. Document information

Document details

Criteria	Details
Document ID	D24/98901
Document title:	Tirrengower Drainage Scheme Advisory Committee – Terms of Reference
Document owner:	Infrastructure & Operations Division

Version control

Version	Date	Description	Author
0.1	22 August 2024	Draft Terms of Reference	GM Infrastructure & Operations



Item: 8.3

Lake Colac Advisory Committee - Appointment of Community Representatives

OFFICER	Ian Seuren
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	Nil

This item was deferred by Council at the 28 August 2024 Council meeting to be considered at the Unscheduled Council meeting 11 September 2024.

1. PURPOSE

To consider the appointment of community representatives to the Lake Colac Advisory Committee following an Expression of Interest process.

2. EXECUTIVE SUMMARY

At its July 2024 meeting, Council endorsed the revised Terms of Reference for the Lake Colac Advisory Committee and resolved to seek Expressions of Interest for the three community positions available on the committee.

An Expression of Interest process has attracted strong interest from the community with a high number of nominations received.

3. RECOMMENDATION

That Council:

- 1. Notes the Expressions of Interest received for the three community positions on the Lake Colac Advisory Committee and thanks those that nominated.***
- 2. Appoints community members to the Lake Colac Advisory Committee as identified in the Confidential Attachment to this report.***
- 3. Writes to each person that submitted an Expression of Interest to inform them of this decision and thank them for their interest.***

4. KEY INFORMATION

Lake Colac is highly valued by the Colac community. Council has management responsibility for parts of the lake and its foreshores. The Lake Colac Advisory Committee (formerly Lake Colac Coordinating Committee) has been in existence for many years and provides valuable advice to Council and other key agencies on matters pertaining to Lake Colac and surrounds.

The purpose of the Lake Colac Advisory Committee is to

- Provide strategic input, advice and advocacy support for the implementation of key strategies and plans associated with Lake Colac.
- Provide advice on operational matters relating to Lake Colac.
- Support planning, advocacy and implementation of special projects relating to Lake Colac.
- Provide a communication link between Council, agencies, user groups, stakeholders and the broader community.

At its July 2024 meeting, Council endorsed the revised Terms of Reference for the Lake Colac Advisory Committee and resolved to seek Expressions of Interest for the three community positions available on the committee.

Council received a good response to the Expression of Interest process and a high number of nominations were received. The nominees to the committee provide a range of different skills and experiences.

5. CONSIDERATIONS

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

Appointing community members to the Lake Colac Advisory Committee assists in engaging the community in strategic planning and decision-making.

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

The Lake Colac Advisory Committee is established as an Advisory Committee of Council as per its Council Committees Policy.

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

The Lake Colac Advisory Committee provides advice to Council on a range of issues including ongoing environmental and sustainability considerations associated with Lake Colac and the surrounding foreshore areas.

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

The purpose of an Advisory Committee is to provide valuable information and advice in order to facilitate decisions of significance made by Council, and in turn support achievements under the Council Plan.

The Lake Colac Advisory Committee provides an opportunity for the community, through appointed community members and representatives of key community organisations, to provide advice to Council and other agencies on issues relating to Lake Colac.

Public Transparency (s58 LGA 2020)

The Lake Colac Advisory Committee assists Council in decision making by providing advice on key issues. As per the Terms of Reference, any recommendations and/or advice to Council will be provided to Council through its normal meeting cycle at the next available opportunity.

Alignment to Plans and Strategies

Alignment to Council Plan 2021-2025:

Theme 1 - Strong and Resilient Community

Objective 3: Key infrastructure investment supports our economy and liveability

Objective 4: Colac Otway Shire is a destination to visit

Theme 2 - Valuing the Natural and Built Environment

Objective 5: Provide and maintain an attractive and safe built environment

Theme 3 – Healthy and Inclusive Community

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

The Lake Colac Foreshore Master Plan and Lake Colac Management Plan are relevant plans associated with the Lake Colac Advisory Committee.

Financial Management (s101 Local Government Act 2020)

Not applicable.

Service Performance (s106 Local Government Act 2020)

Advisory Committees assist Council in providing strategic advice and input on the delivery of services.

Risk Assessment

Not applicable.

Communication/Implementation

The opportunity to submit an Expression of Interest for the Lake Colac Advisory Committee was advertised in the local media including the Colac Herald and MIXXFM, and promoted on Council's social media platforms and website.

Those that submitted an Expression of Interest will be notified in writing of the decision of Council.

Human Rights Charter

Advisory Committees to Council are in accordance with the Human Rights Charter, particularly in enabling community members the right to participate in public life.

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 – Appoints three community members to the Lake Colac Advisory Committee.

This option is recommended as the Terms of Reference for the Lake Colac Advisory Committee includes three community members as part of its membership. Council received a number of

nominations for the committee following an Expression of Interest process, which provides it with an opportunity to appoint the agreed number of community representatives.

Option 2 – Appoints more than three community members to the Lake Colac Advisory Committee.

This option is not recommended. Through the review of the Lake Colac Advisory Committee and its Terms of Reference, it was considered important that the committee wasn't oversubscribed with members as it had been in the past. The current committee provided advice that three community members on the committee was sufficient because many of the other members are considered community members as they represent community organisations.

Option 3 – Does not appoint community members to the Lake Colac Advisory Committee.

This option is not recommended. Council has undertaken an Expression of Interest process and received a number of nominations for the committee. Community representation outside of key user groups is considered important and therefore included in the committee's Terms of Reference. This enables Council to appoint the agreed number of community representatives to the committee.

Item: 8.4

Update to S6 Instrument of Delegation Council to Members of Council Staff

OFFICER	Belinda Rocka
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none">1. S 6 Instrument of Delegation - Members of Staff - Updates - Maddocks Reliansys Updates July 2024 [8.4.1 - 33 pages]2. S 6 Instrument of Delegation - Members of Staff - 28 August 2024 [8.4.2 - 120 pages]

This item was deferred by Council at the 28 August 2024 Council meeting to be considered at the Unscheduled Council meeting 11 September 2024.

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 because 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 17 June 2024) 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 changes to the S6 Instrument include the updated Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards) Regulations 2024, new and changed provisions under the *Food Act 1984* and the deletion of items under the *Road Management Act 2004* (Council are to now use powers under the *Local Government Act 2020* instead). Attachment 1 provides further detail on these changes.

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.

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.

Options

Option 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 - COMPLETE

S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF

Note - Exported provisions are separated by category into NEW and then CHANGED and then DELETED.

07 AUGUST 2024

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NEW Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
738566	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 7	Power to enter into a written agreement with a caravan park owner	<u>EHTO</u> , <u>CEH</u> , <u>OWWO</u> , <u>HPO</u>	_____
738567	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 10	Function of receiving application for registration	<u>EHTO</u> , <u>CEH</u> , <u>HPSO</u> , <u>OWWO</u> , <u>HPO</u>	_____

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
738568	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 11	Function of receiving application for renewal of registration	<u>EHTO</u> , <u>CEH</u> , <u>OWWO</u> , <u>HPO</u>	_____
738569	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	<u>EHTO</u> , <u>CEH</u> , <u>HPSO</u> , <u>OWWO</u> , <u>HPO</u>	_____
738570	Residential Tenancies (Caravan Parks and	r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	<u>EHTO</u> , <u>CEH</u> , <u>OWWO</u> , <u>HPO</u>	_____

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Movable Dwellings Registration and Standards) Regulations 2024				
738571	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	EHTO , CEH , HPSO , OWWO , HPO	_____
738572	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and	r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHTO , CEH , OWWO , HPO	_____

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Standards) Regulations 2024				
738573	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	<u>EHTO</u> , <u>CEH</u> , <u>OWWO</u> , <u>HPO</u>	_____
738574	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 12(4) & (5)	Duty to issue certificate of registration	<u>EHTO</u> , <u>CEH</u> , <u>HPSO</u> , <u>OWWO</u> , <u>HPO</u>	_____

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
738575	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 14(1)	Power to determine where notice of transfer is displayed	<u>EHTO</u> , <u>CEH</u> , <u>HPSO</u> , <u>OWWO</u> , <u>HPO</u>	_____
742721	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 14(3)	Power to determine where notice of transfer is displayed	<u>EHTO</u> , <u>CEH</u> , <u>HPSO</u> , <u>OWWO</u> , <u>HPO</u>	_____
738576	Residential Tenancies (Caravan Parks and	r 15(1)	Duty to transfer registration to new caravan park owner	<u>EHTO</u> , <u>CEH</u> , <u>HPSO</u> , <u>OWWO</u>	_____

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Movable Dwellings Registration and Standards) Regulations 2024			<u>HPO</u>	
738577	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 15(2)	Duty to issue a certificate of transfer of registration	<u>EHTO</u> , <u>CEH</u> , <u>HPSO</u> , <u>OWWO</u> , <u>HPO</u>	
738578	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and	r 15(3)	Power to determine where certificate of transfer of registration is displayed	<u>MHE</u> , <u>CEO</u> , <u>CEH</u>	

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Standards) Regulations 2024				
738579	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	<u>EHTO</u> , <u>CEH</u> , <u>OWWO</u> , <u>HPO</u>	_____
738580	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 17	Duty to keep register of caravan parks	<u>EHTO</u> , <u>CEH</u> , <u>HPSO</u> , <u>OWWO</u> , <u>HPO</u>	_____

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
738581	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 21(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	EHTO , CEH , HPSO , OWWO , HPO	_____
738582	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 21(2)	Duty to consult with relevant emergency services agencies	EHTO , CEH , OWWO , HPO	_____
738583	Residential Tenancies (Caravan Parks and	r 22	Power to determine places in which caravan park owner must display a copy of emergency procedures	EHTO , CEH , HPSO , OWWO	_____

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Movable Dwellings Registration and Standards) Regulations 2024			HPO	
738584	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 23	Power to determine places in which caravan park owner must display copy of public emergency warnings	EHTO , CEH , HPSO , OWWO , HPO	
738585	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and	r 24(2)	Power to consult with relevant floodplain management authority	EHTO , CEH , OWWO , HPO	

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Standards) Regulations 2024				
738586	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 26(b)(i)	Power to approve system for the discharge of sewage and wastewater from a movable dwelling	<u>EHTO</u> , <u>CEH</u> , <u>HPSO</u> , <u>OWWO</u> , <u>HPO</u>	_____
738587	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 38	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	<u>EHTO</u> , <u>CEH</u> , <u>HPSO</u> , <u>OWWO</u> , <u>HPO</u>	_____

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
738588	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 38(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	<u>EHTO</u> , <u>CEH</u> , <u>HPSO</u> , <u>OWWO</u> , <u>HPO</u>	_____
738589	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 39(3)	Function of receiving installation certificate	<u>EHTO</u> , <u>CEH</u> , <u>HPSO</u> , <u>OWWO</u> , <u>HPO</u>	_____
738590	Residential Tenancies (Caravan Parks and	r 45(3)	Power to determine places in which caravan park owner must display name and telephone number of an emergency contact person	<u>EHTO</u> , <u>CEH</u> , <u>HPSO</u> , <u>OWWO</u>	_____

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Movable Dwellings Registration and Standards) Regulations 2024			<u>HPO</u>	
738591	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 45(5)	Power to determine places in which caravan park owner must display the certificate of registration or certificate of renewal of registration, the plan of the caravan park and a copy of the caravan park rules	<u>EHTO</u> , <u>CEH</u> , <u>HPSO</u> , <u>OWWO</u> , <u>HPO</u>	
738562	Food Act 1984	s 19FA(1)	Power to direct a proprietor of a food premises to revise the food safety program for the premises or comply with any requirements specified in the food safety program	<u>EHTO</u> , <u>CEH</u> , <u>HPSO</u> , <u>OWWO</u> , <u>HPO</u>	Where Council is the registration authority Only in relation to temporary food premises or mobile food premises Subject to s 19FA(2), which

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					requires a time limit for compliance to be specified _____
738563	Food Act 1984	s 19FA(3)(a)	Power to refuse to approve an application for registration or renewal of the premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	<u>EHTO,</u> <u>CEH,</u> <u>HPSO,</u> <u>OWWO,</u> <u>HPO</u>	Where Council is the registration authority Only in relation to temporary food premises or mobile food premises Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2)) _____
738564	Food Act 1984	s 19FA(3)(b)	Power to revoke a registration granted in respect of premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	<u>EHTO,</u> <u>CEH,</u> <u>HPSO,</u> <u>OWWO,</u> <u>HPO</u>	Where Council is the registration authority Only in relation to temporary food premises or mobile food premises

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
738565	Food Act 1984	s 19FA(3)(c)	Power to suspend the registration of the premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	<u>EHTO</u> , <u>CEH</u> , <u>HPSO</u> , <u>OWWO</u> , <u>HPO</u>	Where Council is the registration authority Only in relation to temporary food premises or mobile food premises

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CHANGED Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
285828	Food Act 1984	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, (ia) displayed at any point of sale , (ib) be published on the food business's Internet site and (ii) inform the public by notice in a published newspaper, on the Internet site or otherwise	EHTO1, CEH, EHO1 , HPSO, EHTO2, OWWO, HPO	If s 19(1) applies _____
285832	Food Act 1984	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, EHO1 , HPSO, EHTO2, OWWO, 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 Only in relation to temporary food premises or mobile food premises _____

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
285862	Food Act 1984	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, EHO1, EHTO2, OWWO, 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))
286347	Planning and Environment Act 1987	s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	N/A	Where Council is a responsible public entity and is a planning authority Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations

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DELETED Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286138	Road Management Act 2004	s 12(2)	Power to discontinue road or part of a road	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority _____
286139	Road Management Act 2004	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 _____
286140	Road Management Act 2004	s 12(5)	Duty to consider written submissions received within 28 days of notice	MHE, N/A, CLLCS, GMIO, MAES	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11)

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					applies _____
286141	Road Management Act 2004	s 12(6)	Function of hearing a person in support of their written submission	MHE, N/A, CLLCS, GMIO, MAES	Function of coordinating road authority where it is the discontinuing body Unless s 12(11) applies _____
286142	Road Management Act 2004	s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	MHE, N/A, CLLCS, GMIO, MAES	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies _____
286238	Residential	r 7	Function of entering into a written agreement with a caravan park owner	EHTO1,	_____

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			CEH, EHTO2, OWWO, HPO	
286239	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 10	Function of receiving application for registration	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	_____
393093	Residential Tenancies (Caravan Parks and Movable	r 11	Function of receiving application for renewal of registration	EHTO1, CEH, EHTO2, OWWO, HPO	_____

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Dwellings Registration and Standards) Regulations 2020				
286240	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	_____
286276	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards)	r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHTO1, CEH, EHTO2, OWWO, HPO	_____

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Regulations 2020				
286241	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	_____
393094	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHTO1, CEH, EHTO2, OWWO, HPO	_____

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
393095	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	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, OWWO, HPO	_____
286242	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 12(4) & (5)	Duty to issue certificate of registration	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	_____
286243	Residential Tenancies (Caravan Parks and	r 14(1)	Function of receiving notice of transfer of ownership	EHTO1, CEH, HPSO, EHTO2,	_____

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Movable Dwellings Registration and Standards) Regulations 2020			OWWO, HPO	
286244	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 14(3)	Power to determine where notice of transfer is displayed	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	_____
286245	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and	r 15(1)	Duty to transfer registration to new caravan park owner	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	_____

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Standards) Regulations 2020				
286246	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 15(2)	Duty to issue a certificate of transfer of registration	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	_____
699084	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 15(3)	Power to determine where certificate of transfer of registration is displayed	MHE, CEO, CEH	_____

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286247	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	EHTO1, CEH, EHTO2, OWWO, HPO	_____
286248	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 17	Duty to keep register of caravan parks	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	_____
286249	Residential Tenancies (Caravan Parks and	r 18(4)	Power to determine where the emergency contact person's details are displayed	EHTO1, CEH, HPSO, EHTO2,	_____

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Movable Dwellings Registration and Standards) Regulations 2020			OWWO, HPO	
286250	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 18(6)	Power to determine where certain information is displayed	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	
286251	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and	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, OWWO, HPO	

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Standards) Regulations 2020				
286252	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 22(2)	Duty to consult with relevant emergency services agencies	EHTO1, CEH, EHTO2, OWWO, HPO	_____
286253	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	_____

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286254	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	_____
286255	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 25(3)	Duty to consult with relevant floodplain management authority	EHTO1, CEH, EHTO2, OWWO, HPO	_____
286256	Residential Tenancies (Caravan Parks and	r 26	Duty to have regard to any report of the relevant fire authority	EHTO1, CEH, EHTO2, OWWO,	_____

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Movable Dwellings Registration and Standards) Regulations 2020			HPO	
286257	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	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, OWWO, HPO	
286258	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and	r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Standards) Regulations 2020				
286259	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	_____
286260	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 41(4)	Function of receiving installation certificate	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	_____

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286261	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	_____
286262	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	_____



S6 Instrument of Delegation – Members of Staff

Colac Otway Shire Council

**Instrument of Delegation
to
Members of Council Staff**

Colac Otway Shire

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

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. record that references in the Schedule are as follows:

Abbreviation	Position
CEO	Chief Executive Officer
CEM	Coordinator Emergency Management
CEH	Coordinator Environmental Health
CLLCS	Coordinator Local Laws
CPBA	Coordinator Planning and Building Administration
CRS	Coordinator Revenue Services
CSP	Coordinator Statutory Planning
CSPMP	Coordinator Strategic Planning and Major Projects
GMCE	General Manager Community and Economy
GMCS	General Manager Corporate Services
GMIO	General Manager Infrastructure and Operations
HPSO	Health Protection Support Officer
EHTO2	Health Protection Technical Officer
MAES	Manager Assets and Engineering
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
OWWO	Onsite Waste Water Officer
PBA1	Planning and Building Administrator 1
PBA2	Planning and Building Administrator 2

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Abbreviation	Position
PBA3	Planning and Building Administrator 3
PBA4	Planning and Building Administrator 4
SP2	Statutory Planner 2
SP6	Statutory Planner 6
SP1	Statutory Planners 1
SP3	Statutory Planners 3
SP4	Statutory Planners 4
SP5	Statutory Planners 5
SP	Strategic Planner
SP7	Strategic Planner 2

Positions Group	Position	Positions
All GMs	All GMs	GMCS, GMCE, GMIO
CAO	Compliance Administration Officers	ALL1, ALL2, ALL3, CAO4
CO	Compliance Officers	LLR4, LLR2, LLR3, LLR4, LLR1, LLR5
CSO	Customer Services Officers	CSSO, TLCS, CSO5, CSO6, CCCS, CSO1, CSO2, CSO3, CSO4, CSO7, CSO8, CSO9, CSO10, CSO11, CSO12, CSO13, CSO14, CSO15, CSO16, CSO17, CSO18
HPO	Health Protection Officers	EHO2, EHO1
PA	Planning Administrators	PBA4, PBA2, PBA3, PBA1
PLO	Planning Officers	SP3, SP, SP4, SP5, SP1, SP2, SP6, SP7

declares that:

- 2.1 this Instrument of Delegation is authorised by a resolution of Council passed on 28 August 2024 and
- 2.2 the delegation:

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- 2.2.1 comes into force immediately when the common seal of Council is affixed to this Instrument of Delegation or where the Chief Executive Officer of Council is authorised under resolution, the Chief Executive Officer executes the Instrument of Delegation;
- 2.2.2 remains in force until varied or revoked;
- 2.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
- 2.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
- 2.3 the delegate must not determine the issue, take the action or do the act or thing:
 - 2.3.1 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;
 - 2.3.2 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;
 - 2.3.3 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
 - 2.3.4 if 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.

Signed by the Chief Executive Officer of)
Colac Otway Shire Council in the presence)
of:

.....
Witness

Date:

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Delegation Sources

- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024
- 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
- Cemeteries and Crematoria Regulations 2015
- Planning and Environment Regulations 2015
- Planning and Environment (Fees) Regulations 2016
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
738566	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 7	Power to enter into a written agreement with a caravan park owner	CEH, EHTO2, OWWO, HPO	
738567	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 10	Function of receiving application for registration	CEH, HPSO, EHTO2, OWWO, HPO	
738568	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 11	Function of receiving application for renewal of registration	CEH, EHTO2, OWWO, HPO	
738569	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	CEH, HPSO, EHTO2, OWWO, HPO	
738570	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and	r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CEH, EHTO2, OWWO, HPO	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Standards) Regulations 2024				
738571	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	CEH, HPSO, EHTO2, OWWO, HPO	
738572	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CEH, EHTO2, OWWO, HPO	
738573	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	CEH, EHTO2, OWWO, HPO	
738574	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 12(4) & (5)	Duty to issue certificate of registration	CEH, HPSO, EHTO2, OWWO, HPO	
738575	A*	Residential Tenancies (Caravan Parks and	r 14(1)	Power to determine where notice of transfer is displayed	CEH, HPSO, EHTO2,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Movable Dwellings Registration and Standards) Regulations 2024			OWWO, HPO	
742721	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 14(3)	Power to determine where notice of transfer is displayed	CEH, HPSO, EHTO2, OWWO, HPO	
738576	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 15(1)	Duty to transfer registration to new caravan park owner	CEH, HPSO, EHTO2, OWWO, HPO	
738577	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 15(2)	Duty to issue a certificate of transfer of registration	CEH, HPSO, EHTO2, OWWO, HPO	
738578	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 15(3)	Power to determine where certificate of transfer of registration is displayed	MHE, CEO, CEH	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
738579	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	CEH, EHTO2, OWWO, HPO	
738580	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 17	Duty to keep register of caravan parks	CEH, HPSO, EHTO2, OWWO, HPO	
738581	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 21(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	CEH, HPSO, EHTO2, OWWO, HPO	
738582	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 21(2)	Duty to consult with relevant emergency services agencies	CEH, EHTO2, OWWO, HPO	
738583	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and	r 22	Power to determine places in which caravan park owner must display a copy of emergency procedures	CEH, HPSO, EHTO2, OWWO, HPO	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Standards) Regulations 2024				
738584	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 23	Power to determine places in which caravan park owner must display copy of public emergency warnings	CEH, HPSO, EHTO2, OWWO, HPO	
738585	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 24(2)	Power to consult with relevant floodplain management authority	CEH, EHTO2, OWWO, HPO	
738586	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 26(b)(i)	Power to approve system for the discharge of sewage and wastewater from a movable dwelling	CEH, HPSO, EHTO2, OWWO, HPO	
738587	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 38	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	CEH, HPSO, EHTO2, OWWO, HPO	
738588	A*	Residential Tenancies (Caravan Parks and	r 38(b)	Power to require notice of proposal to install unregistrable movable dwelling	CEH, HPSO, EHTO2,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Movable Dwellings Registration and Standards) Regulations 2024		or rigid annexe	OWWO, HPO	
738589	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 39(3)	Function of receiving installation certificate	CEH, HPSO, EHTO2, OWWO, HPO	
738590	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 45(3)	Power to determine places in which caravan park owner must display name and telephone number of an emergency contact person	CEH, HPSO, EHTO2, OWWO, HPO	
738591	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 45(5)	Power to determine places in which caravan park owner must display the certificate of registration or certificate of renewal of registration, the plan of the caravan park and a copy of the caravan park rules	CEH, HPSO, EHTO2, OWWO, HPO	
285704	A*	Cemeteries and Crematoria Act 2003	s 8(1)(a)(ii)	Power to manage one or more public cemeteries	N/A	Where Council is a Class B cemetery trust
285705	A*	Cemeteries and Crematoria Act 2003	s 12(1)	Function to properly and efficiently manage and maintain each public cemetery for which responsible and	N/A	Where Council is a Class B cemetery trust

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				carry out any other function conferred under this Act		
285706	A*	Cemeteries and Crematoria Act 2003	s 12(2)	Duty to have regard to the matters set out in paragraphs (a) - (c) in exercising its functions	N/A	Where Council is a Class B cemetery trust
285707	A*	Cemeteries and Crematoria Act 2003	s 12A(1)	Function to do the activities set out in paragraphs (a) - (n)	N/A	Where Council is a Class A cemetery trust
285708	A*	Cemeteries and Crematoria Act 2003	s 12A(2)	Duty to have regard to matters set out in paragraphs (a) - (e) in exercising its functions	N/A	Where Council is a Class A cemetery trust
285709	A*	Cemeteries and Crematoria Act 2003	s 13	Duty to do anything necessary or convenient to enable it to carry out its functions	N/A	
285710	A*	Cemeteries and Crematoria Act 2003	s 14	Power to manage multiple public cemeteries as if they are one cemetery.	N/A	
285712	A*	Cemeteries and Crematoria Act 2003	s 15(4)	Duty to keep records of delegations	N/A	
285713	A*	Cemeteries and Crematoria Act 2003	s 17(1)	Power to employ any persons necessary	N/A	
285714	A*	Cemeteries and Crematoria Act 2003	s 17(2)	Power to engage any professional, technical or other assistance considered necessary	N/A	
285715	A*	Cemeteries and	s 17(3)	Power to determine the terms and	N/A	Subject to any guidelines or directions

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Crematoria Act 2003		conditions of employment or engagement		of the Secretary
285716	A*	Cemeteries and Crematoria Act 2003	s 18(3)	Duty to comply with a direction from the Secretary	N/A	
285717	A*	Cemeteries and Crematoria Act 2003	s 18B(1) & (2)	Duty to establish governance committees within 12 months of becoming a Class A cemetery trust and power to establish other governance committees from time to time	N/A	Where Council is a Class A cemetery trust
285718	A*	Cemeteries and Crematoria Act 2003	s 18C	Power to determine the membership of the governance committee	N/A	Where Council is a Class A cemetery trust
285719	A*	Cemeteries and Crematoria Act 2003	s 18D	Power to determine procedure of governance committee	N/A	Where Council is a Class A cemetery trust
285720	A*	Cemeteries and Crematoria Act 2003	s 18D(1)(a)	Duty to appoint community advisory committee for the purpose of liaising with communities	N/A	Where Council is a Class A cemetery trust
285721	A*	Cemeteries and Crematoria Act 2003	s 18D(1)(b)	Power to appoint any additional community advisory committees	N/A	Where Council is a Class A cemetery trust
285722	A*	Cemeteries and Crematoria Act 2003	s 18D(2)	Duty to establish a community advisory committee under section 18D(1)(a) within 12 months of becoming a Class A cemetery trust.	N/A	Where Council is a Class A cemetery trust
285723	A*	Cemeteries and Crematoria Act 2003	s 18D(3)	Duty to include a report on the activities of the community advisory	N/A	Where Council is a Class A cemetery trust

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				committees in its report of operations under Part 7 of the Financial Management Act 1994		
285724	A*	Cemeteries and Crematoria Act 2003	s 18F(2)	Duty to give preference to a person who is not a funeral director of a stonemason (or a similar position) when appointing a person to a community advisory committee	N/A	Where Council is a Class A cemetery trust
285725	A*	Cemeteries and Crematoria Act 2003	s 18H(1)	Duty to hold an annual meeting before 30 December in each calendar year	N/A	Where Council is a Class A cemetery trust
285726	A*	Cemeteries and Crematoria Act 2003	s 18I	Duty to publish a public notice of annual meeting in a newspaper, a reasonable time before the date of the annual meeting	N/A	Where Council is a Class A cemetery trust
285727	A*	Cemeteries and Crematoria Act 2003	s.18J	Duty to provide leadership, assistance and advice in relation to operational and governance matters relating to cemeteries (including the matters set out in s 18J(2))	N/A	Where Council is a Class A cemetery trust
285728	A*	Cemeteries and Crematoria Act 2003	s 18L(1)	Duty to employ a person as the chief executive officer (by whatever title called) of the Class A cemetery trust	N/A	Where Council is a Class A cemetery trust
285729	A*	Cemeteries and Crematoria Act 2003	s 18N(1)	Duty to prepare an annual plan for each financial year that specifies the items set out in paragraphs (a)-(d)	N/A	Where Council is a Class A cemetery trust
285730	A*	Cemeteries and	s 18N(3)	Duty to give a copy of the proposed	N/A	Where Council is a Class A cemetery

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Crematoria Act 2003		annual plan to the Secretary on or before 30 September each year for the Secretary's approval		trust
285731	A*	Cemeteries and Crematoria Act 2003	s 18N(5)	Duty to make amendments as required by the Secretary and deliver the completed plan to the Secretary within 3 months	N/A	Where Council is a Class A cemetery trust
285732	A*	Cemeteries and Crematoria Act 2003	s 18N(7)	Duty to ensure that an approved annual plan is available to members of the public on request	N/A	Where Council is a Class A cemetery trust
285733	A*	Cemeteries and Crematoria Act 2003	s 18O(1)	Duty to prepare a strategic plan and submit the plan to the Secretary for approval	N/A	Where Council is a Class A cemetery trust
285734	A*	Cemeteries and Crematoria Act 2003	s 18O(4)	Duty to advise the Secretary if the trust wishes to exercise its functions in a manner inconsistent with its approved strategic plan	N/A	Where Council is a Class A cemetery trust
285735	A*	Cemeteries and Crematoria Act 2003	s 18O(5)	Duty to ensure that an approved strategic plan is available to members of the public on request	N/A	Where Council is a Class A cemetery trust
285736	A*	Cemeteries and Crematoria Act 2003	s 18Q(1)	Duty to pay an annual levy on gross earnings as reported in the annual financial statements for the previous financial year.	N/A	Where Council is a Class A cemetery trust
285737	A*	Cemeteries and Crematoria Act 2003	s 19	Power to carry out or permit the carrying out of works	N/A	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
285738	A*	Cemeteries and Crematoria Act 2003	s 20(1)	Duty to set aside areas for the interment of human remains	N/A	
285739	A*	Cemeteries and Crematoria Act 2003	s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	N/A	
285740	A*	Cemeteries and Crematoria Act 2003	s 20(3)	Power to set aside areas for those things in paragraphs (a) - (e)	N/A	
285741	A*	Cemeteries and Crematoria Act 2003	s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	N/A	
285742	A*	Cemeteries and Crematoria Act 2003	s 36	Power to grant licences to enter and use part of the land or building in a public cemetery in accordance with s 36	N/A	Subject to the approval of the Minister
285743	A*	Cemeteries and Crematoria Act 2003	s 37	Power to grant leases over land in a public cemetery in accordance with s 37	N/A	Subject to the Minister approving the purpose
285744	A*	Cemeteries and Crematoria Act 2003	s 40	Duty to notify Secretary of fees and charges fixed under s 39	N/A	
285745	A*	Cemeteries and Crematoria Act 2003	s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	N/A	Provided the street was constructed pursuant to the Local Government Act 1989
652450	A*	Cemeteries and Crematoria Act 2003	s 52	Duty to submit a report to the Secretary in relation to any public	N/A	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				cemetery for which the cemetery trust is responsible for each financial year in respect of which it manages that cemetery		
285746	A*	Cemeteries and Crematoria Act 2003	s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	N/A	Report must contain the particulars listed in s 57(2)
285747	A*	Cemeteries and Crematoria Act 2003	s 59	Duty to keep records for each public cemetery	N/A	
285748	A*	Cemeteries and Crematoria Act 2003	s 60(1)	Duty to make information in records available to the public for historical or research purposes	N/A	
285749	A*	Cemeteries and Crematoria Act 2003	s 60(2)	Power to charge fees for providing information	N/A	
285750	A*	Cemeteries and Crematoria Act 2003	s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	N/A	
285751	A*	Cemeteries and Crematoria Act 2003	s 64B(d)	Power to permit interments at a reopened cemetery	N/A	
285752	A*	Cemeteries and Crematoria Act 2003	s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	N/A	The application must include the requirements listed in s 66(2)(a)-(d)
285753	A*	Cemeteries and Crematoria Act 2003	s 69	Duty to take reasonable steps to notify of conversion to historic cemetery park	N/A	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
285754	A*	Cemeteries and Crematoria Act 2003	s 70(1)	Duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	N/A	
285755	A*	Cemeteries and Crematoria Act 2003	s 70(2)	Duty to make plans of existing place of interment available to the public	N/A	
285756	A*	Cemeteries and Crematoria Act 2003	s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	N/A	
285757	A*	Cemeteries and Crematoria Act 2003	s 71(2)	Power to dispose of any memorial or other structure removed	N/A	
285758	A*	Cemeteries and Crematoria Act 2003	s 72(2)	Duty to comply with request received under s 72	N/A	
285759	A*	Cemeteries and Crematoria Act 2003	s 73(1)	Power to grant a right of interment	N/A	
285760	A*	Cemeteries and Crematoria Act 2003	s 73(2)	Power to impose conditions on the right of interment	N/A	
285761	A*	Cemeteries and Crematoria Act 2003	s 75	Power to grant the rights of interment set out in s 75(a) and (b)	N/A	
285762	A*	Cemeteries and Crematoria Act 2003	s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	N/A	
285763	A*	Cemeteries and Crematoria Act 2003	s 77(4)	Power to authorise and impose terms and conditions on the removal of cremated human remains or body	N/A	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				parts from the place of interment on application		
285764	A*	Cemeteries and Crematoria Act 2003	s 80(1)	Function of receiving notification and payment of transfer of right of interment	N/A	
285765	A*	Cemeteries and Crematoria Act 2003	s 80(2)	Function of recording transfer of right of interment	N/A	
285766	A*	Cemeteries and Crematoria Act 2003	s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	N/A	
285768	A*	Cemeteries and Crematoria Act 2003	s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	N/A	
285769	A*	Cemeteries and Crematoria Act 2003	s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	N/A	
285770	A*	Cemeteries and Crematoria Act 2003	s.85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	N/A	The notice must be in writing and contain the requirements listed in s 85(2)
286286	A*	Cemeteries and Crematoria Act 2003	s 85(2)(b)	Duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	N/A	Does not apply where right of interment relates to remains of a deceased veteran.
286287	A*	Cemeteries and Crematoria Act 2003	85(2)(c)	Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or;	N/A	May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location.		extended or converted to a perpetual right of interment
285771	A*	Cemeteries and Crematoria Act 2003	s 86	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	N/A	
286277	A*	Cemeteries and Crematoria Act 2003	s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	N/A	
286278	A*	Cemeteries and Crematoria Act 2003	s 86(3)(a)	Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	N/A	
286279	A*	Cemeteries and Crematoria Act 2003	s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	N/A	
286282	A*	Cemeteries and Crematoria Act 2003	s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	N/A	
285772	A*	Cemeteries and Crematoria Act 2003	s 87(3)	Duty, if requested, to extend the right for a further 25 years or convert the	N/A	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				right to a perpetual right of interment		
285773	A*	Cemeteries and Crematoria Act 2003	s 88	Function to receive applications to carry out a lift and re-position procedure at a place of interment	N/A	
285774	A*	Cemeteries and Crematoria Act 2003	s 91(1)	Power to cancel a right of interment in accordance with s 91	N/A	
285775	A*	Cemeteries and Crematoria Act 2003	s 91(3)	Duty to publish notice of intention to cancel right of interment	N/A	
285776	A*	Cemeteries and Crematoria Act 2003	s 92	Power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	N/A	
285777	A*	Cemeteries and Crematoria Act 2003	s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	N/A	
285778	A*	Cemeteries and Crematoria Act 2003	s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	N/A	
285779	A*	Cemeteries and Crematoria Act 2003	s 99(4)	Duty to make a decision on an application under s 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	N/A	
285780	A*	Cemeteries and Crematoria Act 2003	s 100(1)	Power to require a person to remove memorials or places of interment	N/A	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
285781	A*	Cemeteries and Crematoria Act 2003	s 100(2)	Power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with s 100(1)	N/A	
285782	A*	Cemeteries and Crematoria Act 2003	s 100(3)	Power to recover costs of taking action under s 100(2)	N/A	
285783	A*	Cemeteries and Crematoria Act 2003	s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	N/A	
285784	A*	Cemeteries and Crematoria Act 2003	s 102(1)	Power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	N/A	
285785	A*	Cemeteries and Crematoria Act 2003	s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	N/A	
285786	A*	Cemeteries and Crematoria Act 2003	s 103(1)	Power to require a person to remove a building for ceremonies	N/A	
285787	A*	Cemeteries and Crematoria Act 2003	s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	N/A	
285788	A*	Cemeteries and Crematoria Act 2003	s 103(3)	Power to recover costs of taking action under s 103(2)	N/A	
285789	A*	Cemeteries and Crematoria Act 2003	s 106(1)	Power to require the holder of the right of interment of the requirement to make the memorial or place of	N/A	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				interment safe and proper or carry out specified repairs		
285790	A*	Cemeteries and Crematoria Act 2003	s 106(2)	Power to require the holder of the right of interment to provide for an examination	N/A	
285791	A*	Cemeteries and Crematoria Act 2003	s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	N/A	
285792	A*	Cemeteries and Crematoria Act 2003	s 106(4)	Power to repair or - with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under s 106(1) is not complied with	N/A	
285793	A*	Cemeteries and Crematoria Act 2003	s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	N/A	
285794	A*	Cemeteries and Crematoria Act 2003	s 107(2)	Power to repair or take down, remove and dispose any building for ceremonies if notice under s 107(1) is not complied with	N/A	
285795	A*	Cemeteries and Crematoria Act 2003	s 108	Power to recover costs and expenses	N/A	
285796	A*	Cemeteries and Crematoria Act 2003	s 109(1)(a)	Power to open, examine and repair a place of interment	N/A	Where the holder of right of interment or responsible person cannot be found

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
285797	A*	Cemeteries and Crematoria Act 2003	s 109(1)(b)	Power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	N/A	Where the holder of right of interment or responsible person cannot be found
285798	A*	Cemeteries and Crematoria Act 2003	s 109(2)	Power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	N/A	Where the holder of right of interment or responsible person cannot be found
285799	A*	Cemeteries and Crematoria Act 2003	s 110(1)	Power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder. with consent of the Secretary	N/A	
285800	A*	Cemeteries and Crematoria Act 2003	s 110(2)	Power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	N/A	
286283	A*	Cemeteries and Crematoria Act 2003	s 110A	Power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	N/A	
285801	A*	Cemeteries and Crematoria Act 2003	s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	N/A	

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285802	A*	Cemeteries and Crematoria Act 2003	s 112	Power to sell and supply memorials	N/A	
285803	A*	Cemeteries and Crematoria Act 2003	s 116(4)	Duty to notify the Secretary of an interment authorisation granted	N/A	
285804	A*	Cemeteries and Crematoria Act 2003	s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	N/A	
285805	A*	Cemeteries and Crematoria Act 2003	s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	N/A	
285806	A*	Cemeteries and Crematoria Act 2003	s 119	Power to set terms and conditions for interment authorisations	N/A	
285807	A*	Cemeteries and Crematoria Act 2003	s 131	Function of receiving an application for cremation authorisation	N/A	
285808	A*	Cemeteries and Crematoria Act 2003	s 133(1)	Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with	N/A	Subject to s 133(2)
285809	A*	Cemeteries and Crematoria Act 2003	s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	N/A	
285810	A*	Cemeteries and Crematoria Act 2003	s 146	Power to dispose of bodily remains by a method other than interment or cremation	N/A	Subject to the approval of the Secretary

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285811	A*	Cemeteries and Crematoria Act 2003	s 147	Power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	N/A	
285812	A*	Cemeteries and Crematoria Act 2003	s 149	Duty to cease using method of disposal if approval revoked by the Secretary	N/A	
285813	A*	Cemeteries and Crematoria Act 2003	s 150 & 152(1)	Power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	N/A	
285814	A*	Cemeteries and Crematoria Act 2003	s 151	Function of receiving applications to inter or cremate body parts	N/A	
285815	A*	Cemeteries and Crematoria Act 2003	s 152(2)	Power to impose terms and conditions on authorisation granted under s 150	N/A	
285816	A*	Cemeteries and Crematoria Act 2003	sch 1 cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	N/A	
285817	A*	Cemeteries and Crematoria Act 2003	sch 1 cl 8(8)	Power to regulate own proceedings	N/A	Subject to cl 8
285818	A*	Cemeteries and Crematoria Act 2003	sch 1A cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	N/A	Where Council is a Class A cemetery trust

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
285819	A*	Cemeteries and Crematoria Act 2003	sch 1A cl 8(8)	Power to regulate own proceedings	N/A	Where Council is a Class A cemetery trust Subject to cl 8
285820	A*	Domestic Animals Act 1994	s 41A(1)	Power to declare a dog to be a menacing dog	N/A, CLLCS, CO	Council may delegate this power to a Council authorised officer
285826	A*	Food Act 1984	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, OWWO, HPO	If s 19(1) applies
285827	A*	Food Act 1984	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, OWWO, HPO	If s 19(1) applies
286346	A*	Food Act 1984	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, OWWO, HPO	If s 19(1) applies Only in relation to temporary food premises or mobile food premises
285828	A*	Food Act 1984	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, (ia) displayed at any point of sale, (ib) be published on the food business's	CEH, HPSO, EHTO2, OWWO, HPO	If s 19(1) applies

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				Internet site and (ii) inform the public by notice in a published newspaper, on the Internet site or otherwise		
285829	A*	Food Act 1984	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, OWWO, HPO	If s 19(1) applies
285830	A*	Food Act 1984	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, OWWO, HPO	If s 19(1) applies
285831	A*	Food Act 1984	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, OWWO, HPO	Where Council is the registration authority
285832	A*	Food Act 1984	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	CEH, HPSO, EHTO2, OWWO, 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 Only in relation to temporary food premises or mobile food premises
285833	A*	Food Act 1984	s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order	EHTO1, CEH, HPSO, EHTO2,	Where Council is the registration authority

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				has been complied with	OWWO, HPO	
285834	A*	Food Act 1984	s 19CB(4)(b)	Power to request copy of records	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority
285835	A*	Food Act 1984	s 19E(1)(d)	Power to request a copy of the food safety program	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority
594851	A*	Food Act 1984	s 19EA(3)	Function of receiving copy of revised food safety program	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority
738562	A*	Food Act 1984	s 19FA(1)	Power to direct a proprietor of a food premises to revise the food safety program for the premises or comply with any requirements specified in the food safety program	CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority Only in relation to temporary food premises or mobile food premises Subject to s 19FA(2), which requires a time limit for compliance to be specified
738563	A*	Food Act 1984	s 19FA(3)(a)	Power to refuse to approve an application for registration or renewal of the premises, where a proprietor of a food premises fails to comply with a	CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority Only in relation to temporary food premises or mobile food premises

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				direction given under s 19FA(1)		Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
738564	A*	Food Act 1984	s 19FA(3)(b)	Power to revoke a registration granted in respect of premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority Only in relation to temporary food premises or mobile food premises
738565	A*	Food Act 1984	s 19FA(3)(c)	Power to suspend the registration of the premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority Only in relation to temporary food premises or mobile food premises
285836	A*	Food Act 1984	s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority
594852	A*	Food Act 1984	s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority
594853	A*	Food Act 1984	s 19IA(2)	Duty to give written notice to the proprietor of the premises	EHTO1, CEH, EHTO2, OWWO,	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					HPO	deficiencies (see s 19IA(3))
285837	A*	Food Act 1984	s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	EHTO1, CEH, EHTO2, OWWO, HPO	Where Council is the registration authority
594854	A*	Food Act 1984	s 19N(2)	Function of receiving notice from the auditor	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority
285838	A*	Food Act 1984	s 19NA(1)	Power to request food safety audit reports	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority
285839	A*	Food Act 1984	s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	EHTO1, CEH, EHTO2, OWWO, HPO	
285840	A*	Food Act 1984	s 19UA	Power to charge fees for conducting a food safety assessment or inspection	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
285841	A*	Food Act 1984	s 19W	Power to direct a proprietor of a food	EHTO1,	Where Council is the registration

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				premises to comply with any requirement under Part IIIB	CEH, HPSO, EHTO2, OWWO, HPO	authority
285842	A*	Food Act 1984	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, OWWO, HPO	Where Council is the registration authority
285843	A*	Food Act 1984	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, OWWO, HPO	Where Council is the registration authority
285844	A*	Food Act 1984		Power to register or renew the registration of a food premises	EHTO1, CEH, HPSO, EHTO2, OWWO, 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))
483146	A*	Food Act 1984	s 36A	Power to accept an application for registration or notification using online portal	CEH, HPO	Where Council is the registration authority
483147	A*	Food Act 1984	s 36B	Duty to pay the charge for use of online portal	MHE, CEH	Where Council is the registration authority
285845	A*	Food Act 1984	s 38AA(5)	Power to (a) request further	EHTO1,	Where Council is the registration

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	CEH, HPSO, EHTO2, OWWO, HPO	authority
285846	A*	Food Act 1984	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, OWWO, HPO	Where Council is the registration authority
285847	A*	Food Act 1984	s 38A(4)	Power to request a copy of a completed food safety program template	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority
285848	A*	Food Act 1984	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, EHTO2, OWWO, HPO	Where Council is the registration authority
285849	A*	Food Act 1984	s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority
285850	A*	Food Act 1984	s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	EHTO1, CEH, HPSO, EHTO2, OWWO,	Where Council is the registration authority

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					HPO	
285851	A*	Food Act 1984	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, OWWO, HPO	Where Council is the registration authority
285852	A*	Food Act 1984	s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority
285853	A*	Food Act 1984	s 38D(3)	Power to request copies of any audit reports	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority
285854	A*	Food Act 1984	s 38E(2)	Power to register the food premises on a conditional basis	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority not exceeding the prescribed time limit defined under s 38E(5)
285855	A*	Food Act 1984	s 38E(4)	Duty to register the food premises when conditions are satisfied	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority
285856	A*	Food Act 1984	s 38F(3)(b)	Power to require proprietor to comply	EHTO1,	Where Council is the registration

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				with requirements of this Act	CEH, HPSO, EHTO2, OWWO, HPO	authority
483148	A*	Food Act 1984	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
594855	A*	Food Act 1984	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, OWWO, HPO	Where Council is the registration authority
483149	A*	Food Act 1984	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
594856	A*	Food Act 1984	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, OWWO, HPO	
285857	A*	Food Act 1984	s 39A	Power to register, or renew the registration of a food premises despite minor defects	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
594857	A*	Food Act 1984	s 39A (6)	Duty to comply with a direction of the Secretary	EHTO1, CEH, HPSO,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					EHTO2, OWWO, HPO	
594858	A*	Food Act 1984	s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	EHTO1, CEH, EHTO2, OWWO, HPO	Where Council is the registration authority
285858	A*	Food Act 1984	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, OWWO, HPO	
285859	A*	Food Act 1984	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, OWWO, HPO	Where Council is the registration authority
285860	A*	Food Act 1984	s 40D(1)	Power to suspend or revoke the registration of food premises	N/A, CEH	Where Council is the registration authority
594859	A*	Food Act 1984	s 40E	Duty to comply with direction of the Secretary	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	
483150	A*	Food Act 1984	s 40F	Power to cancel registration of food premises	MHE, CEH	Where Council is the registration authority

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
594860	A*	Food Act 1984	s 43	Duty to maintain records of registration	EHTO1, CEH, HPSO, EHTO2, OWWO, HPO	Where Council is the registration authority
285861	A*	Food Act 1984	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, OWWO, HPO	Where Council is the registration authority
285862	A*	Food Act 1984	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	CEH, EHTO2, OWWO, 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))
594861	A*	Food Act 1984	s 45AC	Power to bring proceedings	CEH, HPO	
285863	A*	Food Act 1984	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, OWWO, HPO	Where Council is the registration authority
285864	A*	Heritage Act 2017	s 116	Power to sub-delegate Executive Director's functions, duties or powers	N/A, GMCE	Must first obtain Executive Director's written consent

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						Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation
286402	A*	Local Government Act 1989	s 185L(4)	Power to declare and levy a cladding rectification charge	N/A, CEO	
285865	A*	Planning and Environment Act 1987	s 4B	Power to prepare an amendment to the Victorian Planning Provisions	CSP, N/A, CSPMP, GMCE, MPSF	If authorised by the Minister
285866	A*	Planning and Environment Act 1987	s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	CSP, N/A, CSPMP, GMCE, MPSF	
285867	A*	Planning and Environment Act 1987	s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	CPBA, CSP, CSPMP, GMCE, MPSF, PLO	
285868	A*	Planning and Environment Act 1987	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	
285869	A*	Planning and Environment Act 1987	s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	N/A, MPSF	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
285870	A*	Planning and Environment Act 1987	s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	CPBA, CSP, N/A, CSPMP, GMCE, MPSF	
285871	A*	Planning and Environment Act 1987	s 8A(5)	Function of receiving notice of the Minister's decision	CPBA, CSP, N/A, CSPMP, GMCE, MPSF	
285872	A*	Planning and Environment Act 1987	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, N/A, CSPMP, GMCE, MPSF	
285873	A*	Planning and Environment Act 1987	s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	N/A, GMCE, MPSF	
285874	A*	Planning and Environment Act 1987	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, N/A, CSPMP, GMCE, MPSF	
285876	A*	Planning and Environment Act 1987	s 12B(1)	Duty to review planning scheme	CSP, N/A, CSPMP, GMCE, MPSF	
285877	A*	Planning and	s 12B(2)	Duty to review planning scheme at	CSP, N/A,	

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		Environment Act 1987		direction of Minister	CSPMP, GMCE, MPSF	
285878	A*	Planning and Environment Act 1987	s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	CSP, N/A, CSPMP, GMCE, MPSF	
285879	A*	Planning and Environment Act 1987	s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	CPBA, CSP, CSPMP, GMCE, MPSF, PLO	
285880	A*	Planning and Environment Act 1987	s 17(1)	Duty of giving copy amendment to the planning scheme	CPBA, CSP, N/A, CSPMP, GMCE, MPSF, CSO, PA, PLO	
285881	A*	Planning and Environment Act 1987	s 17(2)	Duty of giving copy s 173 agreement	CPBA, CSP, N/A, CSPMP, GMCE, MPSF, CSO, PA, PLO	
285882	A*	Planning and Environment Act 1987	s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	CPBA, CSP, N/A, CSPMP, GMCE, MPSF, CSO, PA, PLO	
285883	A*	Planning and	s 18	Duty to make amendment etc.	CPBA, CSP,	Until the proposed amendment is

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Environment Act 1987		available in accordance with public availability requirements	CSPMP, GMCE, MPSF, PA, PLO	approved or lapsed
285884	A*	Planning and Environment Act 1987	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, N/A, CSPMP, GMCE, MPSF, PA, PLO	
285885	A*	Planning and Environment Act 1987	s 19	Function of receiving notice of preparation of an amendment to a planning scheme	CPBA, CSP, N/A, 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.
285886	A*	Planning and Environment Act 1987	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
285887	A*	Planning and Environment Act 1987	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
285888	A*	Planning and Environment Act 1987	s 21A(4)	Duty to publish notice	CPBA, CSP, N/A, CSPMP,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					GMCE, MPSF, PA, PLO	
285889	A*	Planning and Environment Act 1987	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)
628642	A*	Planning and Environment Act 1987	s 22(2)	Power to consider a late submission Duty to consider a late submission, if directed by the Minister	SP, CSP, CSPMP, MPSF, SP7	
285890	A*	Planning and Environment Act 1987	s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	CSP, N/A, CSPMP, GMCE, MPSF	
285891	A*	Planning and Environment Act 1987	s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	CSP, N/A, CSPMP, GMCE, MPSF	
285892	A*	Planning and Environment Act 1987	s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	CSP, N/A, CSPMP, GMCE, MPSF, PLO	
285893	A*	Planning and Environment Act 1987	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,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					PLO	
285894	A*	Planning and Environment Act 1987	s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	CPBA, CSP, CSPMP, GMCE, MPSF, CSO, PA, PLO	During the inspection period
285895	A*	Planning and Environment Act 1987	s 27(2)	Power to apply for exemption if panel's report not received	CSP, N/A, CSPMP, GMCE, MPSF	
285896	A*	Planning and Environment Act 1987	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
546478	A*	Planning and Environment Act 1987	s 28(2)	Duty to publish notice of the decision on Internet site	CPBA, CSP, CSPMP, GMCE, MPSF, PA, PLO	
546479	A*	Planning and Environment Act 1987	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	
285897	A*	Planning and Environment Act 1987	s 30(4)(a)	Duty to say if amendment has lapsed	CPBA, CSP, N/A, CSPMP, GMCE,	

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					MPSF	
285898	A*	Planning and Environment Act 1987	s 30(4)(b)	Duty to provide information in writing upon request	CPBA, CSP, N/A, CSPMP, GMCE, MPSF	
285899	A*	Planning and Environment Act 1987	s 32(2)	Duty to give more notice if required	CPBA, CSP, N/A, CSPMP, GMCE, MPSF	
285900	A*	Planning and Environment Act 1987	s 33(1)	Duty to give more notice of changes to an amendment	CPBA, CSP, N/A, CSPMP, GMCE, MPSF	
285901	A*	Planning and Environment Act 1987	s 36(2)	Duty to give notice of approval of amendment	CPBA, CSP, N/A, CSPMP, GMCE, MPSF	
285902	A*	Planning and Environment Act 1987	s 38(5)	Duty to give notice of revocation of an amendment	CPBA, CSP, N/A, CSPMP, GMCE, MPSF	
285903	A*	Planning and Environment Act 1987	s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	CSP, N/A, CSPMP, GMCE, MPSF	

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285904	A*	Planning and Environment Act 1987	s 40(1)	Function of lodging copy of approved amendment	CPBA, CSP, N/A, CSPMP, GMCE, MPSF	
285905	A*	Planning and Environment Act 1987	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	
546480	A*	Planning and Environment Act 1987	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	
285906	A*	Planning and Environment Act 1987	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	
286347	A*	Planning and Environment Act 1987	s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	N/A	Where Council is a responsible public entity and is a planning authority
286350	A*	Planning and Environment Act 1987	s 46AW	Function of being consulted by the Minister	N/A, CEO, GMCE,	Where Council is a responsible public entity

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					MPSF	
286351	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCE, MPSF	Where Council is a responsible public entity
286288	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCE, MPSF	Where Council is a responsible public entity
286289	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCE, MPSF	Where Council is a responsible public entity
286290	A*	Planning and Environment Act 1987	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, N/A, 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
286352	A*	Planning and Environment Act 1987	s 46GJ(1)	Function of receiving written directions from the Minister in relation to the	MFS, N/A, CEO, GMCS,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				preparation and content of infrastructure contributions plans	GMCE, MPSF	
286353	A*	Planning and Environment Act 1987	s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	MFS, N/A, CEO, GMCS, GMCE, MPSF	
286354	A*	Planning and Environment Act 1987	s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	MFS, N/A, CEO, GMCS	
286355	A*	Planning and Environment Act 1987	s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	
286356	A*	Planning and Environment Act 1987	s 46GP	Function of receiving a notice under s 46GO	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency
286357	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	
286358	A*	Planning and Environment Act 1987	s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice	MFS, CSP, N/A, CSPMP, CEO, GMCS,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				under s 46GO	GMCE, MPSF	
286359	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	
286360	A*	Planning and Environment Act 1987	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, N/A, CEO, GMCS, GMCE, MPSF	
286361	A*	Planning and Environment Act 1987	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, N/A, CEO, GMCS, GMCE, MPSF	
286362	A*	Planning and Environment Act 1987	s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	MFS, N/A, CEO, GMCS	
286363	A*	Planning and Environment Act 1987	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, N/A, CEO, GMCS	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286364	A*	Planning and Environment Act 1987	s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	MFS, N/A, CEO, GMCS	
286365	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	
286366	A*	Planning and Environment Act 1987	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
286367	A*	Planning and Environment Act 1987	s 46GV(3)(b)	Power to enter into an agreement with the applicant	CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency
286368	A*	Planning and Environment Act 1987	s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	CSP, N/A, CSPMP, CEO, GMCE, MPSF	Where Council is the development agency
286369	A*	Planning and	s	Function of receiving the inner public	CSP, N/A,	Where Council is the collecting agency

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Environment Act 1987	46GV(4)(b)	purpose land in accordance with s 46GV(5) and (6)	CSPMP, CEO, GMCE, MPSF	
286370	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCE, MPSF	
286371	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCE, MPSF	Where Council is the collecting agency
286291	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCS, GMCE, GMIO, MPSF	Where Council is the collecting agency
286372	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency
286373	A*	Planning and Environment Act 1987	s 46GY(1)	Duty to keep proper and separate accounts and records	MFS, CSP, N/A, CSPMP, CEO, GMCS,	Where Council is the collecting agency

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					GMCE, MPSF	
286374	A*	Planning and Environment Act 1987	s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency
286375	A*	Planning and Environment Act 1987	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, N/A, 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
286376	A*	Planning and Environment Act 1987	s 46GZ(2)(a)	Function of receiving the monetary component	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency
286292	A*	Planning and Environment Act 1987	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, N/A, 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
286377	A*	Planning and Environment Act 1987	s 46GZ(2)(b)	Function of receiving the monetary component	MFS, CSP, N/A, CSPMP,	Where Council is the development agency under an approved

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					CEO, GMCS, GMCE, MPSF	infrastructure contributions plan This provision does not apply where Council is also the collecting agency
286378	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency under an approved infrastructure contributions plan
286293	A*	Planning and Environment Act 1987	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, N/A, 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
286379	A*	Planning and Environment Act 1987	s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	MFS, CSP, N/A, 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
286380	A*	Planning and Environment Act 1987	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	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency under an approved infrastructure contributions plan

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				under s 46GW		
286294	A*	Planning and Environment Act 1987	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, N/A, 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>
286381	A*	Planning and Environment Act 1987	s 46GZ(9)	Function of receiving the fee simple in the land	MFS, CSP, N/A, 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>
286382	A*	Planning and Environment Act 1987	s 46GZA(1)	Duty to keep proper and separate accounts and records	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the development agency under an approved infrastructure contributions plan
286295	A*	Planning and Environment Act 1987	s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local	MFS, CSP, N/A, CSPMP,	Where Council is a development agency under an approved

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				Government Act 2020	CEO, GMCS, GMCE, MPSF	infrastructure contributions plan
286383	A*	Planning and Environment Act 1987	s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is a development agency under an approved infrastructure contributions plan
286296	A*	Planning and Environment Act 1987	s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan
286384	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the development agency under an approved infrastructure contributions plan
286385	A*	Planning and Environment Act 1987	s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency under an approved infrastructure contributions plan
286297	A*	Planning and Environment Act 1987	s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	MFS, CSP, N/A, CSPMP, CEO, GMCS,	Where Council is the collecting agency under an approved infrastructure contributions plan

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					GMCE, MPSF	
286298	A*	Planning and Environment Act 1987	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, N/A, 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
286386	A*	Planning and Environment Act 1987	s 46GZE(2)	Function of receiving the unexpended land equalisation amount	MFS, CSP, N/A, 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
286387	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency under an approved infrastructure contributions plan
286388	A*	Planning and Environment Act 1987	s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the	MFS, CSP, N/A, CSPMP, CEO, GMCS,	Where Council is the development agency under an approved infrastructure contributions plan

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				public purpose land for a public purpose approved by the Minister or sell the public purpose land	GMCE, MPSF	
286389	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the development agency under an approved infrastructure contributions plan
286390	A*	Planning and Environment Act 1987	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
286391	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency under an approved infrastructure contributions plan
286392	A*	Planning and Environment Act 1987	s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency under an approved infrastructure contributions plan
286393	A*	Planning and Environment Act 1987	s 46GZH	Power to recover the monetary component, or any land equalisation	MFS, N/A, CEO, MPSF	Where Council is the collecting agency under an approved infrastructure

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction		contributions plan
286299	A*	Planning and Environment Act 1987	s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	N/A, CEO, GMCS, GMCE, MPSF	Where Council is a collecting agency or development agency
286394	A*	Planning and Environment Act 1987	s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	MFS, CSP, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is a collecting agency or development agency
286395	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCS, GMCE, MPSF	
285907	A*	Planning and Environment Act 1987	s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	CSP, N/A, CSPMP, GMCE, MPSF	
285908	A*	Planning and Environment Act 1987	s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	CSP, N/A, CSPMP, GMCE, MPSF	
285909	A*	Planning and Environment Act 1987	s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of	N/A, GMCE, MPSF	

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				development infrastructure levy		
285910	A*	Planning and Environment Act 1987	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	N/A, GMCE, MPSF	
285911	A*	Planning and Environment Act 1987	s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	CSP, N/A, CSPMP, GMCE, MPSF	
285912	A*	Planning and Environment Act 1987	s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	CSP, N/A, CSPMP, GMCE, MPSF	
285913	A*	Planning and Environment Act 1987	s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
285914	A*	Planning and Environment Act 1987	s 46Q(1)	Duty to keep proper accounts of levies paid	MFS, CSP, N/A, CSPMP, GMCS, GMCE, MPSF	
285915	A*	Planning and Environment Act 1987	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	MFS, CSP, CSPMP, GMCS, GMCE, MPSF	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				incurred by a development agency		
285916	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCE, MPSF	
285917	A*	Planning and Environment Act 1987	s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	CSP, N/A, CSPMP, GMCE, MPSF	Only applies when levy is paid to Council as a 'development agency'
285918	A*	Planning and Environment Act 1987	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, N/A, 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
285919	A*	Planning and Environment Act 1987	s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	CSP, N/A, CSPMP, CEO, GMCE, MPSF	Must be done in accordance with Part 3
285920	A*	Planning and Environment Act 1987	s46Q(4)(e)	Duty to expend that amount on other works etc.	CSP, N/A, CSPMP, CEO, GMCE, MPSF	With the consent of, and in the manner approved by, the Minister
285921	A*	Planning and	s 46QC	Power to recover any amount of levy	MFS, CSP,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Environment Act 1987		payable under Part 3B	N/A, CSPMP, GMCE, MPSF	
286300	A*	Planning and Environment Act 1987	s 46QD	Duty to prepare report and give a report to the Minister	MFS, CSP, N/A, CSPMP, GMCE, MPSF	Where Council is a collecting agency or development agency
285923	A*	Planning and Environment Act 1987	s 46Y	Duty to carry out works in conformity with the approved strategy plan	N/A	
285924	A*	Planning and Environment Act 1987	s 47	Power to decide that an application for a planning permit does not comply with that Act	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
285925	A*	Planning and Environment Act 1987	s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	
285926	A*	Planning and Environment Act 1987	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	
285927	A*	Planning and Environment Act 1987	s 50(4)	Duty to amend application	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	

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285928	A*	Planning and Environment Act 1987	s 50(5)	Power to refuse to amend application	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286400	A*	Planning and Environment Act 1987	s 50(6)	Duty to make note of amendment to application in register	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	
285929	A*	Planning and Environment Act 1987	s 50A(1)	Power to make amendment to application	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285930	A*	Planning and Environment Act 1987	s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285931	A*	Planning and Environment Act 1987	s 50A(4)	Duty to note amendment to application in register	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	
285932	A*	Planning and Environment Act 1987	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	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
285933	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285934	A*	Planning and Environment Act 1987	s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285935	A*	Planning and Environment Act 1987	s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285936	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285937	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285938	A*	Planning and Environment Act 1987	s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
285939	A*	Planning and Environment Act 1987	s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF	
285940	A*	Planning and Environment Act 1987	s 52(3)	Power to give any further notice of an application where appropriate	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285941	A*	Planning and Environment Act 1987	s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285942	A*	Planning and Environment Act 1987	s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285943	A*	Planning and Environment Act 1987	s 54(1)	Power to require the applicant to provide more information	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285944	A*	Planning and Environment Act 1987	s 54(1A)	Duty to give notice in writing of information required under s 54(1)	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285945	A*	Planning and Environment Act 1987	s 54(1B)	Duty to specify the lapse date for an application	CPBA, CSP, N/A, CSPMP, CEO, GMCE,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					MPSF, PLO	
285946	A*	Planning and Environment Act 1987	s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285947	A*	Planning and Environment Act 1987	s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285948	A*	Planning and Environment Act 1987	s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	
285949	A*	Planning and Environment Act 1987	s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
285950	A*	Planning and Environment Act 1987	s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	
285951	A*	Planning and Environment Act 1987	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,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					PA, PLO	
285952	A*	Planning and Environment Act 1987	s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	
285953	A*	Planning and Environment Act 1987	s 57A(5)	Power to refuse to amend application	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
285954	A*	Planning and Environment Act 1987	s 57A(6)	Duty to note amendments to application in register	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	
285955	A*	Planning and Environment Act 1987	s 57B(1)	Duty to determine whether and to whom notice should be given	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285956	A*	Planning and Environment Act 1987	s 57B(2)	Duty to consider certain matters in determining whether notice should be given	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285957	A*	Planning and Environment Act 1987	s 57C(1)	Duty to give copy of amended application to referral authority	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA,	

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					PLO	
285958	A*	Planning and Environment Act 1987	s 58	Duty to consider every application for a permit	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285959	A*	Planning and Environment Act 1987	s 58A	Power to request advice from the Planning Application Committee	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
285960	A*	Planning and Environment Act 1987	s 60	Duty to consider certain matters	CSP, N/A, 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 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

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						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).
285961	A*	Planning and Environment Act 1987	s 60(1A)	Duty to consider certain matters	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286301	A*	Planning and Environment Act 1987	s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	CSP, N/A, CSPMP, GMCE, MPSF, PLO	
285962	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCE, MPSF, PLO	<p>The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006</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

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						<p>under a lawful planning permit, where:</p> <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). <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>
285963	A*	Planning and Environment Act 1987	s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
286403	A*	Planning and Environment Act 1987	s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending	CSP, N/A, CSPMP,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				referral authority objects to the grant of permit	CEO, GMCE, MPSF	
285964	A*	Planning and Environment Act 1987	s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
285965	A*	Planning and Environment Act 1987	s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
285966	A*	Planning and Environment Act 1987	s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
285967	A*	Planning and Environment Act 1987	s 62(1)	Duty to include certain conditions in deciding to grant a permit	CSP, N/A, 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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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & 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).
285968	A*	Planning and Environment Act 1987	s 62(2)	Power to include other conditions	CSP, N/A, 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

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
						<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).
285969	A*	Planning and Environment Act 1987	s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285970	A*	Planning and Environment Act 1987	s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285971	A*	Planning and Environment Act 1987	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, N/A, 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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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & 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).
285972	A*	Planning and Environment Act 1987	s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285973	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285974	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285975	A*	Planning and	s 63	Duty to issue the permit where made a	CSP, N/A,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Environment Act 1987		decision in favour of the application (if no one has objected)	CSPMP, CEO, GMCE, MPSF, PLO	
285976	A*	Planning and Environment Act 1987	s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	This provision applies also to a decision to grant an amendment to a permit - see s 75
285977	A*	Planning and Environment Act 1987	s 64(3)	Duty not to issue a permit until after the specified period	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	This provision applies also to a decision to grant an amendment to a permit - see s 75
285978	A*	Planning and Environment Act 1987	s 64(5)	Duty to give each objector a copy of an exempt decision	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	This provision applies also to a decision to grant an amendment to a permit - see s 75
285979	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	This provision applies also to a decision to grant an amendment to a permit - see s 75A
285980	A*	Planning and Environment Act 1987	s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	CPBA, CSP, N/A, CSPMP, CEO, GMCE,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					MPSF, PA, PLO	
285981	A*	Planning and Environment Act 1987	s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	
285982	A*	Planning and Environment Act 1987	s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	CPBA, CSP, N/A, 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
285983	A*	Planning and Environment Act 1987	s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CPBA, CSP, N/A, 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
285984	A*	Planning and Environment Act 1987	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, N/A, 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
285985	A*	Planning and Environment Act 1987	s 69(1)	Function of receiving application for extension of time of permit	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, CSO, PA, PLO	

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285986	A*	Planning and Environment Act 1987	s 69(1A)	Function of receiving application for extension of time to complete development	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, CSO, PA, PLO	
285987	A*	Planning and Environment Act 1987	s 69(2)	Power to extend time	CSP, N/A, 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.
285988	A*	Planning and Environment Act 1987	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	
285989	A*	Planning and Environment Act 1987	s 71(1)	Power to correct certain mistakes	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285990	A*	Planning and Environment Act 1987	s 71(2)	Duty to note corrections in register	CPBA, CSP, N/A, CSPMP,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					CEO, GMCE, MPSF, PA, PLO	
285991	A*	Planning and Environment Act 1987	s 73	Power to decide to grant amendment subject to conditions	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285992	A*	Planning and Environment Act 1987	s 74	Duty to issue amended permit to applicant if no objectors	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285993	A*	Planning and Environment Act 1987	s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	
285994	A*	Planning and Environment Act 1987	s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	
285995	A*	Planning and Environment Act 1987	s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	CPBA, CSP, N/A, 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

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
285996	A*	Planning and Environment Act 1987	s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CPBA, CSP, N/A, 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
285997	A*	Planning and Environment Act 1987	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, N/A, 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
285998	A*	Planning and Environment Act 1987	s 76D	Duty to comply with direction of Minister to issue amended permit	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
285999	A*	Planning and Environment Act 1987	s 83	Function of being respondent to an appeal	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286000	A*	Planning and Environment Act 1987	s 83B	Duty to give or publish notice of application for review	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286001	A*	Planning and Environment Act 1987	s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	CSP, N/A, CSPMP, CEO, GMCE, MPSF	Save where the proposed use and/or development: • Results in four (4) or more objections having been lodged against the grant

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
						<p>of a permit.</p> <ul style="list-style-type: none"> • 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).
286002	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286003	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCE, MPSF	

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286004	A*	Planning and Environment Act 1987	s 84(6)	Duty to issue permit on receipt of advice within 3 business days	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
286396	A*	Planning and Environment Act 1987	s 84AB	Power to agree to confining a review by the Tribunal	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286005	A*	Planning and Environment Act 1987	s 86	Duty to issue a permit at order of Tribunal within 3 business days	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
286006	A*	Planning and Environment Act 1987	s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
286007	A*	Planning and Environment Act 1987	s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286008	A*	Planning and Environment Act 1987	s 91(2)	Duty to comply with the directions of VCAT	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286009	A*	Planning and Environment Act 1987	s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	CSP, N/A, CSPMP, CEO, GMCE,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					MPSF, PLO	
286010	A*	Planning and Environment Act 1987	s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286011	A*	Planning and Environment Act 1987	s 93(2)	Duty to give notice of VCAT order to stop development	CSP, N/A, CSPMP, CEO, CLLCS, GMCE, MPSF, CO, PLO	
286012	A*	Planning and Environment Act 1987	s 95(3)	Function of referring certain applications to the Minister	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
286013	A*	Planning and Environment Act 1987	s 95(4)	Duty to comply with an order or direction	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286014	A*	Planning and Environment Act 1987	s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
286015	A*	Planning and Environment Act 1987	s 96(2)	Function of giving consent to other persons to apply to the Minister for a	CSP, N/A, CSPMP,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				permit to use and develop Council land	CEO, GMCE, MPSF	
286016	A*	Planning and Environment Act 1987	s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286017	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCE, MPSF	
286018	A*	Planning and Environment Act 1987	s 96F	Duty to consider the panel's report under s 96E	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
286019	A*	Planning and Environment Act 1987	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	<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

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
						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).
286020	A*	Planning and Environment Act 1987	s 96H(3)	Power to give notice in compliance with Minister's direction	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
286021	A*	Planning and Environment Act 1987	s 96J	Duty to issue permit as directed by the Minister	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
286022	A*	Planning and Environment Act 1987	s 96K	Duty to comply with direction of the Minister to give notice of refusal	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286273	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCE, MPSF, PLO	

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286023	A*	Planning and Environment Act 1987	s 97C	Power to request Minister to decide the application	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
286024	A*	Planning and Environment Act 1987	s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286025	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286026	A*	Planning and Environment Act 1987	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	
286027	A*	Planning and Environment Act 1987	s 97L	Duty to include Ministerial decisions in a register kept under s 49	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	
286028	A*	Planning and Environment Act 1987	s 97MH	Duty to provide information or assistance to the Planning Application Committee	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286029	A*	Planning and Environment Act 1987	s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	CSP, N/A, CSPMP, GMCE, MPSF	
286030	A*	Planning and Environment Act 1987	s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286031	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286032	A*	Planning and Environment Act 1987	s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286033	A*	Planning and Environment Act 1987	s 97Q(4)	Duty to comply with directions of VCAT	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286034	A*	Planning and Environment Act 1987	s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PA, PLO	
286035	A*	Planning and Environment Act 1987	s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	N/A, CEO, GMCE,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					MPSF	
286036	A*	Planning and Environment Act 1987	s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	N/A, CEO, GMCE, MPSF	
286037	A*	Planning and Environment Act 1987	s 101	Function of receiving claim for expenses in conjunction with claim	N/A, CEO, GMCE, MPSF	
286038	A*	Planning and Environment Act 1987	s 103	Power to reject a claim for compensation in certain circumstances	N/A, CEO, GMCE, MPSF	
286039	A*	Planning and Environment Act 1987	s.107(1)	Function of receiving claim for compensation	CEO, GMCE, MPSF	
286040	A*	Planning and Environment Act 1987	s 107(3)	Power to agree to extend time for making claim	N/A, CEO, GMCE, MPSF	
594862	A*	Planning and Environment Act 1987	s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	GMCE, MPSF	
286041	A*	Planning and Environment Act 1987	s 114(1)	Power to apply to the VCAT for an enforcement order	MHE, CSPMP, CEO, CLLCS, GMCE, MPSF, CO	
286042	A*	Planning and	s 117(1)(a)	Function of making a submission to	MHE, CSP,	

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		Environment Act 1987		the VCAT where objections are received	N/A, CSPMP, CEO, CLLCS, GMCE, MPSF, CO, PLO	
286043	A*	Planning and Environment Act 1987	s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	MHE, CSPMP, CEO, CLLCS, GMCE, MPSF, CO	
286044	A*	Planning and Environment Act 1987	s 123(1)	Power to carry out work required by enforcement order and recover costs	MHE, CSPMP, CEO, CLLCS, GMCE, MPSF, CO	
286045	A*	Planning and Environment Act 1987	s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	MHE, N/A, CEO, CLLCS, GMCE, MPSF	Except Crown Land
703107	A*	Planning and Environment Act 1987	s 125(1)	Power to apply to any court of competent jurisdiction or to the tribunal for an injunction restraining any person from contravening an enforcement order or an interim enforcement order.	MHE, CEO	Section 123 of the Victorian Civil and Administrative Tribunal Act 1998 applies on an application to the Tribunal.

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286046	A*	Planning and Environment Act 1987	s 129	Function of recovering penalties	MFS, MHE, N/A, CEO, CLLCS, GMCE, MPSF, CO	
286047	A*	Planning and Environment Act 1987	s 130(5)	Power to allow person served with an infringement notice further time	MHE, N/A, CSPMP, CEO, CLLCS, GMCE, MPSF, CO	
286048	A*	Planning and Environment Act 1987	s 149A(1)	Power to refer a matter to the VCAT for determination	MHE, CSP, N/A, CSPMP, CEO, CLLCS, GMCE, MPSF, CO	
286049	A*	Planning and Environment Act 1987	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	
703108	A*	Planning and Environment Act 1987	s 149B	Power to apply to the Tribunal for a declaration.	CEO, MPSF	
286050	A*	Planning and Environment Act 1987	s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or	MHE, CSP, N/A, CSPMP, CEO, GMCE,	Where Council is the relevant planning authority

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				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)	MPSF	
286051	A*	Planning and Environment Act 1987	s 171(2)(f)	Power to carry out studies and commission reports	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
286401	A*	Planning and Environment Act 1987	s 171(2)(g)	Power to grant and reserve easements	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
286397	A*	Planning and Environment Act 1987	s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	N/A, CEO, GMCS, GMCE	Where Council is a development agency specified in an approved infrastructure contributions plan
286398	A*	Planning and Environment Act 1987	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)	N/A, CEO, GMCS, GMCE	Where Council is a collecting agency specified in an approved infrastructure contributions plan
286399	A*	Planning and Environment Act 1987	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	N/A, CEO, GMCS, GMCE	Where Council is the development agency specified in an approved infrastructure contributions plan

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				plan, before the time that the land is required to be provided under s 46GV(4)		
286052	A*	Planning and Environment Act 1987	s 173(1)	Power to enter into agreement covering matters set out in s 174	CSP, N/A, CSPMP, CEO, GMCE, GMIO, MPSF	
286348	A*	Planning and Environment Act 1987	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	N/A, CEO, GMCS, GMCE, GMIO, MPSF	Where Council is the relevant responsible authority
286053	A*	Planning and Environment Act 1987		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, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286054	A*	Planning and Environment Act 1987		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 be done without the consent of Council or Responsible Authority	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
286055	A*	Planning and Environment Act 1987	s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by	CSP, N/A, CSPMP,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, GMCE, MPSF	
286056	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCE, MPSF	
286057	A*	Planning and Environment Act 1987	s 178A(1)	Function of receiving application to amend or end an agreement	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286058	A*	Planning and Environment Act 1987	s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286059	A*	Planning and Environment Act 1987	s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286060	A*	Planning and Environment Act 1987	s 178A(5)	Power to propose to amend or end an agreement	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286061	A*	Planning and Environment Act 1987	s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	CSP, N/A, CSPMP, CEO, GMCE,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					MPSF, PLO	
286062	A*	Planning and Environment Act 1987	s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286063	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286064	A*	Planning and Environment Act 1987	s 178C(4)	Function of determining how to give notice under s 178C(2)	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286065	A*	Planning and Environment Act 1987	s 178E(1)	Duty not to make decision until after 14 days after notice has been given	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286066	A*	Planning and Environment Act 1987	s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	If no objections are made under s 178D Must consider matters in s 178B
286067	A*	Planning and Environment Act 1987	s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	If no objections are made under s 178D Must consider matters in s 178B
286068	A*	Planning and	s 178E(2)(c)	Power to refuse to amend or end the	CSP, N/A,	If no objections are made under s

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Environment Act 1987		agreement	CSPMP, CEO, GMCE, MPSF, PLO	178D Must consider matters in s 178B
286069	A*	Planning and Environment Act 1987	s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	After considering objections, submissions and matters in s 178B
286070	A*	Planning and Environment Act 1987	s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	After considering objections, submissions and matters in s 178B
286071	A*	Planning and Environment Act 1987	s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	After considering objections, submissions and matters in s.178B
286072	A*	Planning and Environment Act 1987	s 178E(3)(d)	Power to refuse to amend or end the agreement	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	After considering objections, submissions and matters in s 178B
286073	A*	Planning and Environment Act 1987	s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286074	A*	Planning and Environment Act 1987	s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286075	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286076	A*	Planning and Environment Act 1987	s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286077	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286078	A*	Planning and Environment Act 1987	s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286079	A*	Planning and Environment Act 1987	s 179(2)	Duty to make copy of each agreement available in accordance with the public availability requirements	CSP, CSPMP, CEO, GMCE, MPSF, PLO	
286080	A*	Planning and Environment Act 1987	s 181	Duty to apply to the Registrar of Titles to record the agreement	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286081	A*	Planning and Environment Act 1987	s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286082	A*	Planning and Environment Act 1987	s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286083	A*	Planning and Environment Act 1987	s 182	Power to enforce an agreement	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286084	A*	Planning and Environment Act 1987	s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286085	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286086	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286087	A*	Planning and Environment Act 1987	s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to	CSP, N/A, CSPMP,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	CEO, GMCE, MPSF, PLO	
286088	A*	Planning and Environment Act 1987	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, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286089	A*	Planning and Environment Act 1987	s 184G(2)	Duty to comply with a direction of the Tribunal	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286090	A*	Planning and Environment Act 1987	s 184G(3)	Duty to give notice as directed by the Tribunal	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
628646	A*	Planning and Environment Act 1987	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, SP7	
286091	A*	Planning and Environment Act 1987	s 198(1)	Function to receive application for planning certificate	N/A	Certificates not issued by Council

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286092	A*	Planning and Environment Act 1987	s 199(1)	Duty to give planning certificate to applicant	N/A	Certificates not issued by Council
286093	A*	Planning and Environment Act 1987	s 201(1)	Function of receiving application for declaration of underlying zoning	CPBA, CSP, N/A, CSPMP, CEO, GMCE, MPSF, CSO, PA, PLO	
286094	A*	Planning and Environment Act 1987	s 201(3)	Duty to make declaration	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286095	A*	Planning and Environment Act 1987		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, N/A, CSPMP, CEO, CLLCS, GMCE, MPSF, CO, PLO	
286096	A*	Planning and Environment Act 1987		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, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286097	A*	Planning and Environment Act 1987		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, N/A, CSPMP, CEO, GMCE, MPSF, PLO	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286098	A*	Planning and Environment Act 1987		Power to give written authorisation in accordance with a provision of a planning scheme	CSP, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286099	A*	Planning and Environment Act 1987	s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
286100	A*	Planning and Environment Act 1987	s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
286126	A*	Residential Tenancies Act 1997	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, N/A, CEH, MPSF	
286127	A*	Residential Tenancies Act 1997	s 522(1)	Power to give a compliance notice to a person	MFS, MHE, N/A, CLLCS, CRS, MPSF, CO	
286128	A*	Residential Tenancies Act 1997	s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	N/A, MPSF, All GMs	
286129	A*	Residential Tenancies Act 1997	s 525(4)	Duty to issue identity card to authorised officers	N/A, MPSF, All GMs	
286130	A*	Residential Tenancies	s 526(5)	Duty to keep record of entry by	MFS, MHE,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Act 1997		authorised officer under s 526	N/A, CLLCS, CRS, MPSF	
286131	A*	Residential Tenancies Act 1997	s 526A(3)	Function of receiving report of inspection	MFS, MHE, N/A, CLLCS, CRS, MPSF	
286132	A*	Residential Tenancies Act 1997	s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	MHE, N/A, CLLCS, MPSF, CO	
286133	A*	Road Management Act 2004	s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	MHE, N/A, CLLCS, GMIO, MAES	Obtain consent in circumstances specified in s 11(2)
286134	A*	Road Management Act 2004	s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	MHE, N/A, CLLCS, GMCS, CRS, GMIO, MAES	
286135	A*	Road Management Act 2004	s 11(9)(b)	Duty to advise Registrar	MHE, N/A, CLLCS, GMCS, CRS, GMIO, MAES	
286136	A*	Road Management Act 2004	s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc	MHE, N/A, CLLCS, CRS, GMIO, MAES	Subject to s 11(10A)
286137	A*	Road Management Act 2004	s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated	MHE, MSO, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				person		
286143	A*	Road Management Act 2004	s 12(10)	Duty to notify of decision made	MHE, N/A, 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
286144	A*	Road Management Act 2004	s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	MHE, N/A, CLLCS, GMIO, MAES	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
286145	A*	Road Management Act 2004	s 14(4)	Function of receiving notice from the Head, Transport for Victoria	MHE, N/A, CLLCS, GMIO, MAES	
286146	A*	Road Management Act 2004	s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	MHE, N/A, CLLCS, GMIO, MAES	
286147	A*	Road Management Act 2004	s 15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	MHE, N/A, CLLCS, GMIO, MAES	
286148	A*	Road Management Act 2004	s 15(1A)	Power to enter into arrangement with a utility to transfer a road management	MHE, N/A, CLLCS,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				function of the utility to the road authority	GMIO, MAES	
286149	A*	Road Management Act 2004	s 15(2)	Duty to include details of arrangement in public roads register	MHE, N/A, CLLCS, GMIO, MAES	
286150	A*	Road Management Act 2004	s 16(7)	Power to enter into an arrangement under s 15	MHE, N/A, CLLCS, GMIO, MAES	
286151	A*	Road Management Act 2004	s 16(8)	Duty to enter details of determination in public roads register	MHE, N/A, CLLCS, GMIO, MAES	
286152	A*	Road Management Act 2004	s 17(2)	Duty to register public road in public roads register	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
286153	A*	Road Management Act 2004	s 17(3)	Power to decide that a road is reasonably required for general public use	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
286154	A*	Road Management Act 2004	s 17(3)	Duty to register a road reasonably required for general public use in public roads register	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
286155	A*	Road Management Act 2004	s 17(4)	Power to decide that a road is no longer reasonably required for general public use	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
286156	A*	Road Management Act 2004	s 17(4)	Duty to remove road no longer reasonably required for general public	MHE, N/A, CLLCS,	Where Council is the coordinating road authority

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				use from public roads register	GMIO, MAES	
286157	A*	Road Management Act 2004	s 18(1)	Power to designate ancillary area	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
286158	A*	Road Management Act 2004	s 18(3)	Duty to record designation in public roads register	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
286159	A*	Road Management Act 2004	s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	MHE, N/A, CLLCS, GMIO, MAES	
286160	A*	Road Management Act 2004	s 19(4)	Duty to specify details of discontinuance in public roads register	MHE, N/A, CLLCS, GMIO, MAES	
286161	A*	Road Management Act 2004	s 19(5)	Duty to ensure public roads register is available for public inspection	MHE, N/A, CLLCS, GMIO, MAES	
286162	A*	Road Management Act 2004	s 21	Function of replying to request for information or advice	MHE, N/A, CLLCS, GMIO, MAES	Obtain consent in circumstances specified in s 11(2)
286163	A*	Road Management Act 2004	s 22(2)	Function of commenting on proposed direction	MHE, N/A, CLLCS, GMIO, MAES	
286164	A*	Road Management Act 2004	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, N/A, CLLCS, GMIO, MAES	

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286165	A*	Road Management Act 2004	s 22(5)	Duty to give effect to a direction under s 22	MHE, N/A, CLLCS, GMIO, MAES	
286166	A*	Road Management Act 2004	s 40(1)	Duty to inspect, maintain and repair a public road.	MHE, MSO, N/A, CLLCS, GMIO, MAES	
286167	A*	Road Management Act 2004	s 40(5)	Power to inspect, maintain and repair a road which is not a public road	MHE, N/A, CLLCS, GMIO, MAES	
286168	A*	Road Management Act 2004	s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	MHE, MSO, N/A, CLLCS, GMIO, MAES	
286169	A*	Road Management Act 2004	s 42(1)	Power to declare a public road as a controlled access road	MHE, N/A, CLLCS, GMIO, MAES	Power of coordinating road authority and sch 2 also applies
286170	A*	Road Management Act 2004	s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	MHE, N/A, CLLCS, GMIO, MAES	Power of coordinating road authority and sch 2 also applies
286171	A*	Road Management Act 2004	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
286172	A*	Road Management Act 2004	s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight	MHE, N/A, CLLCS,	Where Council is the coordinating road authority

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				road	GMIO, MAES	If road is a municipal road or part thereof and where road is to be specified a freight road
286173	A*	Road Management Act 2004	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, N/A, CLLCS, GMIO, MAES	Where Council is the responsible road authority, infrastructure manager or works manager
286174	A*	Road Management Act 2004	s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	N/A, GMIO, MAES	
286175	A*	Road Management Act 2004	s 49	Power to develop and publish a road management plan	MHE, N/A, CLLCS, GMIO, MAES	
286176	A*	Road Management Act 2004	s 51	Power to determine standards by incorporating the standards in a road management plan	MHE, N/A, CLLCS, GMIO, MAES	
286177	A*	Road Management Act 2004	s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	MHE, N/A, CLLCS, GMIO, MAES	
286178	A*	Road Management Act 2004	s 54(2)	Duty to give notice of proposal to make a road management plan	MHE, N/A, CLLCS, GMIO, MAES	
286179	A*	Road Management Act	s 54(5)	Duty to conduct a review of road	MHE, N/A,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		2004		management plan at prescribed intervals	CLLCS, GMIO, MAES	
286180	A*	Road Management Act 2004	s 54(6)	Power to amend road management plan	MHE, N/A, CLLCS, GMIO, MAES	
286181	A*	Road Management Act 2004	s 54(7)	Duty to incorporate the amendments into the road management plan	MHE, N/A, CLLCS, GMIO, MAES	
286182	A*	Road Management Act 2004	s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	MHE, N/A, CLLCS, GMIO, MAES	
286183	A*	Road Management Act 2004	s 63(1)	Power to consent to conduct of works on road	MHE, MSO, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
286184	A*	Road Management Act 2004	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, N/A, CLLCS, GMIO, MAES	Where Council is the infrastructure manager
286185	A*	Road Management Act 2004	s 64(1)	Duty to comply with cl 13 of sch 7	MHE, MSO, N/A, CLLCS, GMIO, MAES	Where Council is the infrastructure manager or works manager
286186	A*	Road Management Act 2004	s 66(1)	Power to consent to structure etc	MHE, N/A, CLLCS, GMIO,	Where Council is the coordinating road authority

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					MAES, CO	
286187	A*	Road Management Act 2004	s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	MHE, N/A, CLLCS, GMIO, MAES, CO	Where Council is the coordinating road authority
286188	A*	Road Management Act 2004	s 67(3)	Power to request information	MHE, N/A, CLLCS, GMIO, MAES, CO	Where Council is the coordinating road authority
286189	A*	Road Management Act 2004	s 68(2)	Power to request information	MHE, N/A, CLLCS, GMIO, MAES, CO	Where Council is the coordinating road authority
286190	A*	Road Management Act 2004	s 71(3)	Power to appoint an authorised officer	MHE, N/A, CLLCS, GMCS, GMCE, GMIO, MAES	
286191	A*	Road Management Act 2004	s 72	Duty to issue an identity card to each authorised officer	MHE, MPC, N/A, CLLCS, GMCS, GMIO, MAES	
286192	A*	Road Management Act 2004	s 85	Function of receiving report from authorised officer	MHE, MSO, N/A, CLLCS, GMIO, MAES	
286193	A*	Road Management Act	s 86	Duty to keep register re s 85 matters	MHE, N/A,	

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		2004			CLLCS, GMIO, MAES	
286194	A*	Road Management Act 2004	s 87(1)	Function of receiving complaints	MHE, MSO, N/A, CLLCS, GMIO, MAES	
286195	A*	Road Management Act 2004	s 87(2)	Duty to investigate complaint and provide report	MHE, N/A, CLLCS, GMIO, MAES	
594863	A*	Road Management Act 2004	s 96	Power to authorise a person for the purpose of instituting legal proceedings	MHE, CEO, CLLCS, GMIO, MAES	
286196	A*	Road Management Act 2004	s 112(2)	Power to recover damages in court	MHE, MSO, N/A, CLLCS, GMIO, MAES	
286197	A*	Road Management Act 2004	s 116	Power to cause or carry out inspection	MHE, MSO, N/A, CLLCS, GMIO, MAES	
286198	A*	Road Management Act 2004	s 119(2)	Function of consulting with the Head, Transport for Victoria	MHE, MSO, N/A, CLLCS, GMIO, MAES	
286199	A*	Road Management Act 2004	s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	MHE, MSO, N/A, CLLCS, GMIO, MAES	
286200	A*	Road Management Act	s 120(2)	Duty to seek consent of the Head,	MHE, N/A,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		2004		Transport for Victoria to exercise road management functions before exercising power in s 120(1)	CLLCS, GMIO, MAES	
286201	A*	Road Management Act 2004	s 121(1)	Power to enter into an agreement in respect of works	MHE, N/A, CLLCS, GMIO, MAES	
286202	A*	Road Management Act 2004	s 122(1)	Power to charge and recover fees	MHE, N/A, CLLCS, GMIO, MAES	
286203	A*	Road Management Act 2004	s 123(1)	Power to charge for any service	MHE, N/A, CLLCS, GMIO, MAES	
286204	A*	Road Management Act 2004	sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	MHE, N/A, CLLCS, GMIO, MAES	
286205	A*	Road Management Act 2004	sch 2 cl 3(1)	Duty to make policy about controlled access roads	MHE, N/A, CLLCS, GMIO, MAES	
286206	A*	Road Management Act 2004	sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	MHE, N/A, CLLCS, GMIO, MAES	
286207	A*	Road Management Act 2004	sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	MHE, N/A, CLLCS, GMIO, MAES	

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286208	A*	Road Management Act 2004	sch 2 cl 5	Duty to publish notice of declaration	MHE, N/A, CLLCS, GMIO, MAES	
286209	A*	Road Management Act 2004	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, N/A, CLLCS, GMIO, MAES	Where Council is the infrastructure manager or works manager
286210	A*	Road Management Act 2004	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, N/A, CLLCS, GMIO, MAES	Where Council is the infrastructure manager or works manager
286211	A*	Road Management Act 2004	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, N/A, CLLCS, GMIO, MAES	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
286212	A*	Road Management Act 2004	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	MHE, MSO, N/A, CLLCS, GMIO, MAES	Where Council is the infrastructure manager or works manager

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				location shown on records, appear to be in an unsafe condition or appear to need maintenance		
286213	A*	Road Management Act 2004	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, N/A, CLLCS, GMIO, MAES	Where Council is the infrastructure manager or works manager
286214	A*	Road Management Act 2004	sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
286215	A*	Road Management Act 2004	sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
286216	A*	Road Management Act 2004	sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
286217	A*	Road Management Act 2004	sch 7 cl 12(5)	Power to recover costs	MFS, MHE, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
286218	A*	Road Management Act 2004	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, N/A, CLLCS, GMIO, MAES	Where Council is the works manager
286219	A*	Road Management Act 2004	sch 7 cl 13(2)	Power to vary notice period	MHE, MSO, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286220	A*	Road Management Act 2004	sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the infrastructure manager
286221	A*	Road Management Act 2004	sch 7 cl 16(1)	Power to consent to proposed works	MHE, MSO, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
286222	A*	Road Management Act 2004	sch 7 cl 16(4)	Duty to consult	MHE, MSO, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority, responsible authority or infrastructure manager
286223	A*	Road Management Act 2004	sch 7 cl 16(5)	Power to consent to proposed works	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
286224	A*	Road Management Act 2004	sch 7 cl 16(6)	Power to set reasonable conditions on consent	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
286225	A*	Road Management Act 2004	sch 7 cl 16(8)	Power to include consents and conditions	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
286226	A*	Road Management Act 2004	sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
286227	A*	Road Management Act 2004	sch 7 cl 18(1)	Power to enter into an agreement	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
286228	A*	Road Management Act	sch 7 cl 19(1)	Power to give notice requiring	MHE, N/A,	Where Council is the coordinating road

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		2004		rectification of works	CLLCS, GMIO, MAES	authority
286229	A*	Road Management Act 2004	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, N/A, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
286230	A*	Road Management Act 2004	sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	MHE, N/A, CLLCS, GMIO, MAES, CO	Where Council is the coordinating road authority
286231	A*	Road Management Act 2004	sch 7A cl 2	Power to cause street lights to be installed on roads	MHE, N/A, CLLCS, GMIO, MAES	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
286232	A*	Road Management Act 2004	sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	MHE, N/A, CLLCS, GMIO, MAES	Where Council is the responsible road authority
286233	A*	Road Management Act 2004	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, N/A, CLLCS, GMIO, MAES	Where Council is the responsible road authority
286234	A*	Road Management Act 2004	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, N/A, 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)

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286302	A*	Cemeteries and Crematoria Regulations 2015	r 24	Duty to ensure that cemetery complies with depth of burial requirements	N/A	
286303	A*	Cemeteries and Crematoria Regulations 2015	r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	N/A	
286304	A*	Cemeteries and Crematoria Regulations 2015	r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	N/A	
286339	A*	Cemeteries and Crematoria Regulations 2015	r 28(1)	Power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator	N/A	
286305	A*	Cemeteries and Crematoria Regulations 2015	r 28(2)	Duty to ensure any fittings removed of are disposed in an appropriate manner	N/A	
286306	A*	Cemeteries and Crematoria Regulations 2015	r 29	Power to dispose of any metal substance or non-human substance recovered from a cremator	N/A	
286307	A*	Cemeteries and Crematoria Regulations 2015	r 30(2)	Power to release cremated human remains to certain persons	N/A	Subject to any order of a court
286308	A*	Cemeteries and Crematoria Regulations 2015	r 31(1)	Duty to make cremated human remains available for collection within 2 working days after the cremation	N/A	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286309	A*	Cemeteries and Crematoria Regulations 2015	r 31(2)	Duty to hold cremated human remains for at least 12 months from the date of cremation	N/A	
286310	A*	Cemeteries and Crematoria Regulations 2015	r 31(3)	Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	N/A	
286311	A*	Cemeteries and Crematoria Regulations 2015	r 31(4)	Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	N/A	
286312	A*	Cemeteries and Crematoria Regulations 2015	r 32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	N/A	
286313	A*	Cemeteries and Crematoria Regulations 2015	r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	N/A	
286314	A*	Cemeteries and Crematoria Regulations 2015	r 33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	N/A	
286315	A*	Cemeteries and Crematoria Regulations 2015	r 34	Duty to ensure that a crypt space in a mausolea is sealed in accordance with paragraphs (a)-(b)	N/A	
286316	A*	Cemeteries and Crematoria Regulations	r 36	Duty to provide statement that alternative vendors or supplier of	N/A	

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		2015		monuments exist		
286317	A*	Cemeteries and Crematoria Regulations 2015	r 40	Power to approve a person to play sport within a public cemetery	N/A	
286318	A*	Cemeteries and Crematoria Regulations 2015	r 41(1)	Power to approve fishing and bathing within a public cemetery	N/A	
286319	A*	Cemeteries and Crematoria Regulations 2015	r 42(1)	Power to approve hunting within a public cemetery	N/A	
286320	A*	Cemeteries and Crematoria Regulations 2015	r 43	Power to approve camping within a public cemetery	N/A	
286321	A*	Cemeteries and Crematoria Regulations 2015	r 45(1)	Power to approve the removal of plants within a public cemetery	N/A	
286322	A*	Cemeteries and Crematoria Regulations 2015	r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	N/A	
286323	A*	Cemeteries and Crematoria Regulations 2015	r 47(3)	Power to approve the use of fire in a public cemetery	N/A	
286324	A*	Cemeteries and Crematoria Regulations	r 48(2)	Power to approve a person to drive, ride or use a vehicle on any surface	N/A	

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		2015		other than a road, track or parking area		
286325	A*	Cemeteries and Crematoria Regulations 2015		Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules	N/A	
286326	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 4	Power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of sch 2	N/A	See note above regarding model rules
286327	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 5(1)	Duty to display the hours during which pedestrian access is available to the cemetery	N/A	See note above regarding model rules
286328	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 5(2)	Duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	N/A	See note above regarding model rules
286329	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 6(1)	Power to give directions regarding the manner in which a funeral is to be conducted	N/A	See note above regarding model rules
286330	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	N/A	See note above regarding model rules
286331	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 8	Power to approve certain mementos on a memorial	N/A	See note above regarding model rules

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286332	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	N/A	See note above regarding model rules
286333	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 11(2)	Duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	N/A	See note above regarding model rules
286334	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 12	Power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	N/A	See note above regarding model rules
286335	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	N/A	See note above regarding model rules
286336	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 16(1)	Power to approve construction and building within a cemetery	N/A	See note above regarding model rules
286337	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	N/A	See note above regarding model rules
286338	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	N/A	See note above regarding model rules
286235	A*	Planning and Environment Regulations 2015	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, N/A, 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

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
						planning scheme to designate Council as an acquiring authority.
286236	A*	Planning and Environment Regulations 2015	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, N/A, CSPMP, CEO, GMCE, MPSF, PLO	
286284	A*	Planning and Environment Regulations 2015	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, CSO, PA, PLO	Where Council is the responsible authority
286285	A*	Planning and Environment Regulations 2015	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
286237	A*	Planning and Environment Regulations 2015	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, N/A, 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.

Colac Otway Shire

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286274	A*	Planning and Environment (Fees) Regulations 2016	r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
286345	A*	Planning and Environment (Fees) Regulations 2016	r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CSP, N/A, CSPMP, CEO, GMCE, MPSF	
286275	A*	Planning and Environment (Fees) Regulations 2016	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, N/A, CSPMP, CEO, GMCE, MPSF	
286263	A*	Road Management (General) Regulations 2016	r 8(1)	Duty to conduct reviews of road management plan	N/A, GMIO	
286264	A*	Road Management (General) Regulations 2016	r 9(2)	Duty to produce written report of review of road management plan and make report available	N/A, GMIO	
286342	A*	Road Management (General) Regulations 2016	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)	N/A, GMIO	Where Council is the coordinating road authority
286265	A*	Road Management (General) Regulations 2016	r.10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance	N/A, GMIO	

Colac Otway Shire

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				or repair under s 41 of the Act		
286343	A*	Road Management (General) Regulations 2016	r 13(1)	Duty to publish notice of amendments to road management plan	N/A, GMIO	where Council is the coordinating road authority
286266	A*	Road Management (General) Regulations 2016	r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	N/A, GMIO	
286267	A*	Road Management (General) Regulations 2016	r 16(3)	Power to issue permit	N/A, GMIO	Where Council is the coordinating road authority
286268	A*	Road Management (General) Regulations 2016	r 18(1)	Power to give written consent re damage to road	N/A, GMIO	Where Council is the coordinating road authority
286269	A*	Road Management (General) Regulations 2016	r 23(2)	Power to make submission to Tribunal	N/A, GMIO	Where Council is the coordinating road authority
286344	A*	Road Management (General) Regulations 2016	r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	N/A, GMIO	Where Council is the coordinating road authority
286270	A*	Road Management (General) Regulations 2016	r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	N/A, GMIO	Where Council is the responsible road authority
286271	A*	Road Management (General) Regulations	r 25(2)	Power to sell or dispose of things removed from road or part of road	N/A, GMIO	Where Council is the responsible road authority

Colac Otway Shire

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		2016		(after first complying with regulation 25(3))		
286272	A*	Road Management (General) Regulations 2016	r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	N/A, GMIO	
286340	A*	Road Management (Works and Infrastructure) Regulations 2015	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	N/A, GMIO	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
286341	A*	Road Management (Works and Infrastructure) Regulations 2015	r 22(2)	Power to waive whole or part of fee in certain circumstances	N/A, GMIO	Where Council is the coordinating road authority

Item: 8.5

Forrest Wastewater Project

OFFICER	Raam Gowriswaran
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	Nil

1. PURPOSE

To award Contract 2427 Forrest Caravan Park Wastewater Treatment Upgrade works.

2. EXECUTIVE SUMMARY

The Forrest Caravan Park Wastewater Treatment Upgrade project seeks to replace the three existing wastewater systems on the site with one fully contained treatment plant. The plant would treat wastewater from the Forrest Public Toilets and Forrest Caravan Park.

Council released a tender for the project which closed on 31 July 2024, resulting in four submissions. The recommended tenderer has successfully carried out wastewater treatment works in the past and has demonstrated capability and availability to undertake the works within the available budget and timeline.

3. RECOMMENDATION

That Council:

- 1. Awards Contract 2427 Forrest Caravan Park Wastewater Treatment Upgrade works to Tenderer 4 (as per the confidential attachment to this report) for the lump sum price of \$607,584.00 (excluding GST).*
- 2. Authorises the Chief Executive Officer to execute the contract documents on behalf of Council.*
- 3. Authorises the Chief Executive Officer to perform all roles of the Principal.*

- 4. *Nominates the General Manager Infrastructure and Operations to the role of Superintendent for the contract, including managing variations in accordance with the contract conditions.***
- 5. *Notes that unsuccessful tenderers will be advised of the outcome of the tender process and the successful tenderer and contract price will be listed on Council's website.***

4. KEY INFORMATION

After an external review found the current wastewater treatment system for the Forrest Public Toilets and Forrest Caravan Park needed to be upgraded, Council engaged consultants DWC to design a fully contained onsite wastewater treatment plant to be located at the Forrest Caravan Park. DWC designed a system which will produce water at a secondary treatment level before being pressure dosed to Wisconsin Mounds to fit site constraints including available space and rainfall. As the system treats over 5,000 litres/day it requires EPA approval. The design was submitted to EPA who has approved the design.

The DWC design sites the Wisconsin Mound location on the strip of land between the Caravan Park and Station Street. This requires removal of all trees in the area including 3 mature non-native trees and 8-10 semi-mature trees. During the 2019 DWC design process, community engagement occurred regarding the effluent disposal field site and Council received a strong community preference for the Station Street location regardless of tree removal. To ensure this remains true in 2024, officers met on-site with representatives from the Forrest and District Community Group to seek guidance if further community consultation was needed. The group confirmed this site was still their preferred location. Officers presented an alternative location between the Forrest Common and the treed section of the leased area (south of the tennis courts), which was not supported by the group.

Council released a tender for the project which closed on 31 July 2024, resulting in four submissions. The recommended tenderer provided a good tender submission and through the interview process, further detailed their capability to undertake the works. The recommended tenderer has successfully carried out wastewater treatment works in the past and has demonstrated capability and availability to undertake the works within the available budget and timeline.

The start date will begin on the day of execution of the Contract and it is anticipated that the project will be completed by the end of the 2024 calendar year.

5. CONSIDERATIONS

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

This report aligns with governance principles by completing a public tender process that competitively tested the market to produce a suitable tenderer for the project, which is within the project budget.

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

The tender process has been conducted in accordance with the *Local Government Act 2020* and Council's Procurement Policy and procedures.

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

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

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

Community engagement occurred during the system design process regarding location and visual impact of the Wisconsin Mound location. Further consultation with the Forrest and District Community Group to confirm the location has occurred recently.

Local businesses and residents in the affected area will be informed of the upcoming works, timelines and traffic management requirements associated with the project.

Public Transparency (s58 LGA 2020)

This matter is transparent to the community through the decision being made in a meeting open to the public.

Alignment to Plans and Strategies

Alignment to Council Plan 2021-2025:

Theme 1 - Strong and Resilient Community

Objective 3: Key infrastructure investment supports our economy and liveability

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)

This project is identified within the 2024-25 budget and is fully funded via LRCI Round 4. The recommended tender is within the allocated project budget. Using the remaining budget, an arborist from Council's arborist panel will be appointed to conduct tree and stump removal works.

Service Performance (s106 Local Government Act 2020)

These works are required as an upgrade to the wastewater treatment system is necessary to maintain an acceptable level of service performance for the wastewater treatment system at Forrest Public Toilets and Forrest Caravan Park. Management of the works will be funded from the project budget allocation.

Risk Assessment

All works require EPA approval, which poses a risk to the implementation timeline. Officers have been working with the EPA throughout the design process and don't see any issues with gaining approval.

Communication/Implementation

A comprehensive communication plan will be delivered which includes updates for the Forrest community. The Forrest Caravan Park operator will be engaged as a key stakeholder.

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 to award Contract 2427 to Tenderer 4.

This option is recommended following a comprehensive tender evaluation process that considered a range of criteria. The submission from Tenderer 4 is within the available budget and has the capability and experience to undertake the necessary works.

Option 2 – Award Contract 2427 to an alternative tenderer.

This option is not recommended. Council has undertaken a comprehensive tender process and Tenderer 4 is ranked highest based on an assessment and evaluation of all the submissions.

Option 3 – Not award the contract.

This option is not recommended as the upgrade works are necessary for continued operation of Forrest Public Toilets and the Forrest Caravan Park. The project is funded by LRCI Fund Round 4 to undertake the project and the recommended tenderer is within the project budget allocation.

Item: 8.6

Colac Regional Saleyards - Advisory Committee Terms of Reference, Fee Amendment and Service Review Update

OFFICER	James Myatt
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	1. Attachment 1 - For Endorsement - Colac Regional Saleyards Advisory Committee - Terms of Reference [8.6.1 - 3 pages]

This item was deferred by Council at the 28 August 2024 Council Meeting to be considered at the Unscheduled Council Meeting 11 September 2024.

1. PURPOSE

The purpose of this report is to:

1. Seek endorsement of the revised Colac Regional Saleyards Advisory Committee Terms of Reference.
2. Recommend a change to the fees and charges for hay bales.
3. Provide an update on the Colac Regional Saleyards Service Review.

2. EXECUTIVE SUMMARY

The Colac Regional Saleyards (CRS) opened at its current location in 1979 and remains one of Southwest Victoria's premier livestock selling facilities. In the 2023-24 financial year, CRS has experienced increased throughput and is well-positioned to capture a share of the market that previously used the Camperdown Saleyards before its closure earlier in 2024.

Council receives expert advice on CRS operations from an Advisory Committee, whose Terms of Reference (ToR) were last updated in 2017. This report presents an updated ToR for endorsement. It also includes a proposal to increase charges for round bales, taking into account market changes and the Advisory Committee's advice.

Council has been undertaking a review of the Colac Regional Saleyards and is well progressed in its service review.

3. RECOMMENDATION

That Council:

- 1. Endorses the revised Colac Regional Saleyard Advisory Committee Terms of Reference (Attachment 1).***
- 2. Writes to member organisations seeking their acceptance of a position on the Colac Regional Saleyards Advisory Committee including their nominated representative.***
- 3. Seeks Expressions of Interest (EOI) for the buyers' representative position and the two farmers representative positions on the Colac Regional Saleyards Advisory Committee, with the EOI period to be a minimum of three weeks commencing as soon as possible after 26 October 2024.***
- 4. Determines to increase the Council fees and charges for round bales at Colac Regional Saleyards to \$150 a bale (including GST).***
- 5. Notes that the Colac Regional Saleyards Service Review is well progressed and will be presented to a future Council meeting for consideration.***

4. KEY INFORMATION

Colac Regional Saleyards Advisory Committee Terms of Reference

The Colac Regional Saleyards (CRS) Advisory Committee provides strategic input, advice, and advocacy on capital investment, fees and charges, and market growth opportunities associated with the CRS. The Committee's Terms of Reference were last updated in 2017 and are due for review. Officers have reviewed the Terms of Reference in accordance with the Council Committees Policy.

The key changes to the revised Terms of Reference (Attachment 1) include:

1. Clarification of the Committee's purpose.
2. Updates to Committee membership.
3. Clarification of delegated authority and decision-making.

If adopted, Council will release an Expression of Interest (EOI) seeking nominations for the buyer's representative and farmers representative positions.

Round Bale Fees and Charges

Council charges a fee for the provision of round hay bales at the CRS. These bales are used by sellers and buyers who keep livestock at the CRS for over 24 hours, either before or after a sale. Bales are only provided when paddocks have insufficient feed.

In 2024, CRS's bale reserve has been depleted due to a dry autumn and winter, leaving the paddocks without adequate feed. A 12-month supply, which Council produces in-house, has nearly been consumed in just four months. As a result, Council will soon need to purchase additional round bales.

Traditionally, the round bale fee has covered both the production or purchase cost of a bale and the cost of providing it. However, over the past year, round bale prices have increased significantly due to nationwide demand, far exceeding Council's current fee of \$80. It is now proposed to increase the round bale fee to \$150. This proposed fee change was presented to the CRS Advisory Committee, which unanimously supported the increase to align with current market prices

CRS Service Review

The CRS Service Review is being conducted to evaluate current operations and offer business options for the facility's future, enabling informed decisions about ongoing service provision for our community. This review involves a detailed business performance analysis and industry benchmarking to assess the current market landscape. It provides financial and asset forecasts for CRS, helping to present a well-rounded perspective on future service delivery options.

The review is well progressed however is not finalised for consideration by Council. The following tasks have been completed:

- Industry benchmarking
- Market trend analysis (National/State/Regional)
- Review of South West Victoria Saleyards
- Review of livestock distribution channels for South West Victoria primary producers
- CRS business analysis including:
 - Historical financial analysis
 - Throughput analysis
 - Infrastructure analysis
 - Fees and charges benchmarking
 - OH&S Review
 - Operational review
 - Governance review
- Establishment of 10-year capital investment program
- Business growth opportunity identification
- Financial modelling (10-year)
- Key stakeholder engagement
- Identification of future models

Whilst the options for the future of the saleyards have been developed, further work is required to fully examine the benefits, challenges and risks associated with each of the options.

The completed review will be presented to Council post the 2024 Council election to provide additional time for discussion with Councillors prior to being presented for consideration.

5. CONSIDERATIONS

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

The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

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

CRS is operated in accordance with the following standards:

- Australian Animal Welfare Standards and Guidelines – Land Transport of Livestock
- *Livestock Management Act 2010*
- National Saleyards Quality Assurance Program

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

CRS minimises its potable water use through capturing rainwater in tanks and dams for use in the truck wash and to clean the yards.

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

Council sought feedback on the fee change from CRS Advisory Committee. The Committee unanimously supported the proposed change.

Public Transparency (s58 LGA 2020)

Public transparency is insured through decision making in a public forum.

Alignment to Plans and Strategies

Alignment to Council Plan 2021-2025:

Theme 1 - Strong and Resilient Community

Objective 3: Key infrastructure investment supports our economy and liveability

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)

Changing the round bale fee ensures Council receives fair market rate for its existing bales and doesn't make a loss on the provision of future bales. The fee is set to be cost neutral for Council.

Service Performance (s106 Local Government Act 2020)

The CRS Service Review will be presented to a future Council meeting to consider the future service delivery.

Risk Assessment

Not applicable.

Communication/Implementation

A decision of Council will be distributed to key stakeholders of CRS.

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 officer recommendation.

This option is recommended by officers as it allows updated membership to the CRS Advisory Committee enabling the Committee to continue providing expert advice to Council. It also ensures Council doesn't make a loss on the provision of round bales.

Option 2 – Adopt officer recommendation with an amended fee.

This option is not recommended by officers as it doesn't allow Council to provide a fair market rate for provision of round bales. A lower fee would cause Council to make a loss on provision of bales and a higher fee would provide a profit to Council.

Option 3 – Do not endorse the Terms of Reference or adopt the new fees and charges.

This option is not recommended by officers as it doesn't allow for updated membership of the CRS Advisory Committee and the Committee would not be operating in accordance with Council's current Council Committees Policy. No change to the round bale fee would cause Council to make a financial loss on the sale of round bales.

TERMS OF REFERENCE

COLAC REGIONAL SALEYARDS ADVISORY COMMITTEE

1. PURPOSE

The Colac Regional Saleyards Advisory Committee (Committee) is a committee established by Council in accordance with its Council Committees Policy.

The purpose of the Committee is to:

- Provide strategic input, advice and advocacy on capital improvement, fees and charges and market growth opportunities associated with Colac Regional Saleyards.
- Provide advice on operational and business improvement matters relating to Colac Regional Saleyards.
- Provide expert advice on OH&S matters in relation to Colac Regional Saleyards.
- Participate with other stakeholders to promote Colac Regional Saleyards to primary producers, key stakeholders and the broader community with the objective of increasing livestock selling market share.

2. BACKGROUND

Colac Regional Saleyards (CRS) opened at its current location on Colac-Ballarat Road in 1979. CRS can manage 2,500 cattle/day for fat sales, up to 5,000 cattle/day for a store sale and 3,000 sheep per day. CRS does not operate near capacity and until the 2023-24 financial year experienced a decline in market share since the opening of Western Victoria Livestock Exchange

CRS's infrastructure is considered high quality amongst the industry and more recent additions include a roof over selling pens in 2014 and hydraulic crush in 2022.

3. OBJECTIVES

The objectives of the Colac Regional Saleyards Advisory Committee are:

- To advise Council on the growth and development of Colac Regional Saleyards as a major livestock selling center in South-West Victoria.

4. MEMBERSHIP, PERIOD OF MEMBERSHIP AND METHOD OF APPOINTMENT

Membership will reflect key stakeholder interest in Colac Regional Saleyards and include the following representation:

- 1 Colac Otway Shire Councillor
- 1 Charles Stewart & Co representative
- 1 Charles Stewart Dove representative
- 1 H.F. Richardson Livestock Pty Ltd representative
- 1 Nutrien Livestock representative
- 1 Victorian Farmers Federation representative
- 1 United Dairy Farmers representative
- 1 Livestock Transport Association of Victoria representative
- 1 Buyers representative

- 2 Farmer representatives
- Colac Otway Shire Manager Business Enterprise and Improvement
- Colac Otway Shire Saleyards Operations Coordinator

Appointment of Councillors must be by resolution of Council.

It is at the discretion of individual agencies whether to accept their position on the Committee. Agencies will nominate their own representatives and be required to inform Council of their representative by 1 February of each year.

Farmer and buyer representatives will be appointed by Council resolution for a period of four years following an Expression of Interest process.

Proxies or substitute members of the nominated agencies will be permitted to attend meetings on an as needed basis.

Council's Community and Economy Division will provide administrative support to the Committee.

5. DELEGATED AUTHORITY AND DECISION MAKING

In accordance with the Council Committees Policy, the Colac Regional Saleyards Advisory Committee will act in an advisory capacity only and have no delegated authority to make decisions. The Colac Regional Saleyards Committee will provide advice to Council to assist in their decision making in matters relating to Colac Regional Saleyards.

Whilst the Colac Regional Saleyards Advisory Committee has no formal authority in relation to other agencies, the nature of the arrangement will enable an opportunity to provide advice to other agencies on matters that relate to Colac Regional Saleyards.

6. MEETING PROCEDURES

The Colac Regional Saleyards Advisory Committee is expected to meet four times per year or as required if an important issue arises that requires a coordinated response.

Meetings are to be held at a time and place determined by the Colac Regional Saleyards Advisory Committee. Advisory Committees are not required to give public notice of their meetings and meetings are not required to be open to the public.

7. CHAIRPERSON

The position of Chairperson and Deputy Chairperson shall be elected by members of the Advisory Committee annually for a 12 month period. Should the Chairperson and the Deputy Chairperson not be present at a meeting, a Councillor shall be appointed as Chairperson for the purpose of conducting that meeting.

8. AGENDAS AND MINUTES

Agendas and Minutes will be prepared for each meeting of the Colac Regional Saleyards Advisory Committee. The agenda will be provided to members of the committee not less than 48 hours before the time fixed for the holding of the meeting.

The minutes of each meeting will be prepared by Council officers. Copies of the minutes will be provided to all members no later than 20 business days following each meeting. Minutes

including attendance, apologies, issues discussed, recommendations made and action items will all be recorded for each meeting.

Recommendations and/or advice to Council will be provided to Council through its normal meeting cycle at the next available opportunity.

9. VOTING

All members have voting rights. Staff provide support and advice to the Committee and have no voting rights.

In the event of an equality of votes the Chairperson has the casting vote.

10. CONDUCT AND INTEREST PROVISIONS

All Colac Regional Saleyards Advisory Committee members must:

- act honestly;
- exercise reasonable care and diligence;
- not make improper use of their position; and
- not make improper use of information acquired because of their position.

Where a member of the committee has an interest or conflict of interest in relation to a matter in which the committee is concerned, or is likely to be considered or discussed, the member must disclose the interest to the committee before the matter is considered or discussed at the meeting. Disclosure must include the nature of the relevant interest and be recorded in the minutes of the meeting.

11. GUESTS

The group may invite guests to appear at the meeting via the approval of the Chair. Guests may include any persons whom provide technical or other insight as appropriate from time to time. The group is encouraged to make use of guests where particular skills/experience can be provided.

12. QUORUM REQUIREMENTS

A minimum of six members is required for the meeting to be recognised as an authorised meeting for the recommendations to be valid.

13. COMMUNICATIONS PROTOCOL

All communications to the media regarding the Colac Regional Saleyards Advisory Committee will be through Council. Committee members may not express views on behalf of Committee. Committee members may communicate with the media with regards to issues specific to Colac Regional Saleyards as individuals and/or representing their respective organisations.

14. TERMS OF REFERENCE

The Terms of Reference and objectives of the Colac Regional Saleyards Advisory Committee are to be reviewed by the committee from time to time and by Council within twelve (12) months after a general election. Any proposed changes to the Terms of Reference resulting from a review must be presented to Council for formal approval.

Item: 8.7

Development Plan (DPO10) - Colac West

ADDRESS AND PROPERTY DETAILS	1-59, 61-65, 67-71, 73, 75, 87 and 89 Rifle Butts Road, 48 Stodart Street, and 439, 461-479 and 441-459 Murray Street		
PROPOSAL	Colac West Development Plan		
PERMIT TRIGGERS	Under Schedule 2 to the Development Plan Overlay (DPO2), a Development Plan must be approved before the land can be subdivided		
TRIGGER FOR DETERMINATION BY COMMITTEE	Approval of proposed Development Plan		
ZONE	General Residential Zone (GRZ1)	OVERLAYS	<p>Development Plan Overlay (DPO2) – Future Residential Areas</p> <p>Environmental Significance Overlay, Schedule 2 (ESO2) – Lakes, Wetlands and Watercourses</p> <p>Design and Development Overlay, Schedule 9 (DDO9) - 441-479 Murray Street (also covers 413-437 Murray Street, outside the DPO area)</p>
COVENANTS	N/A		
CULTURAL HERITAGE	<p>A significant portion of the land – to the north and in a central location – is in an area of cultural heritage sensitivity. A Cultural Heritage Management Plan (CHMP) will need to be approved in respect of the land before any planning permits are issued. However, there is no statutory requirement under section 52 of the <i>Aboriginal Heritage Act</i> 2006 for a CHMP to be approved prior to the approval of a Development Plan, having regard to the limited purview of the term ‘statutory authorisation’ as defined in section 50 of that Act. A draft CHMP has been prepared for the majority of the site.</p>		

OFFICER

Ian Williams

CEO

Anne Howard

DIVISION

Planning and Strategic Focus

ATTACHMENTS

1. Colac West Development Plan v.7 [8.7.1 - 1 page]
2. Colac Development Plan - Excluding Appendices [8.7.2 - 27 pages]

1. LOCATION PLAN / AERIAL PHOTO

LOCATION PLAN



AERIAL PHOTO



2. RECOMMENDATION

That Council approves the Colac West Development Plan as per Attachments 1 and 2.

3. PROPOSAL

This report considers a Development Plan for land in Colac West, located between Lake Colac and Murray Street, which has been prepared under Schedule 2 to the Development Plan Overlay in the Colac Otway Planning Scheme.

If approved, the Development Plan will contribute towards land supply and residential growth by unlocking land for approximately 450-600 new dwellings on a mix of lot sizes.

Why is a Development Plan Required?

Development Plan Overlay, Schedule 2 (DPO2), which relates to future residential areas, was applied to this land in 2009.

Under the provisions of the parent clause to the Development Plan Overlay, a permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the Responsible Authority, unless otherwise allowed by the relevant schedule. Whilst DPO2 allows subdivision prior to the preparation of a development plan provided that any permit does not compromise the orderly planning and development of the area, in this case it is considered that a development plan is required for the whole of the subject land given the site context, size and the fact that the land is in a number of ownerships. The preparation and approval of a development plan for the land would provide certainty and guidance for future coordinated subdivision and development of the land.

Any planning permit granted in the future would have to be generally in accordance with the approved Development Plan.

It should be noted that two planning permit applications have already been submitted to Council for the subdivision of part of the land - at 48 Stodart Street (PP244/2023-1) and 1-59 Rifle Butts Road (PP112/2024-1). Both applications - which were submitted by the proponents for the Development Plan - have had regard to the Development Plan that forms the subject of this report. However, they cannot be determined until a Development Plan has been approved for the land - and can only be permitted if consistent with that Plan. It is anticipated that further applications relating to the rest of the land will be submitted in the future, though the timing of any such applications will be determined by the developer.

Development Plan Process

Under the provisions of the planning scheme, if a development plan submitted for land has been prepared to the satisfaction of the responsible authority, any subsequent planning application generally in accordance with that development plan is exempt from specific public notice requirements and objector appeal rights. Any future permit granted must include any conditions or requirements specified in a schedule to the overlay.

Under DPO2, a development plan 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.*

The Development Plan Application

The submitted Development Plan has been prepared to guide future coordinated and integrated development outcomes. As noted, approximately 450-600 new dwellings would be accommodated within the Development Plan area, on a mix of lot sizes.

The road network proposed by the Development Plan is shown below.



Drainage infrastructure is proposed outside of the Development Plan area, on the west side of Rifle Butts Road and to the north of Stodart Street.

Given the proposed reliance on infrastructure outside of the DPO area on the west side of Rifle Butts Road (which ultimately would be vested in Council), a contingency plan that proposes drainage infrastructure internal to the subject site - in case the wetland basin could not be provided to the west - has been identified with the Stormwater Management Strategy.

4. SUBJECT LAND & SURROUNDINGS

The land to which the Development Plan Overlay applies stretches as far west as Rifle Butts Road, which is adjacent to land within the Farming Zone, and north as far as Lake Colac, which is land within the Public Conservation and Resource Zone (PCRZ).

To the east, the land covered by DPO2 extends as far as existing developed land in the General Residential Zone (GRZ1) in Stodart Street and Moore Street, and to the rear gardens of properties in Bilson Street. To the south, DPO2 extends to the former Colac Secondary School site (which is nominated for a special development school by the Department of Education and Training), and a proposed open space reserve - all this adjoining land is within the Public Use Zone (PUZ2). Further south, the DPO2 land extends to Murray Street which is in the Transport Zone 2 (TRZ2). The Development Plan area is outlined in red below, in the zoning plan and aerial image.

Zoning Plan



Aerial Image



The DPO2 area comprises a number of privately owned properties made up 15 individual titles over an area of 46.76ha. The land falls towards Lake Colac and to the west, away from the high point located within the Stodart Street Park in the south-east corner of the Development Plan area.

Land to the west is within the Farming Zone and forms part of the future Deans Creek Growth Area Precinct Structure Plan. Part of this land was previously used as a Rifle Range. Drainage infrastructure and a sewer pump station required for the catchments/Development Plan area are proposed to be located external to the subject site, on the opposite side of Rifle Butts Road (with an alternative option proposed on the Development Plan land in the event there are issues with that site) and north of Stodart Street.

Cultural Heritage

Part of the site is identified as being in an area of cultural heritage significance.

A Cultural Heritage Management Plan (CHMP) will need to be approved for the land prior to planning permission being granted for subdivision. There is no statutory requirement for a CHMP to be approved prior to the approval of a Development Plan under section 52 of the *Aboriginal Heritage Act* 2006. The applicant has provided a draft CHMP (dated 16 March 2023).

The issue of cultural heritage is discussed further later in this report.

5. PLANNING SCHEME PROVISIONS

Planning Policy Framework

It is considered that the proposal generally meets the relevant objectives, strategies and policies of the Planning Policy Framework, notably Clause 02.03 (Strategic Directions), 11.01-1S (Settlement), 11.01-1L (Settlement - Colac Otway), 11.01-1L (Colac Urban Growth), 11.02-3S (Sequencing of Development), 11.03-2S (Growth Areas), 12.01-1S (Protection of Biodiversity), 13.02-1L (Bushfire Planning), 13.04-1S (Contaminated and Potentially Contaminated Land), 14.02-1S (Catchment Planning and Management), 15.01-1L (Colac Built Environment), 15.01-3S (Subdivision Design), 15.01-5S (Neighbourhood Character), 16.01-1S (Housing Supply), 16.01-1L (Colac Housing Supply), 16.01-2S (Housing Affordability) and 18.02-4S (Roads).

The Development Plan is considered to align with the Planning Policy Framework, which seeks to facilitate future development of Colac by encouraging residential growth within Colac as a targeted growth node, providing a diversity in housing types consistent with Council's strategic direction for the Colac West area. The Development Plan would support co-ordinated serviced residential development within the existing residential boundary and would ultimately support the development of approximately 450-550 new dwellings, consistent with the designation as a growth node in the G21 region to meet community needs. Approval of the Colac West Development Plan would unlock additional housing supply within the existing Colac residential township boundary, close to jobs, transport and services, and would provide efficient and effective infrastructure to provide for the short to medium term residential expansion of Colac.

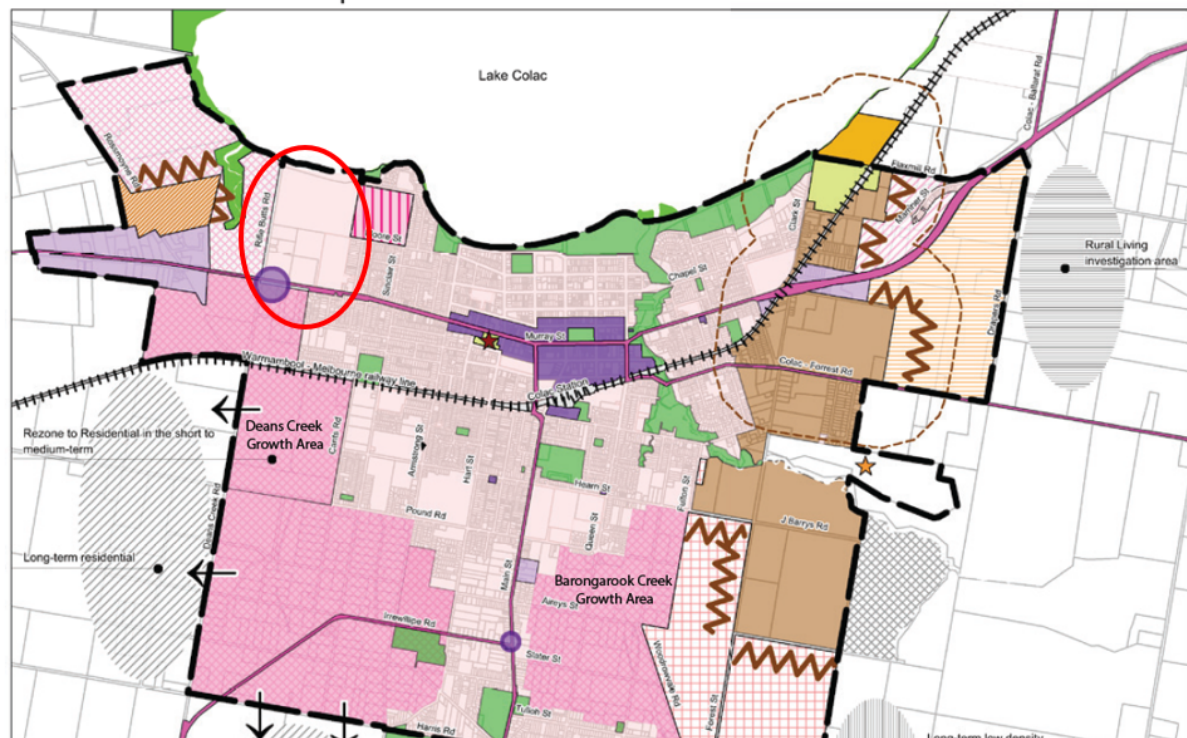
It is considered that the submitted Development Plan would result in permeable internal road networks, which would facilitate future logical subdivision layout proposals. These would culminate in attractive, safe, accessible, diverse and sustainable neighbourhoods, with a well-connected and permeable road network. Future planning applications for subdivision would directly address matters such as lot sizes, native vegetation removal, bushfire, catchment management, contaminated land, stormwater management and cultural heritage. In addition, planning applications would address the staging of the future subdivision of the land, including the timing of infrastructure provision.

Other relevant provisions

Colac 2050 Growth Plan (2019)

A key purpose of the Colac 2050 Growth Plan is to plan to meet a population target, and not just consider historical rates of residential development. An extract of the Colac Framework Plan is provided below. The subject site is identified by the red circle, being an existing urban area. State policy requires that a municipality designate at least 15 years of lot supply in areas identified for urban growth, consisting of land suitable for general residential purposes. However, a key purpose of the Colac 2050 Growth Plan is to also plan for targeted growth identified by the G21 Regional Growth Plan so that Colac is ready for growth when it occurs. The residential land supply analysis indicates that to meet a population target of 20,000, Colac will need in the order of 1800 dwellings in addition to existing land supply, and greater than this, if some of the existing supply is not developed.

Colac Framework Plan - Map 1 Land Use



LEGEND

	Urban boundary		Existing urban area		Rezone to Residential		Significant industry and infrastructure buffer area
	Property boundary		Industrial Area		Rezone to Low Density or Rural Living		Potential local or neighbourhood commercial centre
	Manage industry interface and buffers		Non-core retail area		Rezone to Rural Living		Future masterplan area
	Direction of long term residential growth		Retail and commercial area		Rezone to Industrial 3		Precinct plan review area
	Strategically important food production plant		Open space		Medium term residential / low density investigation area		
	Preferred future use for employment / community / public use		Abattoir		Rural Living investigation area		
			Arterial road		Residential investigation area		
			Water treatment plant		Low Density residential investigation area		
					Industrial investigation area		



Relevant Planning Scheme amendments

Amendment C125cola - Colac West Development Plan Area/J Barrys Road

This planning scheme amendment (which also seeks to amend some industrial land provisions for Colac) includes proposed revisions to the planning provisions for the subject land. It would introduce a new Development Plan Overlay schedule, which would contain additional and more detailed requirements for the preparation of a Development Plan for the land.

The planning scheme amendment was on public exhibition for a six-week period between 5 October and 16 November 2023. The applicant has had regard to the draft DPO schedule when preparing the current Development Plan, being aware that there was a possibility that it could be introduced before a decision was taken on the Development Plan.

Notwithstanding the fact that the amendment has been prepared, the current Development Plan application must be considered against the existing Development Plan Overlay schedule relating to the land, i.e. DPO2. Limited weight can yet be given to the draft schedule that forms part of the subject of planning scheme amendment C125cola.

Despite this, it is noted that the proposed Development Plan is considered to be generally consistent with the draft DPO schedule. The applicant has addressed all requirements of the draft schedule, including providing a draft Shared Infrastructure Funding Plan (SIFP). However, having reviewed the SIFP process and having regard to the reduction in the number of landowners since the planning scheme amendment was drafted, it is considered that infrastructure funding requirements would be more appropriately addressed through s173 agreements on future planning permits (as discussed further below). It is also noted that a SIFP is not required under the current DPO applying to the land.

6. REFERRALS

Internal Referrals

The Development Plan was referred internally to Council's Infrastructure Department, Environment Unit, Leisure and Recreation Unit, Strategic Planning Unit, and Parks and Gardens Unit, none of which raised any objection to the plan.

External Referrals

The Development Plan was referred externally to the Country Fire Authority (CFA), the Department of Planning and Transport, Public Transport Victoria, Barwon Water, the Environment Protection Agency (EPA), the Department of Energy, Environment and Climate Action (DEECA) and the Corangamite Catchment Management Authority (CCMA).

No external referral authorities raised an objection to the Development Plan. Public Transport Victoria and DEECA did not respond to the referral. The EPA advised that it deferred determination of the matter to Council.

7. PUBLIC NOTIFICATION & RESPONSE

Public Notice

Whilst there is no statutory requirement for public notice of a Development Plan, and no rights of appeal if submissions are made, it is Council's practice to informally notify surrounding residents of

proposed development plans and to invite submissions. This is done to help inform Council's assessment and enable a better-informed decision to be made in appreciation of the benefits of local knowledge.

Informal notification was undertaken, with those notified invited to make any submissions by 30 August 2024. At the time of writing this report, three (3) submissions had been received.

The objections raised related to the draft Shared Infrastructure Plan Development Contribution Summary. In summary, the submitters consider that the project costing distributions would be unfair on the Rifle Butts Road landowners. The submitters state that the Stodart Street extension, Moore Street extension, north-south roads and intersections, plus the majority of the shared pathways, would be required for the proponent to be able to subdivide their land and are not the responsibility of the landowners in Rifle Butts Road.

The submitters also state that the decision to put the wetlands on contaminated land was made by the proponent and is not the responsibility of the other landowners.

Response

All of the submitters oppose any action by Council to impose the Shared Infrastructure Funding Plan (SIFP) prepared by the proponent (DM Properties) on other property owners within the Development Plan Overlay (DPO2). The submitted SIFP identifies infrastructure including roadworks, shared paths, intersection upgrade works, drainage, wetlands and stormwater treatment to service future development within the Development Plan area. The SIFP provides cost estimates for the main infrastructure items and then apportions a shared contribution towards these works based on the areas of land available for development. This provides a per hectare charge of \$530,000.

It is not recommended that Council proceeds to adopt or apply the SIFP as there is no legal mechanism available in the planning scheme to apply the SIFP and any proposed Development Infrastructure Levy, nor is there a requirement for a SIFP under the current DPO schedule applying to the land. It is considered that mechanism available to Council is through a section 173 agreement under the *Planning & Environment Act 1987*, which would specify works and contributions required to be provided by the developer. It is proposed that this agreement would be between Council and DM Properties, and no other owners. An agreement is currently being drafted by Council's lawyers. This agreement would deal with the funding of infrastructure between DM Properties and Council and would progress all infrastructure items apart from the full construction of Rifle Butts Road and the proposed upgrade of the Rifle Butts Road and Princes Highway Intersection.

This agreement would not impact on the submitters and, as such, effectively addresses their concerns. This would leave the funding of any upgrade to Rifle Butts Road and its intersection with the Princes Highway as a matter for Council to negotiate with the owners fronting Rifle Butts Road, if and when they develop their land. DM Properties do not propose to contribute to any of the costs for the upgrade of Rifle Butts Road south of Moore Street or to intersection works at the Princes Highway.

In effect, the submitted SIFP is a background document and would not be adopted or applied on other owners in the Development Plan Overlay.

COMMUNICATION

As noted above, informal notification has been undertaken with letters sent to local residents, site notices erected, and a notice put in the paper.

The applicant and submitters have also been provided with the opportunity to address the Submissions Committee, and have also been invited to the Unscheduled Council meeting at which the Development Plan is being considered.

TIMELINE

Approval of the Development Plan would allow consideration of the two planning applications that have already been submitted to Council for the residential subdivision of the northern portion of the land.

The timing of the subdivision of the northern section of the land, and the timeframe for any further subdivision applications, would be a matter for the developer and would be outside Council's control.

8. OFFICER'S ASSESSMENT

Under DPO2, a Development Plan must address the following requirements:

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

a) Internal Road Network

The Development Plan includes an internal road network plan. Details of the proposed road network, taken from the Development Plan, are provided below:

- *Local Access Street (Level 2) adjacent to the specialist school 21.5m wide, the east-west extension of Moore Street through to Rifle Butts Road 24m wide and Stodart Street extension proposed 20m wide.*
 - *The 24m wide road reserve includes 2.5m wide shared pathway (reduced to 1.5m wide on one side), 4.0m wide nature strip, 2.3m wide parking bays on both sides and 7m wide trafficable width.*
 - *The 21.5m wide road reserve includes 2.5m wide shared pathway (reduced to 1.5m wide on one side), 4.9m wide nature strip and 7.3m wide trafficable width.*
 - *The 20m wide road reserve includes a 3.65m-5.2m wide nature strip, 9.3m wide trafficable width and 1.5m wide footpath.*
- *Local Access Street (Level 1) would include the Service Road east-west along the Princes Highway and road along the northern boundary 14m wide.*
 - *The 14m wide road reserve includes 1.5m wide footpath (one side only), 2.7m - 3.34m wide nature strip and 6.0m trafficable width.*
- *All other internal roads 16m wide.*

- *The 16m wide road reserve includes 1.5m wide footpath on both sides, 2.5m-2.8m wide nature strip and 7.3m wide trafficable width.*
- *Shared pathways are proposed in three locations:*
 - *From the wetland in the north through to Murray Street in the south (adjacent to the specialist school /open space).*
 - *Along the northern boundary with the existing wetland.*
 - *East-west along the Moore Street extension through to Rifle Butts Road.*

Council's Infrastructure Department has considered the internal road network and has not raised any objection. The Head of Department of Transport raised no objection to the proposed Development Plan, with recommendations for future planning applications. As noted above, the Development Plan was also referred to Public Transport Victoria, which has not responded to Council.

The timing of infrastructure provision would be addressed through the planning permit application process. Regard would be had at that time to matters such as traffic generation resulting from the number of lots proposed in each stage of the subdivision and the capacity of existing roads when determining what infrastructure was required.

b) Public Open Space

All stages of subdivision within the Development Plan area would be required to provide a public open space contribution consistent with the requirements of Clause 53.01 (Public Open Space Contribution and Subdivision). This would primarily be a financial contribution, apart from the provision of approximately 2929sqm of land for the expansion of the Moore Street Open Space within 48 Stodart Street.

c) Connectivity to other residential land and public open space

It is considered that the Development Plan would provide an appropriate level of connection to the surrounding established road network, including the extension of Moore Street and Stodart Street from the eastern property boundary, and the upgrade of Rifle Butts Road along the western property boundary. It is considered that the road network would allow for suitable connectivity to existing open space to the east and north-east, and the future open space adjacent to Moore Street, within the Development Plan area.

d) Diversity of lot sizes and proposed lot density

It is considered that the Development Plan would establish a desirable framework for residential development, to accommodate the growth of Colac, consistent with the provisions of the General Residential Zone. The proposed Development Plan would allow for the provision of a diverse mix of lot sizes, to accommodate a variety of dwelling types. Development within the Colac West Development Plan area should seek to achieve an average density of 13-16 dwellings per net developable area. The proposal would contribute to unlocking land for approximately 450-600 new dwellings, contributing towards land supply and residential growth. This is considered to be a logical expansion of the existing pattern of development to the east of the Development Plan area.

Planning permit applications would be required for the future subdivision of the land, which would be expected to provide a diversity of lot sizes to facilitate the development of a range of dwelling typologies. Future subdivisions would also ensure that allotments provide an active and primary

interface to the adjoining local road, to enhance the streetscape and enable adequate passive surveillance.

Planning permits would also be required for residential development within the area covered by the Environmental Significance Overlay (ESO2 – Lakes, Wetlands and Watercourses) and for any works not set back 20 metres or more from Murray Street (DDO9 - 413-437 and 441-479 Murray Street, Colac).

The following provides details of proposed servicing arrangements:

1) Servicing future development

- **Water Supply** - Initial stages of the development within the precinct would be serviced via an extension of the 100mm diameter main within Stodart Street. Additional connections would be provided along Moore Street, with existing 100mm and 150mm diameter mains within the road reservation. Later stages of development would be serviced via a connection to both a 150mm diameter main within Murray Street (Princes Highway) and a 100mm diameter main in Rifle Butts Road.
- **Power Supply** - An electrical masterplan would be prepared by an accredited consultant as part of future subdivision applications. This would dictate the proposed kiosk locations, voltage drop calculations and ensure that all proposed lots would be provided an underground electrical service pit.
- **Sewer Supply** - A 225mm diameter sewer at the western extent of Stodart Street has been nominated as the discharge manhole for the Colac West precinct shown on the plan below. Approximately 40% of the area would be able to gravity feed to this location (highlighted blue on the plan below). The balance of the Development Plan area is proposed to be serviced by a proposed Sewer Pump Station and emergency storage vessel) which would be located on the western side of Rifle Butts Road. This Sewer Pump Station would pump east along the proposed connector road to the gravity sewers delivered as part of the early stages of development.
- **Telecommunications** - future subdivision would require an underground pit and conduit network to be installed to service all lots.
- **Gas** – It is not anticipated that gas would be provided throughout the Development Plan area, noting also that mandatory conditions preventing connection to gas have to be applied to new subdivisions under state-wide planning provisions (Clause 53.03 - Residential Reticulated Gas Service Connection).
- **Stormwater** - A Stormwater Management Strategy has been prepared in support of the draft Development Plan. Due to the topography, for drainage purposes the Development Plan area has been separated into drainage catchments, with the former rifle range land proposed to be utilised for some of the drainage infrastructure. The former rifle range land is proposed to be vested to Council at no cost.



2) Sewer and Stormwater

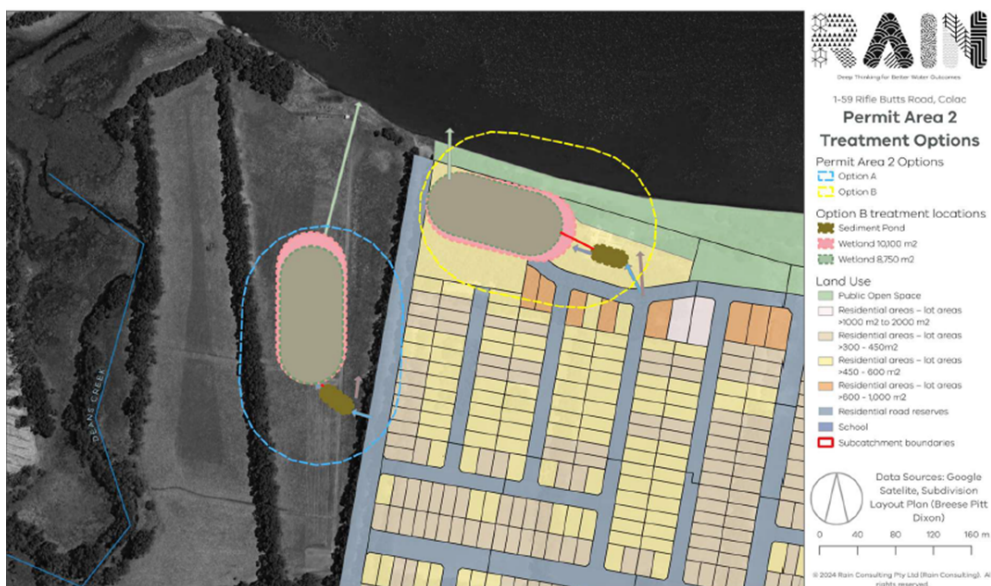
Barwon Water is the responsible authority for the provision of sewer assets for the Development Plan area. The proposed Colac West Development Plan has been referred to Barwon Water, which raised no objection.

A Stormwater Management Strategy was prepared to help inform the Development Plan.

Catchment 1

A conventional sediment basin and wetland is proposed west of Rifle Butts Road before discharging north into Lake Colac. It is expected that the footprint of these drainage assets would align with the existing rifle range and the alignment of the outfall pipe would be coordinated with the appropriate landowners. Access for maintenance of the sediment basin is expected to align with access to the proposed sewer pumping station, which is also proposed to be located in this area.

As noted above, this land would be vested to Council at no cost. Should this outcome not be attainable for unforeseen reasons, the drainage infrastructure would be delivered internally within the Development Plan area, as shown below.



The locations of the proposed assets are shown above. The Option A location (former rifle range) is the preferred option for the siting of the assets. Option B (north-west section of Development Plan area) is a backup solution should future cultural heritage and ecology investigations find Option A is not viable.

In catchment 1, it is proposed to treat via a sediment basin, prior to transfer to a wetland for further treatment. The outflow from this wetland would then discharge into Lake Colac. The intent is to ensure that the sum of all treatments achieves best practice at the outlet node. A sediment pond has been designed immediately upstream of the wetland.

Catchment 2

In terms of catchment 2, the design intent is to treat the flow in the north-east corner of the Development Plan area with a Gross Pollutant Trap (GPT) prior to discharge to Lake Colac. The proponent has advised that it may be possible to utilise the existing outlet from Stodart Street via the reserve, but this would depend on the condition and capacity of the existing pipe. Alternatively, a new outlet would be constructed. It is expected that this outlet would be for stage 1 of the project.



Figure 2-5 Permit Area 1 – Treatment Options

A Flood Information Request was put to the Corangamite CMA, which indicated that the site is not subject to any Flooding Overlays or Land Subject to Inundation Overlays. Council's Infrastructure Department raised no objection to the Stormwater Strategy.

e) Provision of community facilities

It is noted that DPO2 does not relate exclusively to the Colac West Development Plan area, but also covers other land within Colac. It is also noted that DPO2 does not stipulate a mandatory requirement for facilities to be provided. Consideration has been given to the DPO requirement for this matter to be addressed in the Development Plan, but it is not considered that community facilities are required within this Development Plan area.

f) Impact of Development on Flora, Fauna and Cultural Heritage

The Environmental Significance Overlay (Schedule 2) is specific to lakes, wetlands and watercourses and applies to the northern boundary of the Development Plan area, adjoining Lake Colac. It is considered that the Development Plan would suitably avoid residential encroachment into the area of environmental significance by aligning the Stodart Street extension along the northern boundary of the Development Plan area.

Vegetation Assessment

In support of the Development Plan, the applicant has provided a Vegetation Assessment report by Okologie Consulting (dated 01/07/2022). Separate Biodiversity Assessment reports would also be required for the land in conjunction with future planning applications.

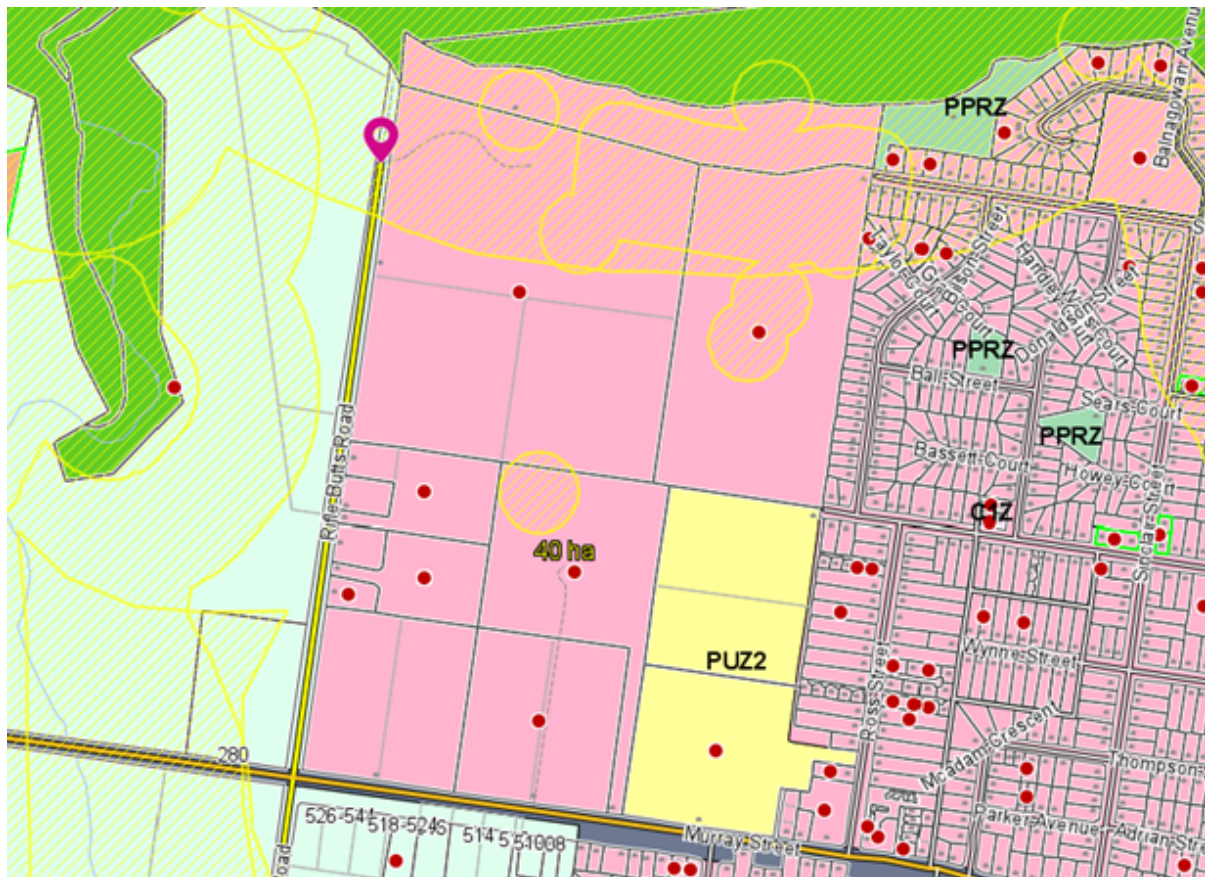
The Vegetation Assessment was undertaken to determine the extent of native vegetation and ascertain the presence of any threatened flora or fauna species or associated habitats within the northern half of the project area. The submitted report notes that the project area is highly modified from agricultural and residential use and no remnant native vegetation was recorded. The report states that no listed threatened ecological communities, flora or fauna species or associated habitats

were recorded within the project area, and none are considered likely to occur due to the absence of suitable habitat. Council's Environment Unit raised no objection.

Cultural Heritage

The northern section of the subject site and part of the middle section are identified as being in an area of cultural heritage significance. These are shown hatched yellow on the plan below.

Whilst there is no mandatory requirement for a Cultural Heritage Management Plan (CHMP) to be approved prior to the approval of a Development Plan - unlike the requirement before a planning permit can be issued - the applicant has provided a draft CHMP for most of the land (ref. 18635, dated 16 March 2023).



A CHMP will need to be approved in respect of the land prior to any planning permit being issued for subdivision.

Council requested that consideration be given to extending consideration of cultural heritage to the whole of the site, or that confirmation that the extent of the draft CHMP does not have to be increased be obtained from a suitably qualified archaeologist. In response, the applicant advised that the extent of the activity area within the draft CHMP captures the parcels within the areas of cultural heritage sensitivity. The applicant has submitted to Eastern Maar a 'notice of intent to prepare a Cultural Heritage Management Plan (CHMP)' for 1/59 and 439-459 Princes Highway, Colac West, Subdivision of Land.

In relation to the section of land within the north-east corner as shown below, the applicant has submitted a separate assessment from Tardis Archaeology Heritage Advisors (page 253).



The investigation found that *“the proposed activity at 1-59 Rifle Butts Road, Colac does not require the preparation of a mandatory CHMP because although the activity area is a legislated area of cultural heritage sensitivity, and the activity is a high impact activity pursuant to Regulation No. 49 (1)(a)(b), the land has demonstrated significant ground disturbance across the entire activity area.*

If the Sponsor wishes to mitigate any risk of lengthy delays caused by the discovery of Aboriginal cultural heritage during the conduct of the activity, then a voluntary CHMP can be commissioned.”

Future planning applications would require this information to be provided to Council.

Design and Development Overlay, Schedule 9

The southern 209m wide section of land, adjacent to Murray Street, is covered by the Design and Development Overlay, Schedule 9 (DDO9). Under this overlay, a planning permit is typically required for buildings and works. There are no specific requirements relevant to the Development Plan.

Future planning permits would be required under this overlay for buildings and works within 20 metres of Murray Street. A planning application within 20 metres from Murray Street should include a landscape plan that seeks to enhance the arrival experience into central Colac and emphasises the town’s Botanic Garden City theme. The proposed Development Plan was referred to the Department of Transport and Planning, which has not raised any objection.

Bushfire Management

The Development Plan area is not located within the Bushfire Management Overlay (BMO); however, it is located within a bushfire prone area.

Clause 13.02 (Bushfire Planning) of the planning scheme requires development applications of more than 10 lots in bushfire prone areas to address the objectives and application requirements of this policy at the planning permit application stage. The objective of Clause 13.02 is to strengthen the resilience of settlements and communities, and prioritise protection of human life.

The applicant has provided a Bushfire Management Plan to address the requirements of Clause 13.02 (Bushfire Planning) and to help inform the consideration of the Development Plan. The submitted report identifies that future development can achieve a BAL-12.5 construction standard and that the bushfire risk to the development area from the landscape beyond the site can be mitigated to an

acceptable level. The report states that future subdivision of the land would not increase the bushfire risk to the local community or existing community infrastructure. The CFA did not object to the Development Plan.

Contaminated Land

An Environmental Site Assessment has been completed by Geotesta to inform the Colac West Development Plan. The scope included an assessment of the land at 1-59 Rifle Butts Road and 70 Rifle Butts Road (proposed location for drainage infrastructure).

Land at 70 Rifle Butts Road is a former rifle range and poses some potential environmental contamination risk. In order to sufficiently mitigate this risk, an Environmental Audit was commenced to determine any necessary remediation actions that would need to be undertaken as part of the future development of the land. Conditions of any future planning permits relating to the delivery of the proposed infrastructure would require that an Environmental Audit Statement under Part 8.3 of the *Environment Protection Act 2017* to be issued, stating that the land is suitable for the proposed use, or that a Certificate of Environmental Audit be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*, or a statement of Environmental Audit be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970* stating that the environmental conditions of the land are suitable for the use or proposed use.

A Preliminary Risk Screen Assessment would also need to be prepared for land immediately adjoining the former Rifle Range as part of the future planning application process to address any potential contamination risk.

Conclusion

In summary, it is considered that the proposed Development Plan would unlock suitably zoned and located land for residential development. It is considered that a diverse mix of lots could be provided within this GRZ1 land, with appropriate infrastructure provided to support development. Future planning permit applications would address matters such as staging and the timing of the provision of infrastructure. In addition, it would have to be demonstrated that matters relating to cultural heritage and contamination had been appropriately addressed before planning permits were issued for the subdivision of the land.

9. OFFICER DIRECT OR INDIRECT INTEREST

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



Colac West Development Plan

Approval of the Colac West Development Plan pursuant to
Development Plan Overlay - Schedule 2 applying to the land

Version 7, July 2024

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Document Control Register

Colac West Development Plan

Document Summary

Issue	Date	Details	Author	Checked	Approved
A	18/09/2023	Draft DP Submission V1	MB/SS	BL	SS
B	19/09/2023	Final DP Submission V1	MB/SS	SS	SS
C	21/12/2023	Final DP Submission V2	BL/SS	SS	SS
D	02/05/2024	Final DP Submission V3	CF/BL	SS	SS
E	31/05/2024	Final DP Submission V4	CF/BL	SS	SS
F	18/06/2024	Final DP Submission V5	CF/BL	SS	SS
G	08/07/2024	Final DP Submission V6	CF/BL	SS	SS
H	12/07/2024	Final DP Submission V7	SS	SS	SS

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This report has been prepared with due care and diligence by SPOT Planning and the statements and opinions given by SPOT Planning in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

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1.0 - Introduction

1.1 - Project Snapshot

This submission is made of behalf of RB ROAD DEV PTY LTD for the purpose of obtaining Council approval for the 'Colac West Development Plan' under Development Plan Overlay - Schedule 2 applying to multiple properties along the existing western residential boundary of Colac.

This report sets out the strategic framework for the ultimate development of land. It aims to ensure the land meets the objectives and requirements of the Development Plan Overlay - Schedule 2.

The proposal is required to facilitate the envisaged development outcome for the precinct, including conventional residential subdivision to provide for a variety of dwelling typologies and accommodate the short-medium term growth of Colac. Thus, the Development Plan is proposed to be approved under Schedule 2 to the Development Plan Overlay to ensure future development applications may be considered generally in accordance with the approved Colac West Development Plan.

Specifically, this submission has been prepared to:

- Provide a description of the site and surrounding area as it relates to the Development Plan.
- Outline the nature of the proposed development outcome.
- Provide justification for the proposed development outcome.
- Demonstrate compliance with the relevant Planning and Local Policy Frameworks and Zoning and Overlay provisions.
- Demonstrate compliance with Schedule 2 to the Development Plan Overlay.

Application Details	
Applicant	RB ROAD DEV PTY LTD
Subject Land	Land impacted by Development Plan Overlay - Schedule 2
Subject Address	48 Stodart Street, Colac (Lot 2/TP846687); 1-59 Rifle Butts Road, Colac (Lot 1/TP600612, Lot 2/TP87194, Lot 1/TP87194); 61-65 Rifle Butts Road, Colac (Lot 1/PS804989); 67-71 Rifle Butts Road, Colac (Lot 2/PS804989); 73 Rifle Butts Road, Colac (Lot 3/PS804989); 75 Rifle Butts Road, Colac (Lot 1/PS610416); 87 Rifle Butts Road, Colac (Lot 2/PS644906); 89 Rifle Butts Road, Colac (Lot 1/PS644906); 439 Murray Street, Colac (CP171401); 461-479 Murray Street, Colac (Lot 1/TP140171 and Lot 1/TP140170); and 441-459 Murray Street, Colac (Lot 1/TP140169 and Lot 1/TP140172).
Site Area	46.76ha
Municipality	Colac Otways Shire Council
Proposal	Approval of the Colac West Development Plan under Development Plan Overlay - Schedule 2 applying to the subject land.
Zone	General Residential Zone - Schedule 1
Overlay	Development Plan Overlay - Schedule 2 Environmental Significance Overlay - Schedule 2 Design and Development Overlay - Schedule 9
Strategic Documents	Colac 2050 Growth Plan (2019)

1.0 - Introduction

1.2 - Project History/Context

The Colac West Development Plan submission supersedes the previous Lady Franklin Development Plan prepared by Myers Planning Group. The reference to Lady Franklin was in recognition of the history Lady Franklin farm associated with the existing homestead on the land.

The Lady Franklin Development Plan was a site specific Development Plan prepared solely for 48 Stodart Street and 1-59 Rifle Butts Road, Colac on behalf of the existing landowner. The submission followed a Council lead Development Plan prepared for the entire Development Plan Overlay - Schedule 2 area. The Council lead Development Plan and Guidance Document was informally advertised to the public, however, did not proceed to Council approval.

The Colac West Development Plan submissions adopts a number of key elements from both the Lady Franklin Development Plan and Council lead Development Plan. The submission further refines the Development Plan to suitably address the Council feedback provided during an extensive preliminary assessment phase, including road network, open space, drainage, shared infrastructure and lot sizes/diversity matters.

In addition, the submission has adopted a number of previously commissioned background/ supporting reports that may reference the Lady Franklin submission. These reports are considered suitable given the information/conclusions would not change as a result of an alternative layout/ proponent.

A Shared Infrastructure Funding Plan is also being prepared to guide the delivery of critical shared infrastructure within the precinct. The projects that form part of the Shared Infrastructure Funding Plan are outlined and described within the Public Infrastructure Plan contained within the Colac West Development Plan.

Furthermore, Council has recently exhibited proposed Planning Scheme Amendment C125cola relating to the land. The proposed Amendment seeks to remove Development Plan Overlay- Schedule 2 and replace it with Development Plan Overlay- Schedule 9. The revised Schedule includes amended conditions and requirements for permits and amended requirements for the Development Plan.

A submission has been made on behalf of the proponent as part of the consultation process. The submission is generally supportive of the proposed Planning Scheme Amendment C125cola, however provides feedback to refine the proposed Development Plan Overlay - Schedule 9 and ensure consistency with the proposal whilst preserving flexibility for the Colac West Development Plan submission. The approval/gazettal of the proposed Planning Scheme Amendment C125cola would not impact Council's ability to approve the Colac West Development Plan.



Figure 1: Council Lead Development Plan

2.0 - Site and Surrounds

2.1 - Subject site

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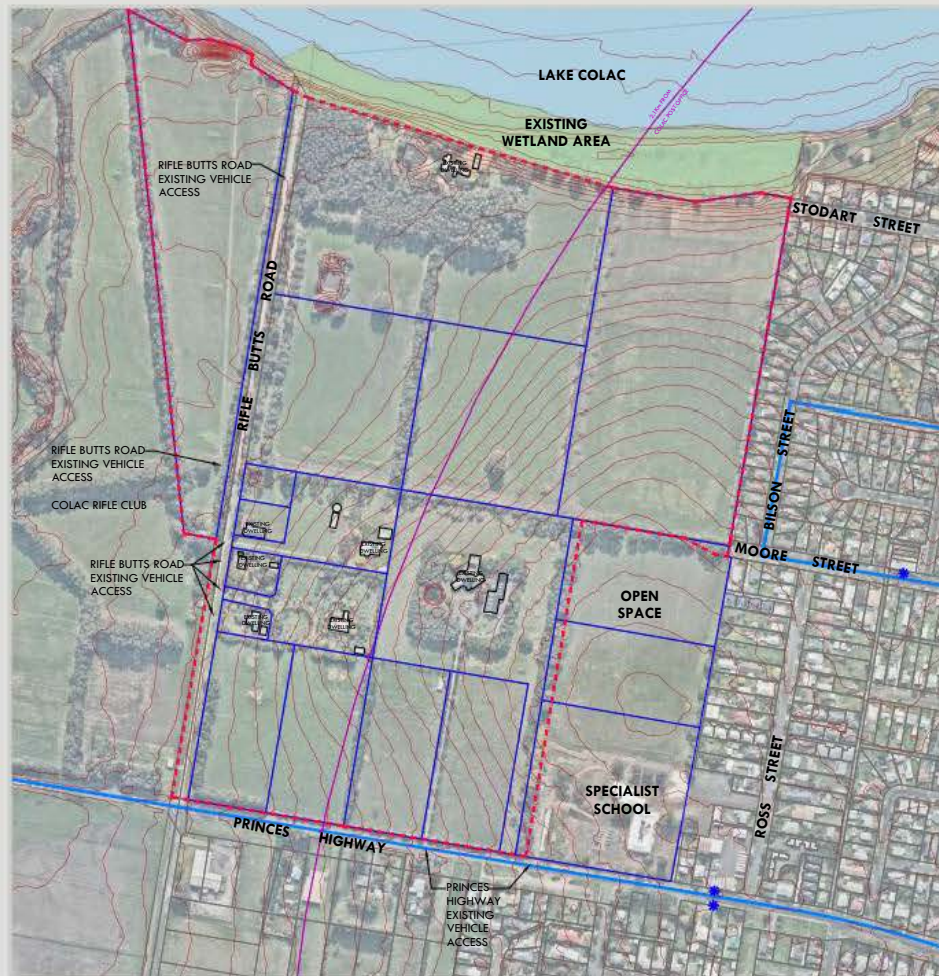


Figure 2: Existing Conditions Plan

The land to which this Development Plan applies is generally bound by Rifle Butts Road reserve to the west, Lake Colac to the north, the Stodart Street residential block to the east, the Moore Street Park and future special development school to the south-east and the Murray Street road reservation to the south.

The Development Plan area comprises of 11 privately owned properties made up 15 individual titles, excluding the Crown Land adjoining Lake Colac. The total Development Plan area is 46.76ha.

Property No.	Parcel	Address	Gross Area (Ha)
0	62D/PP2586	Deans Creek Road	4.19
1	Lot 2/TP846687	48 Stodart Street, Colac	8.94
2	Lot 1/TP600612	1-59 Rifle Butts Road, Colac	8.54
3	Lot 2/TP87194	1-59 Rifle Butts Road, Colac	4.05
4	Lot 1/TP87194	1-59 Rifle Butts Road, Colac	4.05
5	Lot 1/PS804989	61-65 Rifle Butts Road, Colac	0.28
6	Lot 2/PS804989	67-71 Rifle Butts Road, Colac	0.28
7	Lot 3/PS804989	73 Rifle Butts Road, Colac	1.47
8	Lot 1/PS610416	75 Rifle Butts Road, Colac	0.31
9	Lot 2/PS644906	87 Rifle Butts Road, Colac	1.47
10	Lot 1/PS644906	89 Rifle Butts Road, Colac	0.24
11	CP171401	439 Murray Street, Colac	4.89
12	Lot 1/TP140171	461-479 Murray Street, Colac	2.02
13	Lot 1/TP140170	461-479 Murray Street, Colac	2.02
14	Lot 1/TP140169	441-459 Murray Street, Colac	2.02
15	Lot 1/TP140172	441-459 Murray Street, Colac	2.02
Total			46.79

Land within the Development Plan area has historically been used for a mix of rural residential and agricultural purposes, with small-lot agricultural activity including livestock grazing, agistment, stables and fodder production. The existing properties within the Development Plan area can be generally characterised as low density residential subdivisions of various sizes and vacant land.

The topography within the precinct generally falls towards Lake Colac and to the west, away from the high point located within the Stodart Street Park in the south-east corner of the Development Plan area.

Planned pedestrian and road connections to the site include an access via Stodart Street (east) and Moore Street (east).

2.0 - Site and Surrounds

2.2 - Surrounding Context



Figure 3: Local Context Plan

Colac is the largest and fastest growing primary township in Colac Otway Shire. The town is located on the southern banks of Lake Colac, approximately 75 kilometres west of Geelong, 140 kilometres south-west of Melbourne and 100 kilometres south of Ballarat.

Colac is a major regional centre for residential growth and provides for a majority of the Shires service and manufacturing industry, retail, office services, recreation and education facilities. Additionally, the town has a growing tourism industry given the location context at the gateway to the Otways and south-west Victoria.

The Colac West Development Plan area is located approximately 2km west of the Colac Central Activity Centre, at the edge of the existing western residential township boundary.

Land to the east of the Development Plan area has been developed for conventional residential purposes under the same zoning controls as the subject site (General Residential Zone).

Land to the west is currently zoned Farming Zone and forms part of the future Deans Creek Growth Area Precinct Structure Plan. Part of this land was previously used as a Rifle Range and contains the Deans Creek environs. The drainage infrastructure and sewer pump station required for the catchment /Development Plan has been located external to the subject site. The land associated with this infrastructure has been secured separately via a landowner negotiated outcome.

Land to the south is also currently zoned Farming Zone and forms part of the future Deans Creek Growth Area Precinct Structure Plan.

It is envisaged that the residential township boundary will expand south and west as part of the future Deans Creek Growth Area Precinct Structure Plan.

The land to the south-east of the Development Plan area is zoned Public Use Zone - Schedule 2 and applies to an Open Space Reserve and the former Colac Secondary School site which is now utilised by the constructed and operational Colac Specialist School.

Specifically, the site is located within proximity to the following key infrastructure/services:

- Colac Yacht Club (800m west);
- Colac Bowling Club (900m west);
- Colac West Primary School (1.3km west);
- St Marys Catholic Primary School (1.6km north);
- Colac Botanical Gardens (2km west);
- Colac Hospital (2km south-west); and
- Colac Railway Station (2.5km south-west).

The proximity of services and infrastructure, amongst other key community facilities further emphasise the suitability of the land to provide for conventional residential development.

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3.0 - Purpose of the Development Plan

3.1 - Development Plan Overlay - Schedule 2

The proposed Colac West Development Plan seeks to address the objectives and application requirements of the Development Plan Overlay - Schedule 2.

This report demonstrates how the submission meets all of the applicable requirements for a Development Plan and is therefore suitable for approval by Council.

The requirement for the Development Plan is outlined within the Development Plan Overlay - Schedule 2 (DPO2) that applies to the land under the Colac Otways Planning Scheme.

Clause 43.04-2 of the Planning Scheme states that where the Development Plan Overlay applies:

'A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.'

This does not apply if a schedule to this overlay specifically states that a permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority.'

A permit granted must:

- *Be generally in accordance with the development plan.*
- *Include any conditions or requirements specified in a schedule to this overlay.'*

The Development Plan Overlay - Schedule 2 applies to 11 privately owned properties made up 15 individual titles at the western extent of the existing Colac township residential boundary. Given the site, scale, context and number of fragmented parcels forming part of the Development Plan area, it is important for a precinct scale Development Plan to be prepared as the foundation to guide coordinated and integrated development outcomes, rather than a site specific Development Plan approved for individual developments.

The Development Plan Overlay - Schedule 2 implements further specific requirements for the Development Plan. These requirements have been considered as part of the assessment against the existing planning provisions in Section 4 of this submission.



Figure 4: Development Plan Overlay - Schedule 2

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4.0 - Planning Context

4.1 - Planning Summary

Relevant Planning Controls

Planning and Local Policy Framework	<p>Clause 02.03 - Strategic Directions</p> <p>Clause 11.01-1S - Settlement</p> <p>Clause 11.01-1L - Settlement - Colac Otway</p> <p>Clause 11.01-1L - Colac Urban Growth</p> <p>Clause 11.02-3S - Sequencing of Development</p> <p>Clause 11.03-2S - Growth Areas</p> <p>Clause 12.01-1S - Protection of Biodiversity</p> <p>Clause 13.02-1L - Bushfire Planning</p> <p>Clause 13.04-1S - Contaminated and Potentially Contaminated Land</p> <p>Clause 14.02-1S - Catchment Planning and Management</p> <p>Clause 15.01-1L - Colac Built Environment</p> <p>Clause 15.01-3S - Subdivision Design</p> <p>Clause 15.01-5S - Neighbourhood Character</p> <p>Clause 16.01-1S - Housing Supply</p> <p>Clause 16.01-1L - Colac Housing Supply</p> <p>Clause 16.01-2S - Housing Affordability</p> <p>Clause 18.02-4S - Roads</p> <p>Clause 19.03-1S - Development and Infrastructure Contributions Plans</p>
Zone	Clause 32.08 - General Residential Zone - Schedule 1
Overlays	<p>Clause 42.01 - Environmental Significance Overlay - Schedule 2</p> <p>Clause 43.02 - Design And Development Overlay - Schedule 9</p> <p>Clause 43.04 - Development Plan Overlay - Schedule 2</p>
Strategic Documents	Colac 2050 Growth Plan (2019)

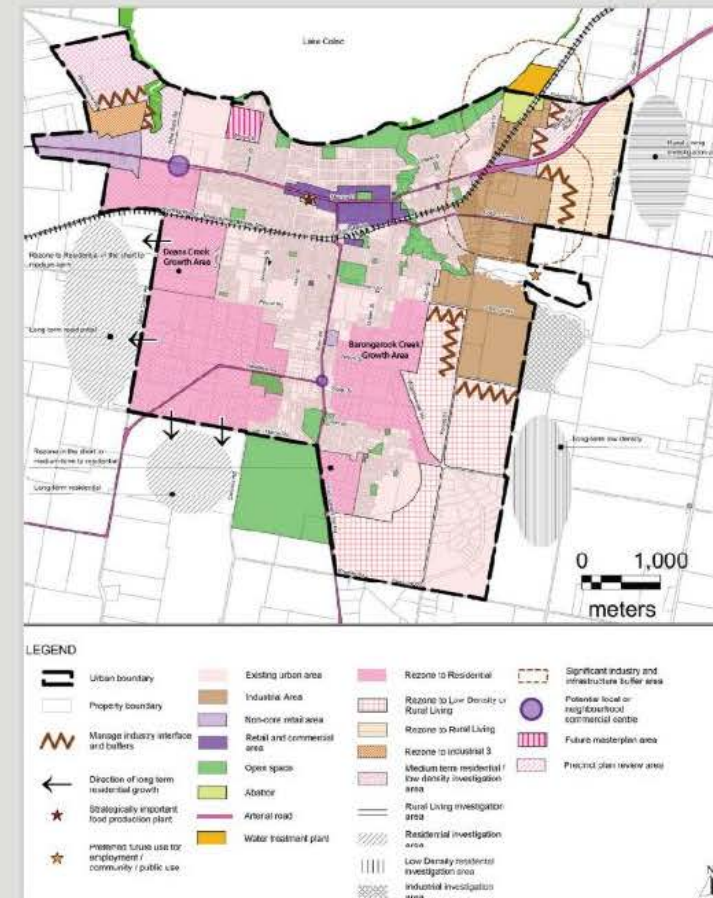


Figure 5: Colac Framework Plan

4.0 - Planning Context

4.2 - Planning and Local Policy Assessment

The following are the relevant Planning and Local Policies with regards to this Development Plan submission:

Clause 02.03 - Strategic Directions - Colac

It is a Strategic Direction of Council to facilitate the development of Colac by:

- Supporting major industrial and commercial development particularly in east Colac.
- Encourage residential growth within Colac as a targeted growth node and diversity in housing types, lot sizes and configurations.
- Supporting consolidation of the CBD.
- Retaining and enhancing heritage assets including Aboriginal cultural heritage places.
- Providing secondary commercial nodes to cater for the growth in Elliminyt and west Colac.
- Increasing recreational linkages between key activity areas including Lake Colac.
- Protecting Lake Colac from adverse impacts of industrial development.
- Increasing the amount of public open space and improving its quality, diversity and connectivity.
- Encouraging development which contributes to Colac as a 'Botanic Garden City' by improving the town's amenity with themed tree planting in streets and public reserves.

Development Response

The future residential development of the Colac West Development Plan area is consistent with Council's strategic direction to encourage growth and diversity in housing types, lot sizes and configurations.

Clause 11.01-1S - Settlement

The main objective of this Clause is to facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

Development Response

Colac is designated as a major urban centre within Colac Otway Shire and is well suited to provide for residential growth to accommodate housing demand within the municipality.

Clause 11.01-1L - Colac Urban Growth

The main objective of this Clause is to support and manage the growth of Colac consistent with its role as the major urban centre of the Shire and a targeted growth node in the G21 region.

Development Response

The Development Plan area is located within the existing residential township boundary and will support the development of approximately 450-550 new dwellings, consistent with the designation as a growth node in the G21 region.

Clause 11.02-3S - Sequencing of Development

The main objective of this Clause is to manage the sequence of development in areas of growth so that services are available from early in the life of new communities.

Development Response

Future development will provide for all necessary services/amenities to accommodate residential growth. The delivery of infrastructure and roads will be coordinated and logical as part of the future staged development of land.

Clause 11.03-2S - Growth Areas

The main objective of this Clause is to locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas.

Development Response

The Development Plan area is located within a designated growth precinct at the edge of the existing residential township boundary. The land is well suited to provide for the short-medium term residential expansion of Colac.

Clause 12.01-1S - Protection of Biodiversity

The main objective of this Clause is to protect and enhance Victoria's biodiversity.

Development Response

Any future planning application for subdivision/development must directly address the requirements of Clause 52.17 and provide a Biodiversity Assessment in support of the proposal. This is expanded upon in Section 6 of this Development Plan.

Clause 13.02-1L - Bushfire Planning

The main objective of this Clause is to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

Development Response

Any future planning application for subdivision/development must directly address the requirements of Clause 13.02-1L and provide a Bushfire Management Plan in support of the proposal in order to mitigate bushfire risk as part of the ongoing development of the precinct.

Clause 13.04-1S - Contaminated and Potentially Contaminated Land

The main objective of this Clause is to ensure that contaminated and potentially contaminated land is used and developed safely.

Development Response

Any future planning application for subdivision/development must directly address the requirements of Clause 13.04-1S and provide a Land Contamination Assessment in accordance with the Planning Practice Note 30 - Potentially Contaminated Land (July 2021) to demonstrate that the land is suitable for the intended sensitive use.

Clause 14.02-1S - Catchment Planning and Management

The main objective of this Clause is to assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment.

Development Response

A Stormwater Management Strategy has been prepared in support of the Colac West Development Plan and will be implemented to ensure the drainage and water quality management meets best practice measures.

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4.0 - Planning Context

4.2 - Planning and Local Policy Assessment

Clause 15.01-1L - Colac Built Environment

The subdivision and development design strategies of Clause 15.01-1L include:

- Encourage urban design treatments in subdivision and development to reflect the regional character of Colac including space between buildings to allow for the establishment of a garden setting.
- Ensure use and development enhance Colac's gateways and entrances along key transport corridors.

Development Response

The Development Plan encourages a density consistent with the surrounding patterns of development to protect the existing character and garden setting appeal.

Clause 15.01-3S - Subdivision Design

The main objective of this Clause is to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

Development Response

The Development Plan layout will facilitate a logical subdivision design to ensure a well connected and permeable road network is provided, as well as an energy efficient development orientation for future individual dwellings. The design will ensure that future subdivision will comply with the objectives and standards of Clause 56.

Clause 15.01-5S - Neighbourhood Character

The main objective of this Clause is to recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Development Response

The Development Plan layout has been designed to seamlessly integrate with the surrounding established residential character and respects the existing pattern of development.

Clause 16.01-2S - Housing Supply

The main objective of this Clause is to facilitate well-located, integrated and diverse housing that meets community needs.

Development Response

Approval of the Colac West Development Plan will unlock additional housing supply within the existing Colac residential township boundary.

Clause 16.01-1L - Colac Housing Supply

The main objective of this Clause is to encourage housing and residential subdivision in Colac that delivers a variety of lot sizes and configurations, and housing types, to cater for Colac's aging population and demographic and to capitalise on opportunities for infill development.

Development Response

The Development Plan area is encouraged to provide a diversity of lot sizes to facilitate a range of dwelling typologies. Development within the Colac West Development Plan area should seek to achieve an average density of 13-16 dwellings per NDA.

Clause 16.01-2S - Housing Affordability

The main objective of this Clause is to deliver more affordable housing closer to jobs, transport and services.

Development Response

The development will release additional affordable housing stock to the market, proximate to amenities and services.

Clause 18.02-4S - Roads

The main objective of this Clause is to facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure.

Development Response

The Development Plan layout seeks to provide for a permeable internal road network with appropriate connections to the established surrounding network whilst providing for the necessary external upgrades to service the precinct.

Clause 19.03-1S - Development and Infrastructure Contributions Plans

The main objective of this Clause is to facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans and infrastructure contributions plans.

Development Response

A Shared Infrastructure Plan has been prepared in conjunction with the Colac West Development to facilitate the upgrade/delivery of infrastructure that service the entire precinct. Funds will be levied as part of the future development of land in accordance with the Shared Infrastructure Plan.



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Figure 6: Colac Regional Context (Colac 2050 Growth Plan excerpt)

4.0 - Planning Context

4.3 - Planning Zones Assessment

Clause 32.08 – General Residential Zone – Schedule 1

The purpose of the General Residential Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

There are no variations to the Schedule to the General Residential Zone that apply to the subject site.

Pursuant to Clause 32.08-3 of the General Residential Zone, a planning permit is required to subdivide land. Future planning applications to subdivide land must address the objectives and standards of Clause 56 of the Planning Scheme.

Development Response

The proposed Colac West Development Plan establishes the framework for conventional residential development to accommodate the growth of Colac, along with alternative accommodation/ housing and complementary non-residential development consistent with the provisions of the General Residential Zone.

The Development Plan encourages a diverse lot-mix to accommodate a variety of dwelling typologies within the growth area. Development within the Colac West Development Plan area should seek to achieve an average density of 13-16 dwellings per NDA, unless an alternative housing typology is proposed and accepted by Council. This is considered to be a logical expansion of the existing pattern of development to the east of the Development Plan area.

A planning permit will be required for the future subdivision and residential development of the land. The planning submission will be required to demonstrate consistency with the purpose and decision guidelines of the General Residential Zone.

The zoning allows for a variety of land uses to be established, which will be further considered on its merits as part of the planning permit phase.



Figure 7: Zoning

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4.0 - Planning Context

4.4 - Planning Overlays Assessment

Clause 42.01 - Environmental Significance Overlay - Schedule 2

The purpose of the Environmental Significance Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas where the development of land may be affected by environmental constraints.
- To ensure that development is compatible with identified environmental values.

A planning permit is typically required for buildings and works, subdivision of land and removal of vegetation.

Development Response

Schedule 2 to the Environmental Significance Overlay is applied to lakes, wetlands and watercourses designated within Colac Shire as significant environmental resources requiring protection. Specifically, the overlay applies to the northern boundary of the Development Plan area, adjoining Lake Colac.

The Development Plan has been designed to mitigate any residential encroachment into the Environmental Significance Overlay by aligning the Stodart Street extension along the northern boundary of the Development Plan area.



Figure 8: Environmental Significance Overlay - Schedule 2

Clause 43.02 - Design and Development Overlay - Schedule 9

The purpose of the Design and Development Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which are affected by specific requirements relating to the design and built form of new development.

A planning permit is typically required for buildings and works and for subdivision of land. Furthermore, buildings and works must generally adhere to any design requirements outlined in the Schedule to the Development Plan Overlay.

Development Response

Schedule 9 to the Design and Development Overlay is applied to 413-437 and 441-479 Murray Street, Colac. The following design objectives are applied to the land:

- *To enhance the arrival experience into central Colac from the west.*
- *To ensure that the development of residential land and the former school site contributes to an improved landscape experience as part of the western entrance to Colac.*
- *To minimise visual clutter caused by signs, powerlines and other structures along the entrance corridor.*

It is noted that a planning permit is not required for buildings and works that are setback 20 metres or more from Murray Street. A planning application within 20 metres from Murray Street must provide a landscape plan that seeks to enhance the arrival experience into central Colac and emphasises the town's Botanic Garden City theme.



Figure 9: Design and Development Overlay - Schedule 9

4.0 - Planning Context

4.4 - Planning Overlays Assessment

Clause 43.04 – Development Plan Overlay - Schedule 2

The purpose of the Development Plan Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.
- To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.

Clause 43.04-2 of the Planning Scheme outlines that where the Development Plan Overlay applies:

'A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.'

Development Response

The proposed Colac West Development Plan has been prepared for approval under Schedule 2 to the Development Plan Overlay.

Schedule 2 to the Development Plan Overlay provides specific requirements of a Development Plan that are further considered below.



Figure 10: Development Plan Overlay - Schedule 2

Requirements for the Development Plan	Response
Internal road network.	The Colac West Development Plan provides for a logical and permeable road network that connects to adjoining existing Local Streets. The internal road network provides for the extension of Stodart Street along the northern boundary and the extension of Moore Street through the centre of the precinct. The Development Plan also facilitates the external upgrade of Rifle Butts Road along the western property boundary. Road cross sections are provided within the Development Plan to guide the future development outcome. The Colac West Development Plan also provides for extensions of the shared/walking path network with proposed trail connections east-west and north-south within the Development Plan area.
Public open space.	The Development Plan provides for the expansion of the Moore Street Open Space to adjoin the Moore Street extension within 48 Stodart Street, Colac. This provision of land will contribute towards the properties Public Open Space obligations. All other properties within the Development Plan area are required to provide a Public Open Space contribution consistent with the requirements of Clause 53.01 of the Colac Shire Planning Scheme.
Connectivity to other residential land and public open space.	The proposed Colac West Development Plan provides appropriate connections to the surrounding established road network, including the extension of Moore Street and Stodart Street from the eastern property boundary, and the upgrade of Rifle Butts Road along the western property boundary. The road network allows for a high degree of connectivity to existing open space to the east and north-east of the subject site and the proposed Open Space adjacent to Moore Street within the Development Plan area.
Diversity of lot sizes and proposed lot density.	The Development Plan area is zoned General Residential Zone which facilitates a conventional residential development outcome. Subdivision and development within the Development Plan area is encouraged to provide a diversity of lot sizes to facilitate a range of dwelling typologies. Development within the Colac West Development Plan area should seek to achieve an average density of 13-16 dwellings per NDA, unless an alternative housing typology is proposed and accepted by Council. Future subdivisions should be designed to ensure allotments provide an active and primary interface to the adjoining local road, to enhance the streetscape and enable adequate passive surveillance.
Provision of community facilities.	The Colac West Shared Infrastructure Plan accompanies the Colac West Development Plan and provides for the shared transport, drainage and community infrastructure requirements to service the Development Plan area. Contributions will be levied as part of any future development in accordance with the Colac West Shared Infrastructure Plan. A Public Infrastructure Plan that identifies specific infrastructure within the Development Plan area is provided in Section 5.
Impact of development on flora, fauna and cultural heritage.	A Biodiversity Assessment has been undertaken for the properties known as 1-59 Rifle Butts Road, Colac and 48 Stodart Street, Colac. No native vegetation or biodiversity value were identified as part of the Flora and Fauna Assessment. This is expanded upon in Section 1 of this Development Plan. A draft Cultural Heritage Management Plan has been prepared for 1-59 Rifle Butts Road, 48 Stodart Street, 439 Murray Street and 441-459 Murray Street, Colac. This is expanded upon in Section 6 of this Development Plan.

5.0 - The Development Plan

5.1 - Colac West Development Plan



Figure 11: Colac West Development Layout Plan

The Development Plan

The proposed Colac West Development Plan has been prepared in accordance with the requirements outlined in Development Plan Overlay - Schedule 2 and appropriately responds to the site opportunities and constraints as follows:

- Protects area of Aboriginal Cultural Heritage Significance;
- Facilitates internal road connections to the established surrounding road network and includes the upgrade of external road infrastructure;
- Encourages vehicle and pedestrian connectivity to areas of high amenity including the Local Park and Lake Colac;
- Addresses the existing residential interface to the east;
- Provides an appropriate interface to land to the south and west that is located within the future Deans Creek growth area;
- Delivers a best practice drainage solution for the catchment that maximises developable area within the Development Plan; and
- Ensures development is sequenced and serviced in a logical manner.

An Urban Design Package, including an Existing Conditions Plan, Local Context Plan, Development Layout Plan, Public Infrastructure Plan and Land Budget Plan is provided as **Appendix A** in support of this submission.

Individual planning applications may alter the Development Plan outcomes within the realms of generally in accordance, subject to Council acceptance.

Development Yield

The proposal will contribute to unlocking approximately 450-600 new dwellings within the Shire and contribute towards land supply and residential growth.

The proposal will provide for a diverse lot-mix to facilitate a variety of dwelling typologies based on the availability of services to inform the subdivision design.

In addition, the Development Plan may facilitate alternative forms of accommodation/housing should sufficient demand be demonstrated, along with the establishment of complementary non-residential uses compatible within the General Residential Zone.

5.0 - The Development Plan

5.2 - External Infrastructure

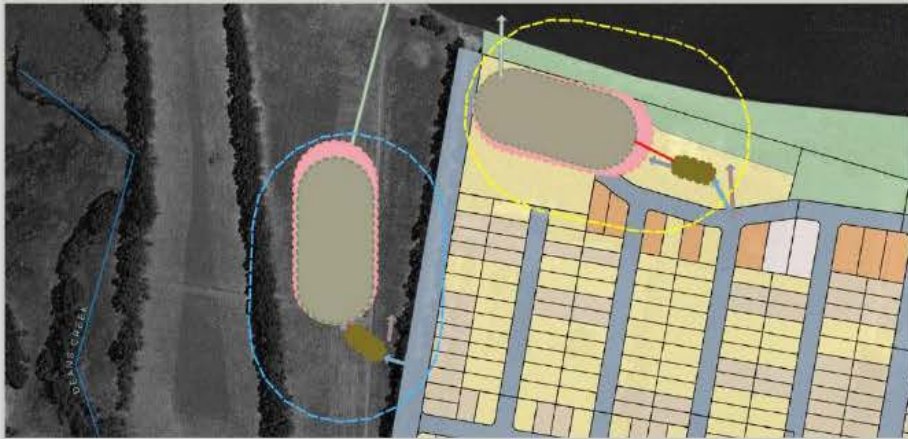


Figure 12: Western Drainage Asset - Option A and Option B

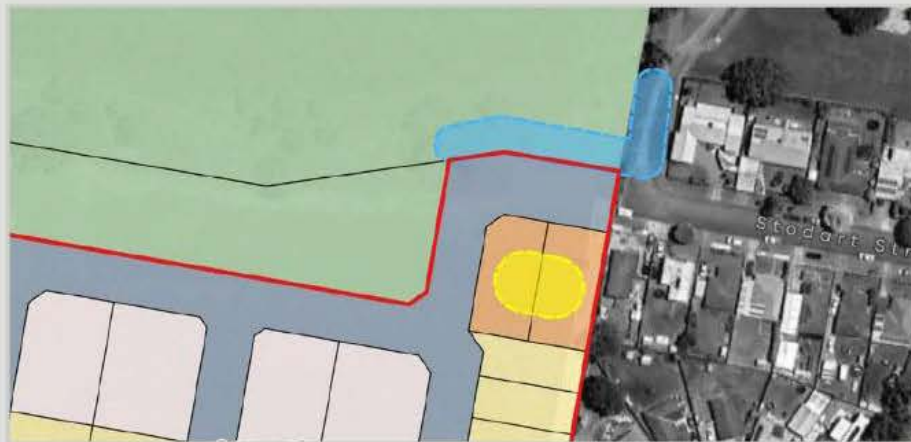


Figure 13: Eastern Drainage Asset - Option A and Option B

Drainage Infrastructure Location and Design

The Development Plan has been designed with external drainage infrastructure requiring further information and approval as part of the future planning application process. Preliminary investigations have commenced to demonstrate that there is low risk in advancing the Development Plan for approval at this time.

Furthermore, the Stormwater Management Plan that has been prepared in support of the Development Plan provides an Option A and an Option B outcome for the drainage infrastructure should the external land be deemed unsuitable for the proposed drainage strategy.

If necessary, the infrastructure can be incorporated internally to the subject site. Should this be the case, an update to the Colac West Development Plan and Shared Infrastructure Funding Plan will be required.

It is noted that the land at 70 Rifle Butts Road, Colac West is currently used as a Rifle Range and poses some potential Environmental Contamination risk. In order to sufficiently mitigate this risk, an Environmental Audit has commenced to determine any necessary remediation actions that will need to be undertaken as part of the future development of the land. Conditions of the future planning permit related to the delivery of this infrastructure will require that an Environmental Audit Statement under Part 8.3 of the Environment Protection Act 2017 must be issued stating that the land is suitable for the use or proposed use, or a Certificate of Environmental Audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or a statement of Environmental Audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970 stating that the environmental conditions of the land are suitable for the use or proposed use.

Land within the Development Plan area and immediately adjoining the Rifle Range (private properties) will also be required to prepare a Preliminary Risk Screen Assessment as part of the future planning application process to address any potential contamination risk.

Furthermore, the external infrastructure is reliant on further biodiversity assessments to mitigate any potential impact on native vegetation and if necessary, approval of a Cultural Heritage Management Plan if determined to be required under the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2018.

These investigations have commenced and will be finalised for approval as part of the future planning application process.

5.0 - The Development Plan

5.3- Road Network



Figure 14: Road Network Plan and Cross Sections

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The map illustrates the Rife Butts Road Development Plan Area, bounded by Stodart Street to the north, Bilson Street to the east, Ross Street to the south, and Rife Butts Road to the west. The area is divided into several lots, each identified by a number in a colored box. The lots are as follows:

- 15&16** (Green box) and **DR-1A** (Green box) are located in the top left corner, adjacent to a large green area labeled **WETLAND**.
- 1** (Red box) is located south of 15&16, near the **APPROX. LOCATION OF SEWER PUMP STATION**.
- 17** (Pink box) is located south of 15&16, near the **EXISTING WETLAND AREA**.
- RD-1A.1** (Red box) is located south of 17, near the **EXISTING WETLAND AREA**.
- RD-2A** (Red box) and **RD-2B** (Red box) are located south of RD-1A.1.
- 3&4** (Yellow box) is located south of RD-2A and RD-2B.
- RD-4A** (Red box) and **RD-4B** (Red box) are located south of RD-4A.
- 7&8** (Pink box) is located south of RD-4A and RD-4B.
- 2** (Blue box) is located south of 1, near the **APPROX. LOCATION OF SEWER PUMP STATION**.
- RD-1A.2** (Red box) is located south of 2.
- 10** (Purple box) is located south of RD-1A.2.
- IN-1B.1** (Red box) is located south of 10.
- 11** (Red box) is located south of IN-1B.1.
- IN-1A** (Red box) is located south of 11.
- 5** (Blue box) is located south of RD-4A and RD-4B.
- RD-3A** (Red box) and **RD-3B** (Red box) are located south of RD-3A.
- 17** (Pink box) is located south of RD-3A and RD-3B.
- SP-1** (Red box) is located south of RD-3A and RD-3B.
- 6** (Blue box) is located south of RD-3A and RD-3B.
- IN-2B.2** (Red box) is located south of RD-3A and RD-3B.
- 14** (Blue box) is located south of IN-2B.2.
- IN-2A** (Red box) is located south of IN-2B.2.
- 12** (Blue box) is located south of IN-2A.
- 13** (Blue box) is located south of IN-2B.2.
- IN-2B.1** (Red box) is located south of IN-2B.2.
- 17** (Pink box) is located south of IN-2B.2.
- SP-1** (Red box) is located south of IN-2B.2.

The map also shows several roads: **RIFE BUTTS ROAD**, **STODART STREET**, **BILSON STREET**, **ROSS STREET**, **MOORE STREET**, and **PRINCES HIGHWAY**. Other features include **WETLAND**, **EXISTING WETLAND AREA**, **CULTURAL HERITAGE BUFFER (ADJACENT TO RIFE BUTTS ROAD)**, **OPEN SPACE**, and **SPECIALIST SCHOOL**. A legend in the bottom right corner defines the symbols used on the map.

LEGEND

- Development Plan Area
- Title Boundary
- Culture Heritage Buffer
- Landscape Reserve
- Passive Open Space
- Net Residential Area (Excluding Private Dwelling)
- Shared Path

REVISIONS

Public Infrastructure Plan

The Colac West Development Plan and associated Share Infrastructure Plan will facilitate the delivery of all necessary infrastructure to service the future precinct. Development contributions will be levied as part of any future subdivision of land in accordance with the Shared Infrastructure Plan. Developers may enter into an Agreement with Council to provide for the funded infrastructure as part of their development in lieu of a financial contribution.

The development infrastructure that is funded by the Shared Infrastructure Plan is identified as part of the Public Infrastructure Plan and outlined below.

Project No.	Reference	Description of Works	Land/Construction	Funded/Developer Works
1	RD-1A.1	Rifle Butts Road - North of Moore Street (Carriageway and Eastern Verge)	Construction	Funded
2	RD-1A.2	Rifle Butts Road - South of Moore Street (Carriageway and Eastern Verge)	Construction	Funded
3	RD-2A	Moore Street Extension (East-West Connector Road)	Construction	Funded
4	RD-2B	Moore Street Extension (East-West Connector Road)	Land	Funded
5	RD-3A	North-South Road - South of 48 Stodart Street	Construction	Funded
6	RD-3B	North-South Road - Acquisition of Land Within Specialist School Site	Land	Funded
7	RD-4A	North-South Road - Within 48 Stodart Street	Construction	Developer works
8	RD-4B	North-South Road - Within 48 Stodart Street (Land Beyond Standard 16m Road Reservation)	Land	Funded
9	IN-1A	Intersection of Princes Highway & Rifle Butts Road	Construction	Funded
10	IN-1B.1	Intersection of Princes Highway & Rifle Butts Road	Land	Funded
11	IN-1B.2	Intersection of Princes Highway & Rifle Butts Road	Land	Funded
12	IN-2A	Intersection of Princes Highway & North-South Road	Construction	Funded
13	IN-2B.1	Intersection of Princes Highway & North-South Road	Land	Funded
14	IN-2B.2	Intersection of Princes Highway & North-South Road	Land	Funded
15	DR-1A	Wetlands	Construction	Funded
16	DR-1B	Wetlands (Land Component Absorbed by Developer Acquisition)	Land	Developer works
17	SP-1	Shared Paths	Construction	Funded
18	PL-1	Planning Costs - Administrative	N/A	Funded

Sequencing

The development sequencing will most likely occur from north-east to south-west within the Development Plan area, subject to further service investigations. Individual planning applications must demonstrate how the land will be adequately serviced and must consider the delivery timing of projects outlined within the Shared Infrastructure Plan.

5.0 - The Development Plan

5.5 - Land Budget Plan

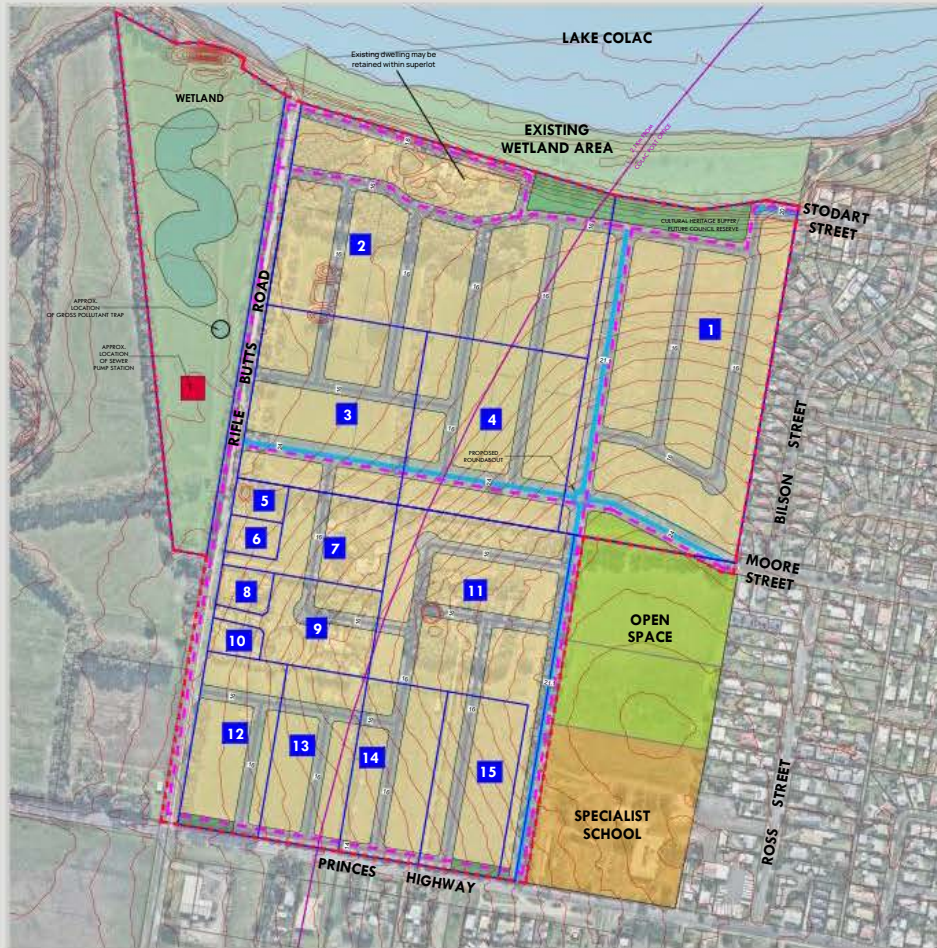


Figure 16: Land Budget Plan

Land Budget

The proposal will contribute to unlocking approximately 450-600 new dwellings within the Shire, based on an ultimate density of approximately 13-16 dwellings per net developable area.

A draft Land Budget is provided below to guide future development and inform the Shared Infrastructure Plan that outlines the contributions associated with the future subdivision of land.

The developable area is calculated by subtracting the encumbrances (Cultural Heritage Reserve, Local Park and land acquisition for road infrastructure/intersections) from the Gross Area.

Property No.	Parcel	Address	Gross Area (Ha)	Developable Area (Ha)	Precinct Developable Area %
0	62D/PP2586	Deans Creek Road	4.19	0	0.00%
1	Lot 2/TP846687	48 Stodart Street, Colac	8.94	7.66	18.88%
2	Lot 1/TP600612	1-59 Rifle Butts Road, Colac	8.54	8.16	20.11%
3	Lot 2/TP87194	1-59 Rifle Butts Road, Colac	4.05	3.97	9.79%
4	Lot 1/TP87194	1-59 Rifle Butts Road, Colac	4.05	3.97	9.79%
5	Lot 1/PS804989	61-65 Rifle Butts Road, Colac	0.28	0.28	0.69%
6	Lot 2/PS804989	67-71 Rifle Butts Road, Colac	0.28	0.28	0.69%
7	Lot 3/PS804989	73 Rifle Butts Road, Colac	1.47	1.47	3.62%
8	Lot 1/PS610416	75 Rifle Butts Road, Colac	0.31	0.31	0.76%
9	Lot 2/PS644906	87 Rifle Butts Road, Colac	1.47	1.47	3.62%
10	Lot 1/PS644906	89 Rifle Butts Road, Colac	0.24	0.24	0.59%
11	CP171401	439 Murray Street, Colac	4.89	4.68	11.54%
12	Lot 1/TP140171	461-479 Murray Street, Colac	2.02	2.02	4.98%
13	Lot 1/TP140170	461-479 Murray Street, Colac	2.02	2.02	4.98%
14	Lot 1/TP140169	441-459 Murray Street, Colac	2.02	2.02	4.98%
15	Lot 1/TP140172	441-459 Murray Street, Colac	2.02	2.02	4.98%
Total			46.79	40.57	100%

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6.0 - Supporting Material

6.1 - Servicing Strategy



Figure 17: Short Term Water Supply (Stodart Street)



Figure 18: Short Term Water Supply (Moore Street)



Figure 19: Long Term Water Supply (Murray Street)

Servicing Plan

A Servicing Strategy has been prepared by BPD to help inform the Development Plan and is provided at **Appendix B** to this submission. The assessment area includes 1-59 Rifle Butts Road, 48 Stodart Street, 439 Murray Street, 441-459 Murray Street, Colac

It is an application requirement for any future subdivision/development proposal (other than the properties outlined above) to provide a Servicing Strategy to inform the planning application.

Road Infrastructure

Future development is expected to proceed from the north-east of the Development Plan area and connect to the existing Stodart Street local road, with a further connection to the existing Moore Street along the eastern boundary. These access points are anticipated to provide for a significant amount of the residential catchment to be delivered, before triggering any external road infrastructure upgrades.

Water Supply

Barwon Water (BW) are the responsible authority for the provision of water supply to Development Plan area. The initial stages of the development within the precinct will be serviced via an extension of the 100mm diameter main within Stodart Street. Additional connections will be provided along Moore Street, with existing 100 and 150mm diameter mains within the road reservation.

Later stages of development will be serviced via a connection to both a 150mm diameter main within Murray Street (Princess Hwy) and also a 100mm diameter main in Rifle Butts Road.

Power Supply

Powercor are the responsible authority for the area and manage the existing overhead assets within the Development Plan area.

An electrical masterplan will be prepared by an accredited consultant as part of any future subdivision/development which will dictate the proposed kiosk locations, voltage drop calculations and ensure that all proposed lots are provided an underground electrical service pit.

6.0 - Supporting Material

6.1 - Servicing Strategy



Figure 20: Sewer Infrastructure Summary

Sewer Supply

Barwon Water (BW) are the responsible authority for the provision of sewer assets for the Development Plan area. A 225mm diameter sewer at the western extent of Stodart Street has been nominated as the discharge manhole for this Colac West precinct. Approximately 40% of the area is able to gravity feed to this location (highlighted blue on the plan). This 225mm diameter sewer will be extended within the proposed road reserves to maximise the catchment area.

The balance of the Development Plan area will be serviced by a proposed Sewer Pump Station to be located on the western side of Rifle Butts Road. This Sewer Pump Station will pump east along the proposed connector road to the gravity sewers delivered as part of the early stages of development.

A large emergency storage vessel is to be located as part of this pump station arrangement. This storage will ensure that the peak flows being pumped can be accommodated within the receiving sewers.

Internally all lots will be provided with a gravity sewer connection point in accordance with the normal Barwon Water standards.

Telecommunications

As part of any future subdivision/development an underground pit and conduit network will be installed which will provide a service connection to all lots developed. The optic fibre network installed can be NBN or an alternate service provider such as Opticom.

Gas

Ausnet are the responsible authority for the area with regard to gas services. We do not expect gas to be reticulated throughout the Development Plan area with recent Victorian Government directions regarding reticulation of this asset type.

The Servicing Strategy demonstrates that the Development Plan area can be adequately serviced to provide all necessary infrastructure whilst meeting the relevant Authority requirements.

6.0 - Supporting Material

6.2 - Stormwater Management Strategy



Figure 21: Drainage Catchment Plan

Stormwater Management

A Stormwater Management Strategy has been prepared by Rain Consulting to help inform the Development Plan and is provided at **Appendix C** to this submission. A previous Stormwater Management Strategy was completed by SITEC (2022) and outlined the water quality and storage requirements for the Development Plan area with treatment assets located onsite.

Due to the topography of the land, the Development Plan area can be separated into four drainage catchments considered by the Stormwater Management Strategy.

Since the production of SITEC (2022) report, it has been negotiated with the neighbouring landowner to utilise the former rifle range land for the required drainage infrastructure. Corangamite Catchment Management Authority have indicated they would not object to the re-location of the wetland, on the condition that a flood impact analysis be completed for the 1% AEP climate change scenario to determine potential impacts to neighbouring properties.

The Flood Impact Assessment concluded that given the 95 percentile RFFE estimate does not impact the proposed location of the wetland, the re-location of the wetland within the former rifle range land will not impact or be impacted by the existing flooding. It does not cause the redirection or obstruction of floodwater, reduce flood storage, or increase flood levels and flow velocities outside the property boundaries.

As the land associated with the external drainage asset (rifle range) has been negotiated within purchase contract of 1-59 Rifle Butts Road, Colac, the land will be vested to Council at no cost via a Section 35 Plan of Subdivision or alternative appropriate mechanism to facilitate the delivery of ultimate drainage infrastructure. Should this outcome not be attainable due to reasons unforeseen, the drainage infrastructure will need to be delivered internal to the Development Plan area. The Stormwater Management Plan has considered alternative locations if this was to occur.

The drainage infrastructure and associated treatment train to service the Development Plan have been re-designed for all Catchments and ensures future subdivision/development will meet best practice targets for outflow to Lake Colac.

6.0 - Supporting Material

6.3 - Flora and Fauna Assessment



Figure 22: Biodiversity Values

Biodiversity

An initial Flora and Fauna Assessment has been completed by Okologie Consulting to inform the Colac West Development Plan. The Flora and Fauna Assessment has been provided as **Appendix D** to this submission.

The assessment area includes 1-59 Rifle Butts Road, Colac and 48 Stodart Street, Colac.

It is an application requirement for any future subdivision/development proposal (other than the properties outlined above) to provide a Flora and Fauna Assessment to inform the planning application.

NatureKit modelling identifies the pre-1750 EVC mapping for the project area predominantly comprised of Grassy Woodland (EVC 175) and Swamp Scrub (EVC 55).

A site inspection was undertaken for the site area outlined above on 24 May 2022. The inspection demonstrated that the land was highly modified from agricultural and residential use, comprising exotic pasture interspersed with planted trees and shrubs along windrows and sections of the boundary. An extensive cover of planted native and exotic vegetation was present around the dwelling and associated infrastructure and in landscaped gardens.

No remnant native vegetation was recorded within the subject area.

Furthermore, no listed threatened flora species or threatened fauna species were recorded during the field assessment. There is a low likelihood of occurrence for any listed flora or fauna species due to the absence of suitable habitat. The project area has been extensively modified from agricultural and residential use, which reduces or eliminates the habitat potential for many species.

The vegetation present within the site assessment area is exempt from the planning permit requirements of Clause 52.17.

6.0 - Supporting Material

6.4 - Bushfire Management Plan



Figure 23: Bushfire Management Plan

Bushfire Management

The Development Plan area is not located within a Bushfire Management Overlay, however is located within a Bushfire Prone Area.

An initial Bushfire Management Plan has been completed by Okologie Consulting to inform the Colac West Development Plan. The Bushfire Management Plan has been provided as **Appendix E** to this submission.

The assessment area includes 1-59 Rifle Butts Road, Colac and 48 Stodart Street, Colac.

It is an application requirement for any future subdivision/development proposal (other than the properties outlined above) to provide a Bushfire Management Plan to inform the planning application.

A Bushfire Management Plan is required to inform the bushfire risk and management response to reduce this risk to appropriate levels. The Bushfire Management Plan is required to address Clause 13.02 of the Colac Otway Shire Planning Scheme. This includes preparation of a bushfire site hazard and landscape hazard assessment and implementation of appropriate bushfire protection measures to address the identified bushfire risk.

The Bushfire Management Plan for the subject area identified the development can achieve BAL-12.5 construction standard in accordance with AS 3959-2018.

The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level, as the future subdivision/development can manage the bushfire risk within the property boundary.

Future subdivision/development within the assessment area will not increase the bushfire risk to the local community or existing community infrastructure.

6.0 - Supporting Material

6.5 - Aboriginal Cultural Heritage



Figure 24: Aboriginal Cultural Heritage Sensitivity

Aboriginal Cultural Heritage Sensitivity

The Aboriginal Heritage Regulations 2007 specify the circumstances in which a cultural heritage management plan is required for an activity or class of activity.

Division 2 of the Aboriginal Heritage Regulations 2007 specifies exempt activities which do not require a cultural heritage management plan. The future subdivision/development of the Development Plan area is not listed as an exempt activity.

Areas of cultural heritage sensitivity are defined within Division 3 of the Aboriginal Heritage Regulations 2007. Division 3 identifies part of the Development Plan area and surrounding land impacted by the drainage/sewer infrastructure as being within an area of cultural heritage sensitivity.

Therefore, a mandatory Cultural Heritage Management Plan will be required for any future subdivision/development applications impacted by the areas of Aboriginal Cultural Heritage Sensitivity. The site mapping from the Aboriginal Cultural Heritage Register and Information System is provided in Figure 23.

It is noted that a draft Cultural Heritage Management Plan (18635) has been prepared by CHMG Archaeologists and is provided as **Appendix F** to this submission. The assessment area includes 1-59 Rifle Butts Road, 48 Stodart Street, 439 Murray Street and 441-459 Murray Street, Colac. The draft Cultural Heritage Management Plan is awaiting approval by the relevant Registered Aboriginal Party. Approval of this Cultural Heritage Management Plan is required prior to any future subdivision/development permit being issued by Council. Furthermore, written confirmation has been provided by Tardis Archaeology Heritage Advisors to determine the Activity Area in the north-west corner of 1-59 Rifle Butts Road has been subject to previous significant ground disturbance and thus a mandatory Cultural Heritage Management Plan is not required for this area.

It is noted that an approved Cultural Heritage Management Plan is also required for 70 Rifle Butts Road, Colac West - prior to the delivery of drainage infrastructure. This is necessary to demonstrate the suitability of the proposal drainage infrastructure external to the Development Plan area. Field work for the Cultural Heritage Management Plan on this land has already been completed with minimal artefacts found. There are no complications foreseen for the Cultural Heritage Management Plan approval associated with the Rifle Range and proposed wetland location.

6.0 - Supporting Material

6.6 - Application Requirements

Future Planning Applications

The supporting material used to inform the Colac West Development Plan captures a number of properties within the Development Plan area, however some are excluded due to site access constraints and separate landownership.

Therefore, the future planning applications are required to supply this information in order to support the individual planning proposals. In particular, any land impacted by an area of Aboriginal Cultural Heritage Sensitivity must prepare a Cultural Heritage Management Plan approved by the Registered Aboriginal Party if required under the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2018. Furthermore, future planning applications are required to provide the necessary land Contamination Assessment to address the Planning Practice Note (June 2021) to Council's satisfaction, and a Landscape Masterplan to guide the landscape response as part of the subdivision works.

The information provided as part of the Development Plan and the information required as part of future planning applications are summarised below, however this does not prevent Council requesting further information on individual planning applications or any works that extend outside the Development Plan area.

Key

Information Supplied: ✓

Information Required: ○

Information Not Required: ✗

Property No.	Parcel	Address	Servicing Strategy	Stormwater Management Strategy	Traffic Impact Assessment	Biodiversity Assessment	Bushfire Management Plan	Contamination Assessment	Acoustic Report	Landscape Masterplan	Cultural Heritage Management Plan
1	Lot 2/TP846687	48 Stodart Street, Colac	✓	✓	○	✓	✓	○	✗	○	○
2	Lot 1/TP600612	1-59 Rifle Butts Road, Colac	✓	✓	○	✓	✓	○	✗	○	○
3	Lot 2/TP87194	1-59 Rifle Butts Road, Colac	✓	✓	○	✓	✓	○	✗	○	○
4	Lot 1/TP87194	1-59 Rifle Butts Road, Colac	✓	✓	○	✓	✓	○	✗	○	○
5	Lot 1/PS804989	61-65 Rifle Butts Road, Colac	○	○	○	○	○	○	✗	○	✗
6	Lot 2/PS804989	67-71 Rifle Butts Road, Colac	○	○	○	○	○	○	✗	○	✗
7	Lot 3/PS804989	73 Rifle Butts Road, Colac	○	○	○	○	○	○	✗	○	✗
8	Lot 1/PS610416	75 Rifle Butts Road, Colac	○	○	○	○	○	○	✗	○	✗
9	Lot 2/PS644906	87 Rifle Butts Road, Colac	○	○	○	○	○	○	✗	○	✗
10	Lot 1/PS644906	89 Rifle Butts Road, Colac	○	○	○	○	○	○	✗	○	✗
11	CP171401	439 Murray Street, Colac	○	○	○	○	○	○	○	○	○
12	Lot 1/TP140171	461-479 Murray Street, Colac	○	○	○	○	○	○	○	○	✗
13	Lot 1/TP140170	461-479 Murray Street, Colac	○	○	○	○	○	○	○	○	✗
14	Lot 1/TP140169	441-459 Murray Street, Colac	○	○	○	○	○	○	○	○	✗
15	Lot 1/TP140172	441-459 Murray Street, Colac	○	○	○	○	○	○	○	○	✗

7.0 - Conclusion

7.1 - Development Plan - Implementation



Figure 25: Development Plan Aerial

Delivery

The Colac West Development Plan relating to the Development Plan Overlay - Schedule 2 is considered to provide a positive planning outcome for the following reasons:

- The proposal accords with the objectives of the PPF, LPPF and Zone and Overlay provisions;
- The proposal addresses the requirements of Schedule 2 to the Development Plan Overlay;
- The proposal facilitates the delivery of a conventional residential precinct;
- The proposal will provide for a variety of dwelling typologies to increase housing choice in the municipality;
- The Development Plan will contribute to unlocking approximately 450-600 new dwellings within the municipality to contribute towards land supply and accommodate population growth;
- The Development Plan may facilitate alternative forms of accommodation/housing along with the establishment of complementary non-residential uses compatible within the General Residential Zone;
- The proposal will provide for a functional, efficient and connected local street network which will include upgrades of Rifle Butts Road and the extension of Moore Street and Stodart Street; and
- The proposal resolves servicing, access and drainage issues to allow for the coordinated and integrated development of the land.

It is therefore considered that the proposal is an acceptable outcome having regard to the provisions of the Colac Shire Planning Scheme and thus approval for the proposed 'Colac West Development Plan' should be granted.

Upon approval, planning applications for subdivision/development within the precinct will be advanced in accordance with the final Colac West Development Plan.

Item: 8.8

Planning Scheme Review

OFFICER	Simon Clarke
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none">1. Colac Otway Planning Scheme Review Report Draft V 3 19022024 PDF VERSION for Council Report [8.8.1 - 84 pages]2. Overview of Strategic Planning Work Program and Future Strategic Planning Projects [8.8.2 - 5 pages]

1. PURPOSE

Receive and note the 2024 Planning Scheme Review.

2. EXECUTIVE SUMMARY

The *Planning and Environment Act 1987* mandates that all Councils in Victoria continually review their Planning Schemes. The purpose of the review is to ensure that a planning scheme delivers on a Council Vision for land use and development, improved processes, efficiencies and decision making and addressees changing community needs. A Review must align with and adopted Council Plan. Council last reviewed its Planning Scheme in 2017, reporting to Council in 2018.

The recommendations of the review will guide Council's Strategic Planning Unit's work program over the ensuing 4-year period. Prior to adopting a final Review and referral to the Minister for Planning, it is intended that Council place this Planning Scheme Review document on exhibition to obtain community comment.

It should be noted that some of the recommendations include work currently underway or budgeted in the 24/25 financial year: some carrying over from the recommendations of the 2018 Review.

3. RECOMMENDATION

That Council receive and note the findings of the 2024 Planning Scheme Review and refer further consideration of the Planning Scheme review report to a future Council meeting post the 2024 Council Election.

4. KEY INFORMATION

Background

Section 12B of the Planning and Environment Act 1987 ('the Act') requires each planning authority (Council) to regularly review its Planning Scheme. The review must confirm that the Planning Scheme:

- is consistent in form and content with directions or guidelines issued by the Minister for Planning,
- that it sets out effectively the policy objectives for use and development of land in the area to which the Planning Scheme applies, and
- that it makes effective use of State provisions and local provisions to give effect to State and local planning policy objectives.

In effect, the review is an audit of the performance of the Planning Scheme and is intended to inform continuous improvement by addressing the key questions listed above.

The Review carries a statutory function of ensuring that the Colac Otway Planning Scheme is aligned with State Government planning policy, it also enables Council to undertake an audit of the performance of the scheme at a point in time and also the effectiveness of decision making under the planning scheme.

Importantly, the Review also allows a Council to reassess and refocus its strategic land use works program to ensure projects reflect Council's directions and community aspirations.

In terms of high-level findings, the Planning Scheme Review finds the scheme provides a robust strategic and statutory framework for land use and development in Colac Otway Shire. However, it notes that since the last review and since the scheme was translated into the new structure with a Municipal Planning Strategy (MPS) and integrated Planning Policy Framework (PPF), that it now needs updating because of improvements that have been to the MPS and PPF structure over the last few years.

The scheme's MPS requires some administrative and population updates and some very minor administrative corrections. Planning policies in the PPF also require some administrative updates and minor restructuring. Further strategic work is needed to reinforce and improve the strategic directions of the scheme to better guide decision making around:

- Implementing the Deans Creek Precinct Structure Plan to guide growth area planning in Colac by identifying the requirements for orderly staging and development of the land consistent with the Colac 2050 Growth Plan.
- Partnering with the Great Ocean Road Authority on the land use planning implications of sea level rise and storm surge associated with climate change and appropriate planning scheme responses.
- Rezoning land identified as either low density or rural living to facilitate housing on larger lots consistent with the Colac Framework Plan.

- Reviewing the Forrest Structure Plan and preparing a neighbourhood character assessment of the town.
- Review of the Birregurra Structure Plan (**a current initiative**).
- Implementing township plans for Alvie, Beeac, Cororooke, Coragulac and Cressy to determine a revised settlement boundary that supports growth of the towns in accordance with the Rural Living Strategy (**a current initiative**).
- Review the Apollo Bay Structure Plan (**24/25 budgeted item**).
- Investigating opportunities to expand the application of the RAZ to the coastal hinterland of the Shire and for more fragmented FZ areas and apply an appropriate planning response.
- Undertaking a Gaming Strategy for the municipality (**24/25 budget item**).
- Undertaking a Licensed Premises Strategy for the municipality. (**24/25 budget item**)
- Reviewing the schedule to Clause 43.01s - Heritage Overlay to insert statements of significance for all sites not included in the Victorian Heritage Register.
- Preparing an advertising signs policy that provides strengthened coordination and design of all signage in Colac and Apollo Bay including the eastern and western entrance corridors to Colac.
- Reviewing Schedule 1 to Clause 59.16 - information requirements and decision guidelines for local VicSmart applications to incorporate additional local classes of minor applications.

The budgetary impact of the funding of strategic projects and their implementation can also be a significant issue for Council in a rate capped and inflationary fiscal environment. Further discussion is required in the next term of Council on the prioritisation and programming of future strategic planning work, as it is unlikely that Council will be able to complete the recommended future work within the next four-year review period.

Council has made good progress in its term on the strategic action to increase the residential land supply through a number of rezonings supported by the Colac 2050 Growth Plan and the preparation of the Deans Creek Precinct Structure Plan. There are many strategic projects specified in the current planning scheme that have been undertaken and completed. However, there are some that have not been progressed since the 2018 review, such as undertaking a gaming strategy and licensed premises strategy for the municipality (**budgeted in 24/25**) and investigating opportunities to expand the application of the RAZ to the coastal hinterland of the Shire. Council needs to prioritise funding to these and several other projects to implement this planning scheme review. To assist with this, Council should advocate for a simplification of the planning system and investigate external funding and partnership opportunities that are provided by Victorian Government Departments and Agencies and regional organisations.

Council delegations for planning functions currently state that any application for refusal or where four or more objections have been received must be determined by Council. This includes any application that is recommended for a permit, notice of decision to grant a permit or refusal. The review report has expressed the view that this level of delegation is insufficient and inconsistent with an efficient and well-functioning planning scheme and application process and should be reviewed. It is not proposed to comment further on this conclusion as this should be a matter for the future Council to consider as part of a broader review process for authorisations and delegations post the 2024 Council Election.

Top Recommended Priorities for Council

The review has identified the following priorities for Council over the next four years (**not already underway or budgeted**):

- Prioritising future strategic planning work, including updates to clarify and improve the efficiency of the planning scheme.
- Reviewing delegations for planning applications.
- Continuing to implement the Colac 2050 Growth Area plan and progress the Deans Creek Precinct Structure Plan.
- Preparing an advertising signs policy that provides strengthened coordination and design of all signage in Colac and Apollo Bay including the eastern and western entrance corridors to Colac.
- Partnering with the Great Ocean Road Authority on the land use planning implications of sea level rise and storm surge associated with climate change and appropriate planning scheme responses.
- Implementing the work underway to include additional local classes of VicSmart applications for applications into the scheme for certain types of minor development.

Consolidated Recommendations

Planning Scheme Amendments

The planning scheme review has identified many policy-neutral changes that should be made to the planning scheme to bring it into alignment with the Ministerial Direction on the Form and Content of Planning Schemes (MDFC). These are administrative matters and do not change the policy intent of the scheme.

There are several factual changes that should be made to the MPS to bring it up to date with the most recent ABS and economic data, and the Council Plan.

The planning permit audit and consultation with referral authorities and Council staff identified that some provisions can be better drafted, particularly Special Use Zone, overlay and schedules, and some referral and notice provisions for applications can be revised or removed. There are also improvements needed to simplify language to more clearly express permit requirements and reduce unnecessary, non-value adding permit triggers. Revising these will help to provide a clearer planning scheme, leading to a reduction in workload and the ability to redirect resources to higher priority planning matters.

Some of the more procedural changes that can be made to the planning scheme to better reflect Council policy and practice include:

- Minor administrative corrections to the MPS including an updated vision.
- Relocating the Colac Township Framework Plan to Clause 11.01-1L.
- Administrative updates to Clauses 11.01-1L, 13.07-1L, 15.03-1L, 17.03-1L and 19.03-2L.
- Introducing an Environmental Sustainable Development Local Policy at Clause 15.01-2L of the scheme based on Council's adopted Climate Change Action Plan 2023-2033.
- Updating zone and overlay schedules to be consistent with the MDFC.
- Updating Clause 74.02 to align with the strategic work that has been completed by Council and the future strategic work that is pending.

All these matters can be progressed with through a Ministerial Amendment rather than a full and lengthy planning scheme amendment process.

The planning scheme review included an audit of local and regional strategies and policies that have been completed since the last planning scheme review has been undertaken and planning policy from these strategies incorporated into the planning scheme as relevant. The working documents that were used to undertake the analysis have been provided to Council officers for reference. The record of engagement with officers, referral authorities and Council has been summarised in this report and provided to Council for reference.

These planning scheme changes are marked as track changes on the supporting Colac Otway Planning Scheme (the scheme) ordinance at Appendix 1 of the Planning Scheme Review Report.

Further Strategic Work

Appendix 2 of the Planning Scheme Review Report outlines the strategic planning work that has been identified through the planning scheme review.

Through the review process, the highest priority tasks for Council to undertake over the next four years to improve the planning scheme have been identified and included in the recommendations. Numerous other recommendations for further strategic work have been identified through this review and are included in Appendix 2 of the Planning Scheme Review Report. The list contained within Recommended Resolution 2 represents the further strategic work that is considered will have the most positive impact for the Colac Otway community and the efficient functioning of the planning function.

Only work that can be completed in the next four years should be included in Clause 74.02 of the planning scheme. A recommended Clause 74.02 is included in the marked-up ordinance at Appendix 1 of the Planning Scheme Review Report. This should be considered by Council to ensure that the work is reasonable to complete over the next four years.

Process Improvements

These recommendations relate to improvements that could be made to the processes associated with collection and analysis of data (such as planning permits), processing and referral of applications, and communication. Process improvements may apply to Council, the Victorian government or referral agencies.

These recommendations are drawn from both the analysis of the planning scheme and consultation with Council staff and referral authorities.

Advocacy

These recommendations are generally beyond the scope of what Council can achieve in its planning scheme under the current Victoria Planning Provisions or scope of the Planning and Environment Act 1987. They are however matters that Council may wish to discuss with the state government to highlight the issue and advocate for change.

Minister for Planning

Colac Otway Shire Council, with funding from DTP and assistance from Plan2Place Consulting has prepared a planning scheme review as required by section 12B(1) of the Planning and Environment Act 1987 (the Act).

In accordance with section 12B(3) of the Act, this review identifies opportunities, set out in this report, enhances the effectiveness and efficiency of the planning scheme in achieving the objectives of planning in Victoria and the objectives of the planning framework established in the Act.

In accordance with section 12B(4) of the Act, the review evaluates the planning scheme to ensure that it:

- Is consistent with Ministerial Direction on the Form and Content of Planning Schemes.
- Sets out the policy objectives for the use and development of land.
- Makes effective use of state and local provisions to achieve state and local planning policy objectives.

The recommendations of the review will guide Council's Strategic Planning Unit's work program over the ensuing 4-year period. The review report is required to be adopted by Council and then submitted to the Minister for Planning. It is intended to undertake this last step with the next Council, given that the new Council through the budget will be authorising future strategic work priorities.

The Planning Scheme Review is included at Attachment 1 and the work program recommended in the review is attached as Appendix 2.

5. CONSIDERATIONS

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

The overarching governance principles 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
- c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted
- d) the municipal community is to be engaged in strategic planning and strategic decision making
- e) innovation and continuous improvement is to be pursued
- f) collaboration with other Councils and Governments and statutory bodies is to be sought

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

The review of the Colac Otway Planning Scheme is a requirement of the *Planning and Environment Act 1987*.

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

It is considered that the Review will have no direct implications. Follow up planning scheme amendments will review environmental policy and planning controls.

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

The Review is a stand-alone report and highly technical in nature that does not benefit from undertaking further Community engagement. Many of its recommendations are stand-alone actions that once translated into projects or planning scheme amendments will be subject to public facing processes.

Public Transparency (s58 LGA 2020)

The next Council will be required to adopt the Planning Scheme Review through a Council resolution.

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%

Financial Management (s101 Local Government Act 2020)

The Department of Transport and Planning provided \$40,000 for Plan2Place to undertake the Planning Scheme Review for Council. Other day to day costs associated with the Review are covered in the ordinary Strategic Planning budget. It is however noted that the increasing complexity of the planning system is increasing the costs and scope of consideration for many if the future strategic planning projects and will necessitate prioritisation of future work.

Service Performance (s106 Local Government Act 2020)

Not applicable.

Risk Assessment

Not applicable.

Communication/Implementation

All planning scheme amendments will be advertised in accordance with the requirements of the *Planning and Environment Act 1987* and Council's Engagement Policies.

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 and note the report.

This option is recommended by officers as it will progress the planning scheme review process which is a statutory requirement.

Option 2 – Do not adopt the recommendation and not note the report and leave the review to the next Council.

This option is not recommended by officers as will not progress the planning scheme review process which is a statutory requirement.

Colac Otway Planning Scheme Review



Draft Report
Version 3

Date: 19 February 2024



This report was prepared by Plan2Place Consulting in partnership with Wayfarer Consulting on behalf of Colac Otway Shire Council and funded in partnership with the Department of Transport and Planning.

Photo sources all by Plan2Place Consulting

Planning and Environment Act 1987

Planning scheme review pursuant to Section 12B of the Act

Colac Otway Planning Scheme

Version	Author	Issue date
1.0	Plan2Place Consulting	30 October 2023
2.0	Plan2Place Consulting	31 January 2024
3.0	Plan2Place Consulting	19 February 2024

Abbreviations

Abbreviation	Meaning
BAO	Buffer Area Overlay
BMO	Bushfire Management Overlay
C1Z	Commercial 1 Zone
C	Council Amendment
COSC, Council	Colac Otway Shire Council
DTP	Department of Transport and Planning
DDO	Design and Development Overlay
DPO	Development Plan Overlay
ESD	Environmentally Sustainable Development
ESO	Environmental Significance Overlay
EPAV	Environment Protection Authority Victoria
FZ	Farming Zone
FO	Flooding Overlay
GC	Group Council Amendment
GRZ	General Residential Zone
GORCAPA	Great Ocean Road Coast and Parks Authority
LSIO	Land Subject to Inundation Overlay
LGA	Local Government Area
LDRZ	Low Density Residential Zone
MDFC	Ministerial Direction on the Form and Content of Planning Schemes
MPS	Municipal Planning Strategy
MUZ	Mixed Use Zone
NCO	Neighbourhood Character Overlay
NRZ	Neighbourhood Residential Zone
PG	Practitioner's Guide to Victoria's Planning Schemes
PPF	Planning Policy Framework
PPN	Planning Practice Note
PPV	Planning Panels Victoria
PSR	Colac Otway Planning Scheme Review
RCZ	Rural Conservation Zone
SLO	Significant Landscape Overlay
EMAC	Eastern Maar Aboriginal Corporation
The Scheme, cola	Colac Otway Planning Scheme
TZ	Township Zone
VC	Victoria and Council Amendment
VCAT	Victorian Civil and Administrative Tribunal
VPP	Victoria Planning Provisions
VPO	Vegetation Protection Overlay
Numeric Abbreviations	
ha	hectares
m	metre
m ²	metres squared
%	percent
sqm	square metres
Related Legislation	
Environment Protection Act 2017 (EP Act 2017)	
Subdivision Act 1988 (Sub Act)	
Planning and Environment Act 1987 (P&E Act)	

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1. Executive summary

1.1. Why is the planning scheme being reviewed?

Council as the planning authority for the Colac Otway Planning Scheme is required to review its planning scheme every four years under Section 12(B) of the Planning and Environment Act 1987 (P&E Act).

Council last undertook a comprehensive review of the planning scheme in 2018. The findings of this review were translated into the planning scheme primarily via Amendments C103cola gazetted in July 2020, C97cola gazetted in July 2021, C99cola gazetted in August 2021, C108cola gazetted in November 2021 and C119cola gazetted in September 2022.

In 2021, the planning scheme was restructured to insert a new Municipal Planning Strategy (MPS) and local planning policies in an integrated Planning Policy Framework (PPF) to replace the former Local Policy Planning Framework (LPPF). This was implemented via Amendment C108cola and was a policy neutral amendment undertaken by the Victorian government.

This review will be forwarded to the Minister for Planning as required under section 12(B) of the P&E Act once completed. A planning scheme amendment to implement the findings of the review has been prepared and is attached in the form of marked up ordinance as **Appendix 2** to this report.

1.2. Health check and findings

Overall, the Colac Otway Planning Scheme (the scheme) provides a robust strategic and statutory framework for land use and development in Colac Otway Shire. The planning scheme was translated into the new structure with an MPS and integrated PPF and now needs updating as a result of improvements that have been to the MPS and PPF structure over the last few years.

The scheme's MPS requires some administrative and population updates and some very minor administrative corrections. Planning policies in the PPF also require some administrative updates and minor restructuring.

Low density residential and rural zone schedules and their mapping should be more clearly mapped and expressed with single schedules to improve their clarity. Special Use Zones should be redrafted to be consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.

Overlays including the Environmental Significance, Vegetation Protection, Significant Landscape and Design and Development Overlays should be redrafted to be consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*. There could be greater use of VicSmart local provisions for simple, non-contentious applications and Council is current working through a range of identified application types.

Over the last five years, the numbers of applications received have mostly matched the numbers of applications decided, which demonstrates that Council is assessing applications and administering its scheme well. There are periods in which applications determined have lagged behind those lodged, which reflects the resourcing constraints and challenges for a rural Council. There is a very low number of appeals and refusals for planning applications subject to the scheme and a moderate number of withdrawn and no permit required applications, which partly explains the low number of refusals.

Further strategic work is needed to reinforce and improve the strategic directions of the scheme to better guide decision making around:

- Implementing township plans for Alvie, Beeac, Cororooke and Cressy to determine a revised settlement boundary that supports growth of the towns in accordance with the Rural Living Strategy.
- Implementing the Deans Creek Precinct Structure Plan to guide growth area planning in Colac by identifying the requirements for orderly staging and development of the land consistent with the Colac 2050 Growth Plan.
- Preparing an advertising signs policy that provides strengthened coordination and design of all signage in Colac and Apollo Bay including the eastern and western entrance corridors to Colac.
- Partnering with the Great Ocean Road Authority on the land use planning implications of sea level rise and storm surge associated with climate change and appropriate planning scheme responses.
- Rezoning land identified as either low density or rural living to facilitate housing on larger lots consistent with the Colac Framework Plan.
- Rezoning the Rural Activity Zone (RAZ) to maintain buffers to industry and around the abattoir and/or prepare a precinct plan for the area south of Flaxmill Road and north of Princes Highway located west of the industrial land to identify appropriate land use and development controls.
- Reviewing the Forrest Structure Plan and preparing a neighbourhood character assessment of the town.
- Implementing remaining initiatives from the Birregurra Structure Plan.
- Investigating opportunities to expand the application of the RAZ to the coastal hinterland of the Shire and for more fragmented FZ areas and apply an appropriate planning response.
- Undertaking a Gaming Strategy for the municipality.
- Undertaking a Licensed Premises Strategy for the municipality.
- Reviewing the schedule to Clause 43.01s - Heritage Overlay to insert statements of significance for all sites not included in the Victorian Heritage Register.
- Reviewing Schedule 1 to Clause 59.16 - information requirements and decision guidelines for local VicSmart applications to incorporate additional local classes of minor applications.

There is adequate resourcing of the planning functions at Council but this could always be improved, particularly in the strategic planning area. Given the Shire's rural location in south-western Victoria, staff attraction and retention can be a significant issue. There are only two strategic planners employed at Council which is insufficient to manage the more than ten strategic and other projects currently underway and the new projects proposed through future strategic work. This level of resourcing does not enable multiple planning scheme amendments and strategic projects to be progressed, multiple project briefs and consultancy projects to be managed and planning advice to be provided throughout Council.

The budgetary impact of the funding of strategic projects and their implementation can also be a significant issue for Council in a rate capped and inflationary fiscal environment. Council has progressed the Colac 2050 Growth Plan through significant resourcing and the preparation of the Deans Creek Precinct Structure Plan. There are many strategic projects on the list of future strategic work that have been undertaken and completed. However, these are some that have not been progressed since the 2018 review, such as undertaking a gaming strategy and licensed premises strategy for the municipality and investigating opportunities to expand the application of the RAZ to the coastal hinterland of the Shire. Council needs to prioritise funding to these and several other projects in order to implement this planning scheme review. To assist with this, Council should investigate external funding and partnership opportunities that are provided by Victorian Government Departments and Agencies and regional organisations.

Council delegations for planning functions currently state that any application for refusal or where four or more objections have been received must be determined by Council. This includes any application that is recommended for a permit, notice of decision to grant a permit or refusal. This level

of delegation is insufficient and inconsistent with an efficient and well-functioning planning scheme and application process and should be reviewed.

Strategic planning matters and applications received and progressed are regularly reported to Council. This enables Councillors to raise any issues with specific matters and to “call-in” planning applications for reporting to Council such as those that raise substantial policy issues. To provide for an improved planning function at Council, it is recommended that Council revise its delegations for planning applications so that those that are recommended for refusal and applications with five or less objections are determined under delegation by officers.

During this planning scheme review, it has become clear that the executive team at Council and Councillors both understand and are committed to addressing the underlying issues and directing adequate resources to improve the performance of the planning function at Council. This process will take time and it is critical that Council remain focused on the strategic planning projects that will make the most difference to the wider community and building the capacity and confidence of the statutory and strategic planning team.

1.3. Top priorities for Council

The review has identified the following priorities for Council over the next four years:

- Reviewing delegations for planning applications and better resource its strategic planning function.
- Continuing to implement the Colac 2050 Growth Area plan and progress the Deans Creek Precinct Structure Plan.
- Implementing township plans for Alvie, Beeac, Cororooke and Cressy.
- Preparing an advertising signs policy that provides strengthened coordination and design of all signage in Colac and Apollo Bay including the eastern and western entrance corridors to Colac.
- Partnering with the Great Ocean Road Authority on the land use planning implications of sea level rise and storm surge associated with climate change and appropriate planning scheme responses.
- Implementing the work underway to include additional local classes of VicSmart applications for applications into the scheme for certain types of minor development.

1.4. Consolidated recommendations

This section of the report outlines the recommendations and next steps for this planning scheme review. Recommendations are grouped as follows:

- Planning scheme recommendations.
- Further strategic work recommendations.
- Process improvement recommendations.
- Advocacy recommendations.
- Minister for Planning recommendation.

1.4.1. Planning scheme amendment

These recommendations relate to the planning scheme amendment that should be progressed to implement the findings of this review relating to administrative matters or to incorporate Council or State adopted strategic planning work into the scheme.

The planning scheme review has identified many policy-neutral changes that should be made to the planning scheme to bring it into alignment with the *Ministerial Direction on the Form and Content of*

Planning Schemes (MDFC). These are administrative matters and do not change the policy intent of the scheme.

There are several factual changes that should be made to the Municipal Planning Strategy (MPS) to bring it up to date with the most recent ABS and economic data, and the Council Plan.

The planning permit audit and consultation with referral authorities and Council staff identified that some provisions can be better drafted, particularly Special Use Zone and overlay schedules, and some referral and notice provisions for applications can be revised or removed. As well as sometimes being difficult to understand in terms of permit requirements, these provisions are unclear and generate unnecessary regulatory burden that does not value add to the planning process. Revising these will help to provide a clearer planning scheme, leading to a reduction in workload and the ability to redirect resources to higher priority planning matters.

Opportunity has been taken to make several other changes to the planning scheme to reflect Council policy and practice including:

- Minor administrative corrections to the MPS including an updated vision.
- Relocating the Colac township framework plan to Clause 11.01-1L.
- Administrative updates to Clauses 11.01-1L, 13.07-1L, 15.03-1L, 17.03-1L and 19.03-2L.
- Introducing an environmental sustainable development local policy at Clause 15.01-2L of the scheme based on Council's adopted Climate Change Action Plan 2023-2033.
- Updating zone and overlay schedules to be consistent with the MDFC.
- Updating Clause 74.02 to align with the strategic work that has been completed by Council and the future strategic work that is pending.

All of these matters can be progressed with through a Ministerial Amendment.

An audit of local and regional strategies and policies that have been completed since the last planning scheme review has been undertaken and planning policy from these strategies incorporated into the planning scheme as relevant. The working documents that were used to undertake the analysis have been provided to Council officers for reference. The record of engagement with officers, referral authorities and Council has been summarised in this report and provided to Council for reference.

These planning scheme changes are marked as track changes on the supporting Colac Otway Planning Scheme (the scheme) ordinance at **Appendix 1**.

Within the Ordinance, the reason for each change is included in orange text in brackets like this: [\[source code\]](#). This reason will take the reader back to the correct page of the parent document or the correct provision in the planning scheme as appropriate and enable changes to be understood in their original context. If the words **NEW** is at the start of the source code, it means that this is new, strategically justified policy to be included in the scheme and will require a full, or exhibited, amendment.

Recommendation:

It is recommended that Council:

1. **Prepare a planning scheme amendment or amendments using the marked-up ordinance at Appendix 1 to:**
 - a) **Incorporate the policy neutral changes identified in Chapter 5 to align the ordinance with the Ministerial Direction on the Form and Content of Planning Schemes.**
 - b) **Include revised or new policy and/or provisions to improve the strategic directions of the scheme and to include adopted Council strategies and policies.**

1.4.2. Further strategic work

Appendix 2 of this report outlines the strategic planning work that has been identified through this planning scheme review.

Through the review process, the highest priority tasks for Council to undertake over the next four years to improve the planning scheme have been identified and included in the recommendations below. Numerous other recommendations for further strategic work have been identified through this review and are included in **Appendix 2**. The list below represents the further strategic work that is considered will have the most positive impact for the Colac Otway community and the efficient functioning of the planning function.

Only work that can be completed in the next four years should be included in Clause 74.02 of the planning scheme. A recommended Clause 74.02 is included in the marked-up ordinance at **Appendix 1**. This should be considered by Council to ensure that the work is reasonable to complete over the next four years.

Recommendations:

It is recommended that Council:

2. Prioritise the following further strategic work over the next four years:

- a) Implement township plans for Alvie, Beeac, Cororooke and Cressy to determine a revised settlement boundary that supports growth of the towns in accordance with the Rural Living Strategy.
- b) Implement the Deans Creek Precinct Structure Plan to guide growth area planning in Colac by identifying the requirements for orderly staging and development of the land consistent with the Colac 2050 Growth Plan.
- c) Prepare an advertising signs policy that provides strengthened coordination and design of all signage in Colac and Apollo Bay including the eastern and western entrance corridors to Colac.
- d) Partner with the Great Ocean Road Authority on the land use planning implications of sea level rise and storm surge associated with climate change and appropriate planning scheme responses.
- e) Rezone land identified as either low density or rural living to facilitate housing on larger lots consistent with the Colac Framework Plan.
- f) Rezone the RAZ to maintain buffers to industry and around the abattoir and/or prepare a precinct plan for the area south of Flaxmill Road and north of Princes Highway located west of the industrial land to identify appropriate land use and development controls.
- g) Review and implement the Forrest Structure Plan and prepare a neighbourhood character assessment of the town.
- h) Implement remaining initiatives from the Birregurra Structure Plan.
- i) Investigate opportunities to expand the application of the RAZ to the coastal hinterland of the Shire and for more fragmented FZ areas and apply an appropriate planning response.
- j) Undertake a Gaming Strategy for the municipality.
- k) Undertake a Licensed Premises Strategy for the municipality.
- l) Review the schedule to Clause 43.01s - Heritage Overlay to insert statements of significance for all sites not included in the Victorian Heritage Register.

- m) Review Schedule 1 to Clause 59.16 - information requirements and decision guidelines for local VicSmart applications to incorporate additional local classes of minor applications.**

1.4.3. Process improvements

These recommendations are drawn from both the analysis of the planning scheme and consultation with Council staff and referral authorities.

The recommendations relate to improvements that could be made to the processes associated with collection and analysis of data (such as planning permits), processing and referral of applications, and communication. Process improvements may apply to Council, the Victorian government or referral agencies.

Recommendations:

It is recommended that Council:

3. Included the following matters about internal Council processes that could be improved:

- **Review delegations for planning applications and better resource the strategic planning function.**

1.4.4. Advocacy

These recommendations are generally beyond the scope of what Council can achieve in its planning scheme under the current Victoria Planning Provisions or scope of the Planning and Environment Act 1987. They are matters that Council may wish to discuss with the Victorian government to highlight the issue and advocate for change.

Recommendations:

It is recommended that Council:

- 4. Advocate to the Victorian Government for stronger provisions to be included in the Farming Zone, Rural Conservation Zone and Rural Activity Zone to prohibit a second dwelling on a lot and subsequent residential subdivisions less than the minimum lot size in these three zones.**

1.4.5. Minister for Planning

Colac Otway Shire Council, with funding from DTP and assistance from Plan2Place Consulting has prepared a planning scheme review as required by section 12B(1) of the *Planning and Environment Act 1987* (the Act).

In accordance with section 12B(3) of the Act, this review identifies opportunities, set out in this report, enhances the effectiveness and efficiency of the planning scheme in achieving the objectives of planning in Victoria and the objectives of the planning framework established in the Act.

In accordance with section 12B(4) of the Act, the review evaluates the planning scheme to ensure that it:

- Is consistent with Ministerial Direction on the Form and Content of Planning Schemes.
- Sets out the policy objectives for the use and development of land.
- Makes effective use of state and local provisions to achieve state and local planning policy objectives.

Recommendation:

- 5. That Colac Otway Shire Council note the draft Planning Scheme Review and undertake consultation with the community about the findings and draft recommendations.**
- 6. Upon completion of the consultation period a report will be provided to Council for consideration and adoption where appropriate.**

Once the planning scheme review report is finalised after community and external stakeholder consultation, include the following recommendation:

- 7. That Colac Otway Shire Council adopt this Planning Scheme Review and forward it to the Minister for Planning as evidence that Colac Otway Shire Council, as the planning authority for Colac Otway Planning Scheme, has met its obligations in accordance with Section 12B of the Planning and Environment Act 1987 to review the planning scheme every four years.**

2. Introduction

2.1. Purpose

Council as the planning authority for the Colac Otway Planning Scheme is required to review its planning scheme every four years under Section 12(B) of the *Planning and Environment Act 1987* (The Act).

The scope of a planning scheme review is established under Section 12(B) and planning scheme reviews should focus on:

- The effectiveness and efficiency of the planning scheme in achieving the objectives of planning and the planning framework in Victoria.
- Aligning the planning scheme with the Ministerial Direction on the Form and Content of Planning Schemes.
- Ensuring the planning scheme contains a clear narrative about the way use and development of land will be managed to achieve the planning vision or objectives of the area.

Planning scheme reviews also provide the opportunity to:

- Align Council's policy position with the planning scheme.
- Update out of date or redundant information.
- Educate and inform stakeholders about how the planning scheme works and the process by which to improve it.

Council last undertook a comprehensive review of the planning scheme in 2018, which followed a review in 2015. Much of the 2018 review has been implemented through a variety of planning scheme amendments including Amendments C103cola gazetted in July 2020, C97cola gazetted in July 2021, C99cola gazetted in August 2021, C108cola gazetted in November 2021 and C119cola gazetted in September 2022. Amendment C108cola restructured the planning scheme by inserting a new Municipal Planning Strategy and local planning policies to replace the former Local Policy Planning Framework (LPPF) into the new Planning Policy Framework (PPF). This was a policy neutral amendment undertaken by the Victorian government in partnership with Council.

The new MPS and local policies in the PPF have responded to one of the significant recommendations from the 2018 planning scheme review to significantly revise and restructure the LPPF to reflect current strategic directions for land use and development and incorporate a more usable and relevant planning scheme format.

This review will be forwarded to the Minister for Planning as required under section 12(B) of the Act once complete. A planning scheme amendment to implement the findings of the review has been prepared and is attached in the form of marked up ordinance as **Appendix 1** to this report.

2.2. Methodology

A six-stage methodology has been developed by DTP to undertake planning scheme reviews as shown in **Figure 1**.

The methodology is supported by the 'Good Practice Guide to Planning Scheme Reviews' and templates that have been developed to assist with each stage of the process.

Plan2Place Consulting has been engaged by DTP to conduct Stages 1 to 4 for the Colac Otway Shire Council.

Stage 5 and 6 will involve a planning scheme amendment to implement the recommendations of the review, which the community will be consulted on. The amendment will be exhibited and submissions invited from community members in accordance with the requirements of the Planning and Environment Act 1987. If submissions cannot be resolved, Council is obliged to ask the Minister for Planning to appoint an independent Planning Panel to consider submissions and make recommendations to the Minister.

Figure 1: Planning Scheme Review Methodology



The timing for the project is:

Stage	Timing
Initiate	27/02/23
Analyse	17/04/23
Engage	22/05/23 – 09/10/23
Report	31/01/24 (Draft Report)
Consult	TBC
Implement	TBC

This planning scheme review has been prepared in consideration to the following directions and guidance provided by DTP.

Ministerial directions:

- Ministerial Direction on the Form and Content of Planning Schemes.
- Ministerial Direction No. 11 Strategic Assessment of Amendments.

Planning practice notes and advice:

- A Practitioner's Guide to Victoria's Planning Schemes.
- PPN46 – Strategic Assessment Guidelines.
- PPN32 – Review of planning schemes.

2.3. Colac Otway Shire Context

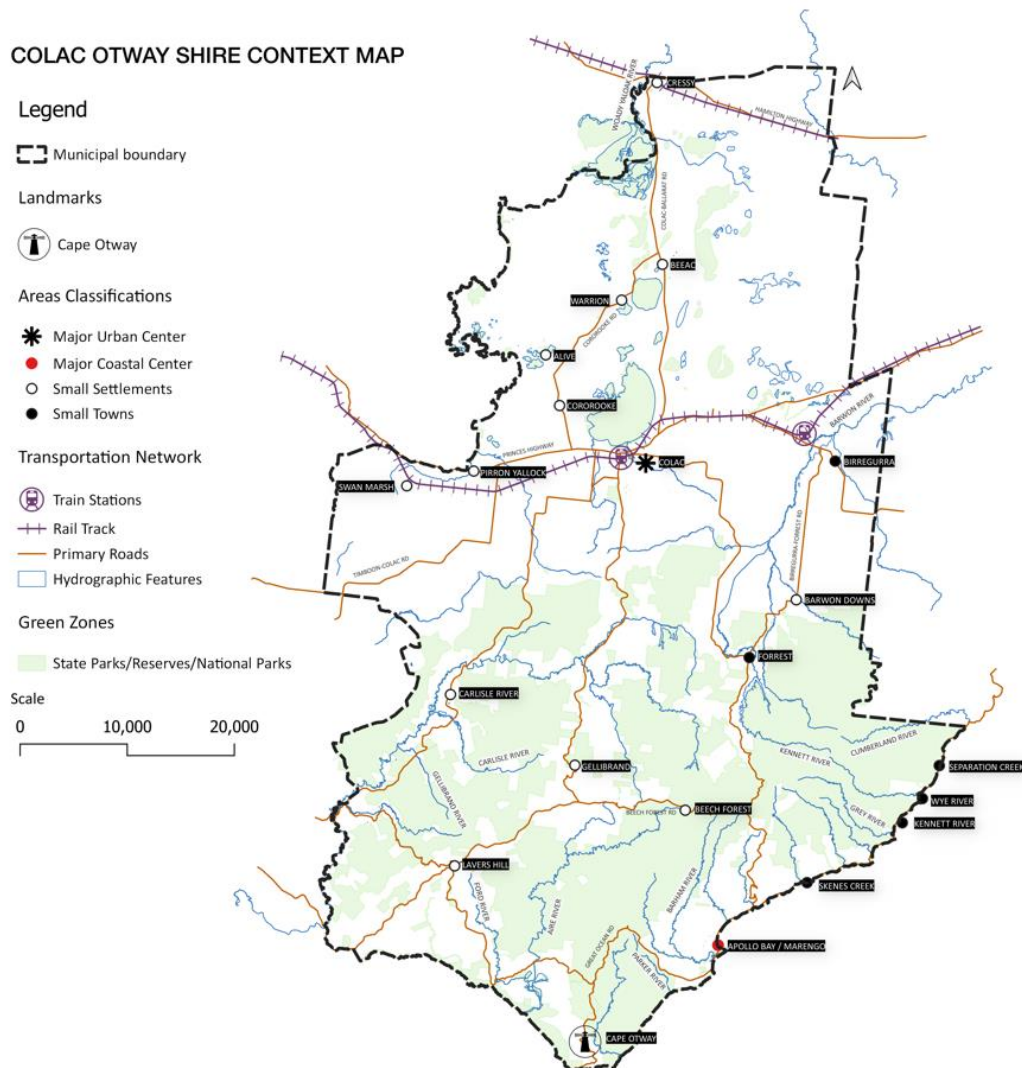
Colac Otway Shire is located in the south-west of Victoria, approximately 2 hours' drive from Melbourne. The Shire has an area of about 3,500 square kilometres and a 2021 census population of 22,423. There are over 20 towns and settlements located throughout the Shire.

The Shire includes some of the most scenic and environmentally sensitive land in Victoria including the Great Otway National Park and 90 kilometres of coastline served by the Great Ocean Road.

The Shire has a rich and diverse history, includes several important indigenous heritage areas and has played an important role in Victoria's growth through pastoral activity, farming, forestry and tourism. A large proportion of the Shire's cultural heritage is located within the smaller towns and in outlying rural areas.

The Shire's economic development is demonstrated by its main industries which include dairying, cropping, timber, wool and tourism. The Shire is well placed to capture a large proportion of Victoria's key tourism growth market as it provides a variety of different forms of accommodation as well as desirable tourist attractions. The context for the Colac Otway Shire is shown in **Figure 2**.

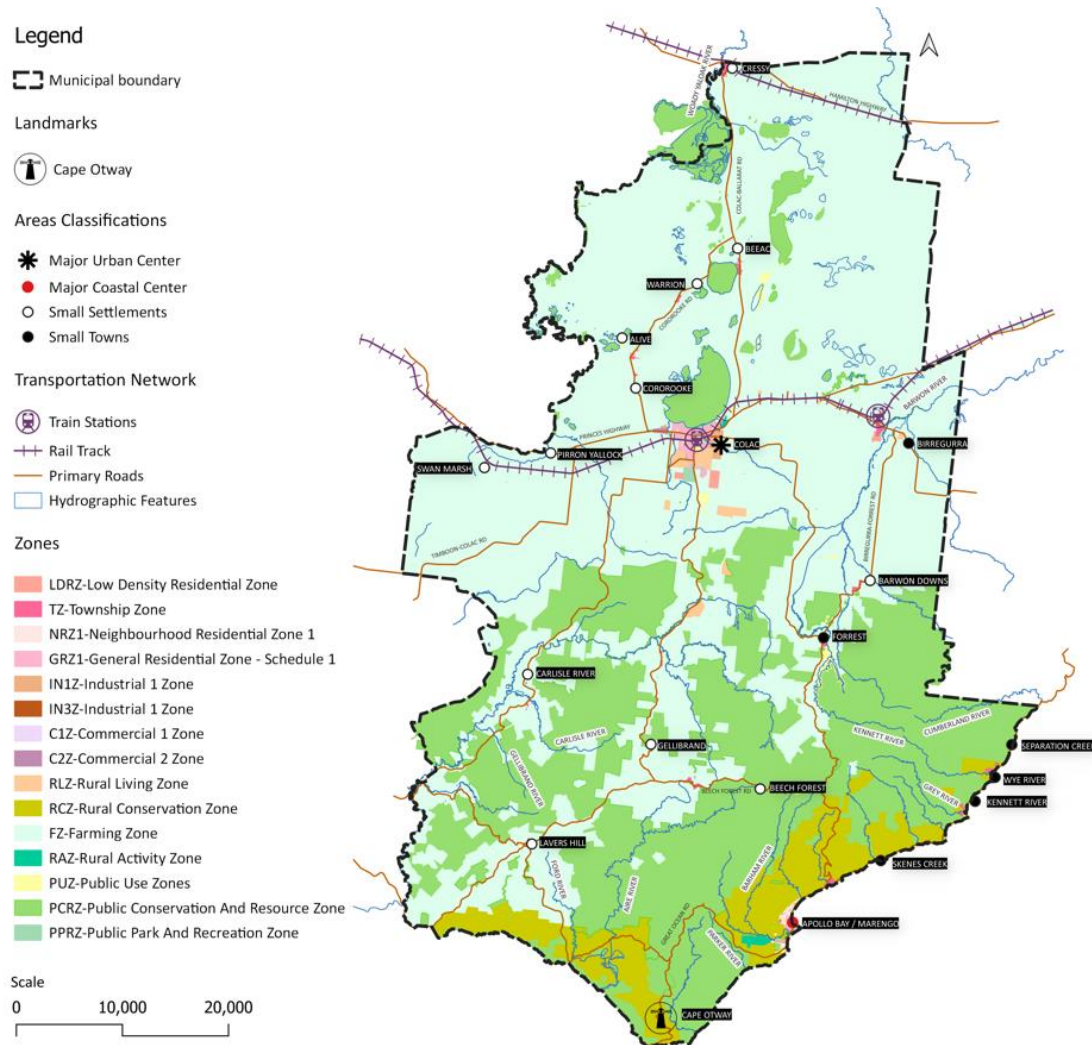
Figure 2: Colac Otway Shire Context



2.4. Existing Zones and Overlays applied in Colac Otway Shire

The existing Zones and Overlays applied in Colac Otway Shire that are currently included in the Colac Otway Planning Scheme (the scheme) and that are subject to this review are shown in **Figures 3 and 4**.

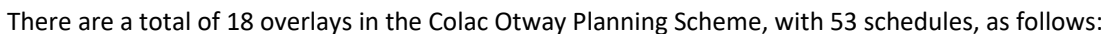
Figure 3: Colac Otway Planning Scheme – Zones



There are a total of 17 zones in the Colac Otway Planning Scheme containing 17 separate schedules as follows:

- Low Density Residential Zone (1 schedule).
- Township Zone (1 schedule).
- General Residential Zone (1 schedule).
- Neighbourhood Residential Zone (1 schedule).
- Industrial 1 Zone (1 schedule).
- Industrial 3 Zone (1 schedule).
- Commercial 1 Zone (1 schedule).
- Commercial 2 Zone (no schedule).
- Rural Living Zone (1 schedule).
- Rural Conservation Zone (1 schedule).

- #### Figure 4: Colac Otway Planning Scheme – Overlays



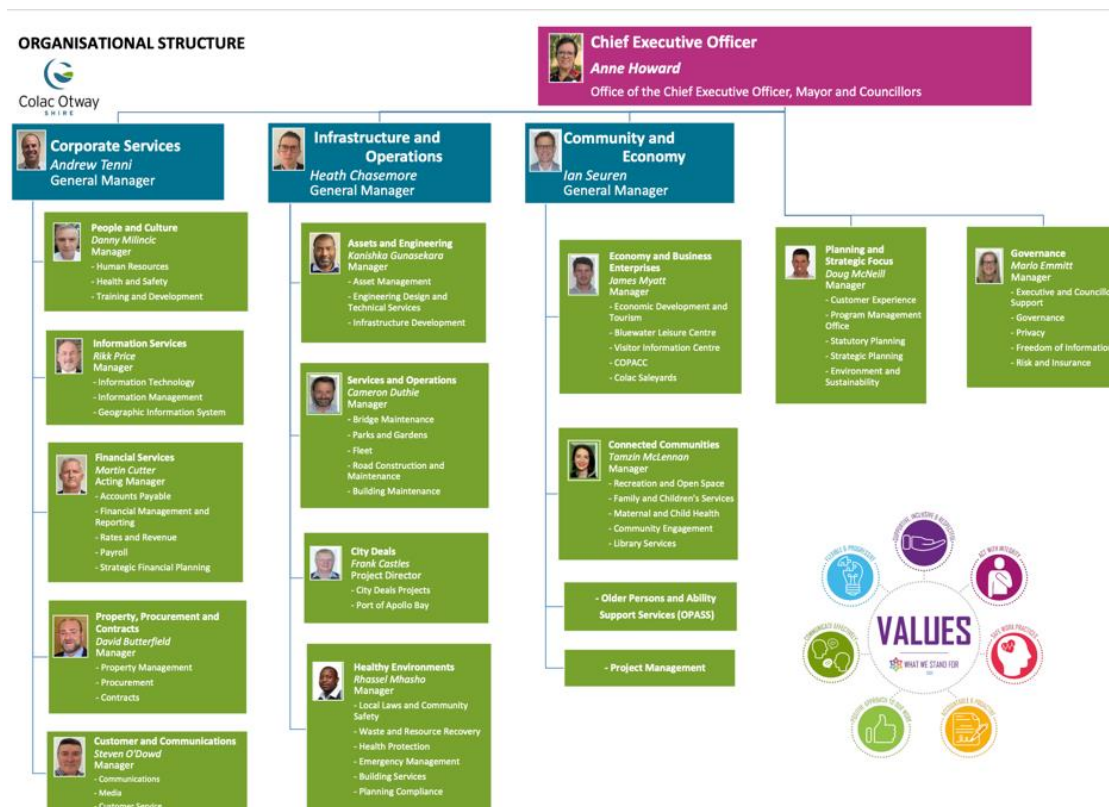
-
- 17

- Erosion Management Overlay (1 schedule).
- Floodway Overlay (1 schedule).
- Land Subject to Inundation Overlay (1 schedule).
- Special Building Overlay (1 schedule).
- Bushfire Management Overlay (2 schedules).
- Public Acquisition Overlay (1 schedule).
- Airport Environs Overlay (1 schedule).
- Environmental Audit Overlay (no schedule).
- Restructure Overlay (1 schedule).
- Parking Overlay (2 schedules).
- Specific Controls Overlay (1 schedule).

2.5. Council Organisational Structure

Council's organisational structure includes the Chief Executive Office and three General Managers that are responsible for infrastructure and operations, community and economy, and corporate services. Strategic planning and statutory planning report directly through the Manager Planning and Strategic Focus to the CEO as shown in Figure 5.

Figure 5: Colac Otway Shire Council Organisational Structure



3. What's driving change

3.1. Population, growth, and economy

The growth rate of Colac Otway Shire has only minimally increased in the last decade, following minimal growth between 2006 and 2011. The population of the Shire grew more substantially from approximately 20,972 persons in 2016 (ABS, 2016) to 22,423 in 2021 (ABS, 2021).

The population is forecast to reach 23,910 persons in 2036 (VIF, 2021), however this projection does not take into account the high rate of growth that has occurred in the last census period and is probably conservative.

In 2021, the Shire had 12,460 private dwellings and this is forecast to increase to 14,180 dwellings in 2036 (VIF, 2021). This represents an additional 1,720 dwellings to be accommodated, but as noted, this number is likely to be conservative.

Most residents live in the large townships of Colac/Elliminyt and Apollo Bay/ Marengo. Smaller towns include Alvie, Barwon Downs, Beeac, Beech Forest, Birregurra, Carlisle River, Cororooke, Cressy, Forrest, Gellibrand, Kennett River, Lavers Hill, Pirron Yallock, Separation Creek, Skenes Creek, Warrion and Wye River. There is continued demand for new housing in townships, some of which is purchased for holiday houses and short-term rental accommodation (e.g. Airbnb, Stayz) placing pressure on the permanent housing market. This is evident from the occupancy rate of 78% with 2,808 dwellings unoccupied on census night in 2021 (VIF, 2021).

3.1.1. Council Plan 2021-2025

Council recently updated its Council plan and have included the following 50-year community vision:

“By 2050, Colac Otway Shire will be a destination where people come to appreciate our unique and diverse environment and friendly communities. We value the wisdom of this land’s first caretakers, the Gulidjan and Gadabanud peoples, and recognise all those who have cared for the land since.

We work to preserve what makes our place special. We focus on environmental sustainability to protect our precious natural assets. We are a proud and resilient community that values our welcoming spirit. We embrace new people, new business, new ideas. Our region is a great place to learn, live, work and play.”

The Community Vision includes the key themes of:

- Strong and Resilient Economy.
- Valuing the Natural and Built Environment.
- Healthy and Inclusive Community.
- Strong Leadership and Management.

The Plan cascades directly from the Community Vision and the initiatives pave the way for Council to achieve the Community Vision 2050.

This updated vision needs to be included in an update to Council’s Municipal Planning Strategy in the scheme.

Findings/Recommendations

- R1. Update the Municipal Planning Strategy with recent population and dwelling data and forecasts as well as the updated vision included in the Council Plan.**

3.2. Climate change and other environmental risks

Colac Otway Shire has a large range of natural features that contribute significantly towards the municipality's environment, economy, character and appeal. The municipality comprises almost 3,500 square kilometres, with a significant amount being public land in National Parks and State Parks and Reserves.

Natural disasters, including the 2015-16 bushfires affected substantial areas of the municipality with many towns and settlements such as Wye River and Kennett River being significantly affected and devastated. Natural environmental hazards present risks and constraints for land use and settlement in the municipality and this requires careful management of hazards such as bushfire risk, flooding, drought, coastal erosion and climate change impacts, where more frequent, intense and uncertain weather events are likely. Climate change has the potential to have adverse impacts on the key industries of agriculture, forestry and tourism and the economic prosperity and viability of the Shire.

Colac Otway Shire is subject to significant bushfire hazard, particularly in its southern section across the Otway Ranges south of the Princes Highway. This hazard is due to the nature and extent of vegetation, topography, potential for extreme fire behaviour arising from drought and climate change, the dispersed and ad-hoc nature of development and lack of infrastructure and access in some locations. There are also areas of flood prone land across different parts of the municipality where flooding has historically caused substantial damage to the natural and built environment. While significant costs are incurred by direct damage to public and private property, indirect costs to the community such as long-term economic impacts, loss of productivity, displacement of residents, closure of roads, trauma and ill health are also significant.

Council adopted the Colac Otway Shire Climate Change Action Plan 2023-2033 to help provide a framework to better understand and anticipate, and to better plan for, offset and mitigate the impacts of climate change impacts on the Shire. The impacts of climate change can be mitigated in part by supporting alternative energy sources, carbon farming, reducing greenhouse gas emissions, improved building design and adopting environmentally sustainable development principles. Directing future growth to existing townships and away from higher risk areas from bushfire and flooding through the appropriate siting, design and management of uses and developments can significantly improve community safety and help to mitigate climate change impacts.

Council's Climate Change Action Plan 2023-2033 is a 10 year plan identifying 48 actions that will be undertaken to adapt to a changing climate and urgently mitigate against further impacts. The Plan's implementation will be monitored and reported to Council and the community, with a formal review after five years. Several actions outlined in the draft Plan have implications for the planning scheme in the future related to improved state-led mapping, current flood modelling, ensuring zones and overlays reflect best available climate projections and enhancing the planning policy framework with planning policies that better reflect climate change adaption and mitigation initiatives.

Findings/Recommendations

- R2. Include reference to the Colac Otway Shire Climate Change Action Plan 2023-2033, in the Municipal Planning Strategy and as a background document.**

3.3. Victorian government amendments and advice

The Victoria Planning Provisions (VPP) are constantly being reviewed and updated at a state level with numerous VC and GC amendments occurring each year. The State also provides advice to planners in the form of updates to the Practitioner's Guide (PG) and new planning practice notes. The full list of

Victorian and Regional amendments that have been gazetted, and practice notes that have been released since the last review forms **Appendix 3**.

The way in which the Colac Otway Planning Scheme should respond at a local level to these changes to the VPP and how they should be applied has been considered in this review and includes the following.

Planning for housing

The introduction of more sophisticated schedules to the residential zones (through Amendment VC169), including the ability to include place-based objectives (essentially a preferred neighbourhood character statement), provides an opportunity for Council to introduce controls to manage built form in residential areas more effectively. Planning Practice Notes 90 – Planning for Housing and 91 – Using the Residential Zones provide the advice about how this should be done.

This would assist with achieving housing diversity, housing affordability, sustainability and neighbourhood character objectives. Council's settlement hierarchy is clearly detailed in its MPS with an adopted settlement hierarchy that focuses on Colac and Apollo Bay as its primary townships for growth. Several smaller townships such as Birregurra, Cressy and Forrest play a supportive role but are often more constrained due to bushfire, flooding and other environmental factors. Further work to implement local planning policies and more specific and tailored residential schedules and a revised Neighbourhood Character Overlay could follow further strategic work for townships, housing and neighbourhood character.

Victorian housing statement

The release of the Victorian housing statement has placed housing provision as one of the key challenges of the 2020s. It aims to refresh Victoria's housing policy settings with a series of initiatives that respond to short-term issues of affordability and supply while still promoting long term economic growth.

Victoria's population is forecast to reach 10.3 million by 2051 and Melbourne is set to become Australia's biggest city by the end of the decade with an additional 3.5 million people by 2056. To ease housing pressures, 2.24 million homes will be required by 2051 state-wide to house the increased population which is around 80,000 additional dwellings per year.

The housing statement is supported by Amendments VC242, VC243 and VC253 which aim to facilitate well-located, integrated and diverse housing that meets community needs and to support the delivery of housing in Victoria. The amendments seek to provide social benefits by supporting the delivery of more housing close to jobs, transport and services, facilitating social and affordable housing through private and public investment and supporting significant development projects.

Amendment VC242 introduced two new particular provisions to facilitate significant residential development and significant economic development through clauses 53.22 and 53.23 with the Minister for Planning as the responsible authority. The Residential Growth Zone, Township Zone, General Residential Zone and Neighbourhood Residential Zone have also been revised by changing permit requirements for office and retail premises subject to meeting specific land use conditions. The use of the new particular provisions pathway is voluntary and a permit applicant still has the option for their development to be assessed in the usual manner by the local Council as the responsible authority.

Amendment VC243 introduced state-wide changes to all planning schemes to codify residential development standards, implement the Future Homes project across Victoria, remove permit

requirements for single dwellings on lots of 300 square metres or more and introduce VicSmart permits for single dwellings on lots less than 300 square metres.

Amendment VC253 introduced a new land use term and siting, design and amenity requirements for a 'small second dwelling' into a range of residential and rural zones across Victoria. This replaced the land use term 'dependent person's unit' and made the planning provisions more consistent and easier to build a small second dwelling of 60 square metres or less that meets specified requirements.

Applying the buffer area overlay

Amendment VC175 introduced the Buffer Area Overlay (BAO) and applied updated separation distances for industries that may have amenity impacts to sensitive uses. The BAO is a new amenity buffer that is designed to ensure that industry can operate according to acceptable standards with no encroachment from sensitive uses such as schools and dwellings that may be affected by odour or dust from industries operating nearby. This control may be suitable for application around a range of infrastructure assets in the Shire, including wastewater treatment plants, transfer stations and stock sale yards where a risk assessment related to the environmental hazard has been undertaken. This work is best led by the owners of the assets but should have some Council involvement.

Rural Worker Accommodation and Dwellings

Amendment VC202 Introduced a land use term and definition for 'Rural worker accommodation' and modified clause 35.07 (Farming Zone) to introduce exemptions for the land use of Rural worker accommodation that accommodates no more than 10 persons. This Amendment also introduced a permit requirement for the land use of Rural worker accommodation for more than 10 persons. This change has enabled rural worker accommodation to be more easily provided on Farming Zone land throughout the Shire, assisting with key worker accommodation. Changes have not been made to address the issues of a second dwelling and subsequent subdivision in the rural zones (the Farming Zone, Rural Conservation Zone and Rural Activity Zone in particular) which can negatively affect farming and agricultural production and viability. Greater advocacy on this issue to the Victorian Government is needed.

Environmentally Sustainable Development and Climate Change

Amendments VC216 and VC221 revised the VPP and all planning schemes by altering the PPF to support Environmentally Sustainable Development (ESD) and to facilitate all-electric developments to support implementation of Victoria's *Climate Change Strategy 2021* and *Gas Substitution Roadmap 2022*. These Amendments have ongoing impacts to land in the Shire around ESD policy and requirements and reflects updated climate change forecasts and energy related considerations for land in the Shire.

Findings/Recommendations

R3. As a result of Amendments VC169, VC175, VC202, VC216, VC221, VC242, VC243 and VC253, further work around the following strategic projects and/or advocacy should be undertaken around:

- Continuing with the implementation of structure plans and precinct structure plans for areas of identified growth and/or change into the scheme.
- Consider undertaking updated housing and neighbourhood character review work for townships for implementation into the scheme.

- **Advocating to the Victorian Government for stronger provisions to be included in the Farming Zone, Rural Conservation Zone and Rural Activity Zone to prohibit a second dwelling on a lot and subsequent residential subdivisions.**
- **Strengthening ESD policy and requirements and climate change risks and mitigation into the scheme.**

4. Previous planning scheme review

4.1. Previous planning scheme review

The scheme was last reviewed in 2018 which found that the scheme was fundamentally sound and generally performing well. It was recommended that the scheme be updated in order to remain contemporary with significant opportunity to review zone and overlay schedules and rewrite the Local Planning Policy Framework. The strategic performance of the scheme was identified for improvement through 14 planning projects and planning scheme changes including to:

- Rewrite zone and overlay schedules to ensure that they are achieving their intended purpose, are minimising permit applications and are consistent with the Ministerial Direction on the Form and Content of Planning Schemes.
- Prepare an amendment to implement a new 'streamlined' LPPF based on a translation of the important parts of the existing MSS; and the development of new stand-alone local policies. Strategic Work Program
- Implement the Colac 2050 Growth Plan (when complete).
- Develop detailed growth areas planning for Colac, arising out of Colac 2050.
- Review the Forrest Structure Plan.
- Commission a Flood Study for Birregurra and Apollo Bay (Barham River).
- Review the mapping and ordinance of Environmental Significance Overlays, Vegetation Protection Overlays and Significant Landscape Overlays in light of Amendment VC138 and updated Departmental mapping.
- Commission a targeted Heritage Review, which considers opportunities to address regulatory burden for the Murray Street precinct and whether the controls over the Colac Housing Estate are warranted.
- Commission a review of the mapping of the Erosion Management Overlay.
- Monitor the implementation of the Birregurra Structure Plan.
- Undertake further strategic work to address strategic gaps in the Colac Otway Planning Scheme relating to environmentally sustainable design; acid sulphate soils; salinity; social inclusion and advertising signage.
- Direction for small towns such as Alvie, Beeac, Gellibrand and Cororooke. Investigate opportunities to expand the application of the RAZ within the coastal hinterland of the Shire.
- Commission a Gaming Strategy.
- Commission a Licensed Premises Strategy.
- Commission heritage investigations into Dry Stone Walls.
- Monitor the progress of the Smart Planning program implementation and have regard to its emerging direction in the rewrite of the Colac Otway Planning Scheme to implement the findings of this review.
- Engage with the Country Fire Authority regarding the application of the Bushfire Management Overlay and its schedules to tourism areas, such as Gellibrand.

There were also 2 advocacy projects. Many of the 14 planning projects, some of them being significant pieces of strategic work, were implemented in the last 5 years and others are yet to be commenced

or implemented. Prior to the 2018 review, the Colac Otway Planning Scheme was reviewed in 2015 however no amendment was undertaken to implement the recommendations from that review.

4.2. Progress since last review

4.2.1. Completed projects

Council has implemented several of the recommendations from the last review through the:

- Colac Otway Social Housing Plan, 2021.
- Colac Otway 2050 Growth Plan Final, 2019.
- Corangamite Regional Flood Plain Management Strategy 2018 – 2028.
- Domestic Wastewater Management Plan – Operational Plan, 2021.
- Apollo Bay Harbour Development Plan, 2020.
- Review of the mapping of the Erosion Management Overlay.
- Restructuring of the Local Planning Policy Framework into the PPF and inclusion of the MPS.
- Rewriting of zone and overlay schedules to ensure that they are achieving their intended purpose, are minimising permit applications and are consistent with the Ministerial Direction on the Form and Content of Planning Schemes.
- Climate Action Plan - Actions to mitigate and adapt to climate change.

4.2.2. Projects underway

Council is currently undertaking 10 projects that will implement several of the projects identified in the previous review plus a range of other projects and inputs to projects including the:

- Deans Creek (Colac) Precinct Structure Plan - preparation of a Precinct Structure Plan to enable orderly and coordinated development of the Deans Creek growth corridor in Colac, including a Development Contributions Plan and Planning Scheme Amendment.
- Colac Civic, Health and Railway Precinct Plan -master plan for future office needs across the civic, rail and railway precinct in Colac.
- Colac West Development Plan - preparation of a Development Plan in partnership with landowners to enable subdivision of land at Rifle Butts Road, between Murray Street and Lake Colac, including a Shared Infrastructure Funding Plan.
- J Barrys Road Industry Development Plan - preparation of a Development Plan for subdivision of industrial land in J Barrys Road, Colac, including a Shared Infrastructure Funding Plan.
- Apollo Bay Community Infrastructure Plan- long term vision and principles and preliminary concepts for Apollo Bay, Skenes Creek and Marengo (District Plan, Foreshore Master Plans, Streetscape Plans, Design Guidelines).
- G21 Regional Growth Plan - update of the Regional Growth Plan.
- Environment Strategy - review of the 2010 Plan to establish actions and strategies for environmental improvement.
- Review the Forrest Structure Plan.
- Review of the Birregurra Structure Plan.
- Undertake further strategic work to address strategic gaps in the Colac Otway Planning Scheme relating to direction for small towns such as Alvie, Beeac, Cressy and Cororooke.

4.3. Outstanding work since last review

Items that are outstanding from the last planning scheme review are:

- Review the Forrest Structure Plan and prepare a neighbourhood character assessment of the town.
- Implement remaining initiatives from the Birregurra Structure Plan.
- Investigate opportunities to expand the application of the RAZ within the coastal hinterland of the Shire.
- Commission a Gaming Strategy.
- Commission a Licensed Premises Strategy.

The projects identified above remain important projects to progress so as to reinforce and improve the strategic directions of the scheme. Some of the projects listed have been rescoped so that they are focused on implementation through the scheme.

4.4. Obsolete recommendations

There are three recommendations that are now obsolete for Council to undertake:

- Commission a Flood Study for Birregurra and Apollo Bay (Barham River).
This should be undertaken by the Corangamite CMA, rather than Council and Council should support this project.
- Commission heritage investigations into Dry Stone Walls.
This investigations into Dry Stone Walls should not be subject to a separate strategic project and should just be implemented through the current review by applying clause 52.33 to all land in the municipality.
- Review the mapping and ordinance of Environmental Significance Overlays, Vegetation Protection Overlays and Significant Landscape Overlays in light of Amendment VC138 and updated Departmental mapping.
Updated Victorian Government mapping has not occurred for these three overlays and cannot progress until undertaken. Council is not in a position to undertake this mapping and work is underway in this space by the Victorian Government and the Great Ocean Road Authority.

4.5. Findings

Council has undertaken several important strategic planning projects since the last review and has a large work program of projects underway. It has implemented or near to finalising most of the work program detailed from that review.

There remain a list of strategic projects that have not been undertaken and/or implemented which should be undertaken in the next 4-5 years. These include:

- Review and implement the Forrest Structure Plan with a neighbourhood character assessment of the town.
- Implement remaining initiatives from the Birregurra Structure Plan.
- Investigate opportunities to expand the application of the RAZ within the coastal hinterland.
- Commission a Gaming Strategy.
- Commission a Licensed Premises Strategy.

Findings / recommendations:

R4. The following further strategic work that should be undertaken in the next 5 years:

- **Review and Implement the Forrest Structure Plan and prepare a neighbourhood character assessment of the town.**
- **Implement remaining initiatives from the Birregurra Structure Plan.**

- Investigate opportunities to expand the application of the RAZ within the coastal hinterland.
- Commission a Gaming Strategy.
- Commission a Licensed Premises Strategy.

5. Audit and assessment of current scheme

5.1. Methodology

An audit of each local provision (policies and schedules) in the planning scheme has been undertaken. This audit has compared the drafting and application of each local provision against the *Ministerial Direction on the Form and Content of Planning Schemes, a Practitioners' Guide to Victorian Planning Schemes* (Version 1.5, April 2022) and relevant planning practice notes.

Each provision has also been assessed against how it is achieving the strategic objectives that are set out in the State, regional and local planning provisions.

The detailed outcomes of the audit have been provided to Council officers, and changes that can be made without further strategic work have been made to the ordinance at **Appendix 1**.

Findings on improvements that could be made are listed below. Some of these can occur as part of a planning scheme review based on the findings in this report and are included in the marked-up ordinance at **Appendix 1**. Others require further strategic work to justify the change and are listed as findings.

5.2. Municipal Planning Strategy

As well as the assessment outlined above, the MPS was cross referenced against all the other local provisions in the scheme to ensure that there is a link to all local policies in the MPS.

Clause no and name	Compliance or changes required	Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
Word count (5000 or less)		
02.01 Context	Make minor amendments to the Context (02.01) to include First Nations recognition and updated economic and population data. Minor grammatical and wording corrections.	Policy neutral amendment
02.02 Vision	Vision has been updated with 2021-2025 Council Plan Community Vision.	Complies
02.03 Strategic directions		
02.03-1 Settlement	Population and demographic data has been updated to the 2021 census	Policy neutral amendment
02.03-2 Environmental values and landscapes	May need to describe or elaborate on the significant landscape character types and then listing out how council seeks to manage environmental and landscape values by targeting each landscape character type or their specific locations.	Further strategic work
02.03-3 Environmental risks and amenity	Poor water quality (salinity) is noted to be an issue, which is subsequently not addressed in the strategic directions that council seeks to address	Further strategic work
02.03-4 Natural resource management	Poor water quality is noted to be an issue, which is subsequently not addressed in the strategic directions that council seeks to address	Further strategic work
02.03-5 Built environment and heritage		Complies
02.03-6 Economic development		Complies

02.03-7 Transport		Complies
02.03-8 Infrastructure		Complies
2.04 Strategic framework plans	Colac Otway Shire SFP placement complies; however, Colac Framework Plan would be better placed in 11.01-1L or 11.03-6L along with other Framework Plans	Policy neutral amendment

5.3. Planning Policy Framework

All the Local PPF policies that are included in the planning scheme are included in the table below, and a notation is included about whether they comply or require changing because of this review. Changes may be required to align with the *Ministerial Direction on the Form and Content of Planning Schemes*, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Changes required	Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
SETTLEMENT		
11.01-1L Settlement – Colac Otway		Policy neutral amendment
11.01-1L Colac urban growth	Colac Framework Plan can be placed here instead of at 02.04, which will subsequently better suit and streamline the contents and clause referrals in the strategies. A policy application section and map from 02.04 has been included in this clause.	Policy neutral amendment
11.03-1L Colac Central Business District (CBD)	Some of these strategies could be disaggregated and moved to clauses such as 15.01 (Built Environment) but will lose the place based approach.	Complies
11.03-6L Apollo Bay and Marengo	Renaming of clause to 11.03-6L.01	Complies
11.03-6L Birregurra	Renaming of clause to 11.03-6L.02	Complies
11.03-6L Forrest	Renaming of clause to 11.03-6L.03	Complies
11.03-6L Kennett River, Wye River and Separation Creek	Renaming of clause to 11.03-6L.04	Policy neutral amendment
ENVIRONMENT VALUES AND LANDSCAPES		
12.03-1L River corridors, waterways, lakes and wetlands	The strategies somewhat read as duplication of 12.03-1S, so should be deleted or reworded to make them distinct.	Policy neutral amendment
12.05-2L Landscapes		Complies
ENVIRONMENTAL RISKS AND AMENITY		
13.04-2L Erosion and landslip		Complies
13.07-1L Land use compatibility	Strategies have been updated with new clause numbers.	Policy neutral amendment
NATURAL RESOURCE MANAGEMENT		
14.01-1L Protection of agricultural land		Complies
14.01-3L Forestry and timber production		Complies

14.02-2L Lake Colac water quality		Complies
BUILT ENVIRONMENT AND HERITAGE		
15.01-1L Colac built environment		Complies
15.01-2L Building design		Complies
15.01-6L Design for rural areas		Complies
15.03-1L Heritage conservation	Policy document identified here (Colac Otway Heritage Study) needs to be the 2022 updated version.	Policy neutral amendment
15.03-2L Colac aboriginal cultural heritage		Complies
HOUSING		
16.01-1L Colac housing supply		Complies
ECONOMIC DEVELOPMENT		
17.01-1L Diversified economy		Complies
17.03-1L Industrial development in Colac	Updated clause numbers	Policy neutral amendment
17.04-1L Facilitating tourism		Complies
TRANSPORT		
18.02-7L Planning for airports and airfields		Complies
INFRASTRUCTURE		
19.02-6L Public open space	Some of the Colac Environment and Connectivity Framework Plan map and legend items are similar in colour and/or shape. Plan could be changed and updated so map elements are easier to read and distinguish but not critical.	Complies
19.03-2L Infrastructure design and provision	Has been updated with the 2022 IDM.	Policy neutral amendment
19.03-3L Integrated water management		Complies

5.4. Zones

All the zone schedules that are included in the planning scheme are included in the table below, and a notation about whether they comply or require changing as a result of this review. Changes may be required to align with the *Ministerial Direction on the Form and Content of Planning Schemes*, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Changes required (if relevant)	Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
RESIDENTIAL ZONES		
32.03s1 Low Density Residential Zone	Include Schedule number against planning scheme map reference to comply with MD.	Policy neutral amendment
32.05s1 Township Zone	Include Schedule number against planning scheme map reference to comply with MD.	Policy neutral amendment.

32.08s1 General Residential Zone	Consider whether additional metrics should be included in the schedule through additional strategic work for towns.	Further strategic work
32.09s1 Neighbourhood Residential Zone	Maximum building height requirement specified is the same as in the zone. Should be 'None specified'.	Policy neutral amendment
INDUSTRIAL ZONES		
33.01s1 Industrial 1 Zone	Complies, no change required	Complies
33.03s1 Industrial 3 Zone	Complies, no change required	Complies
COMMERCIAL ZONES		
34.01s1 Commercial 1 Zone	Complies, no change required	Complies
RURAL ZONES		
35.03s1 Rural Living Zone	Include Schedule number against planning scheme map reference to comply with MD.	Policy neutral amendment
	Amend area/dimension labels to comply with MD.	Policy neutral amendment
35.06s1 Rural Conservation Zone	Include Schedule number against planning scheme map reference to comply with MD.	Policy neutral amendment
	A minimum subdivision area requirement has discretionary measures and unclear wording. Re-word or edit to be read more clearly and concise and provide a discrete measurement.	Policy neutral amendment
	A minimum subdivision area requirement specified is the same as in the zone. Should be removed.	Policy neutral amendment
35.07s1 Farming Zone	Include Schedule number against planning scheme map reference to comply with MD.	Policy neutral amendment
	Amend area/dimension labels to comply with MD	Policy neutral amendment
	Two minimum area requirements specified are the same as in the zone. Should be removed.	Policy neutral amendment
35.08s1 Rural Activity Zone	Include Schedule number against planning scheme map reference to comply with MD.	Policy neutral amendment
	Minor grammatical and wording corrections.	Policy neutral amendment
	Amend area/dimension labels to comply with MD	Policy neutral amendment
PUBLIC USE ZONES		
36.01s1 Public Use Zone	No changes required	Complies
36.02s1 Public Park and Recreation Zone	Minor grammatical correction.	Policy neutral amendment
36.03s1 Public Conservation and Resource Zone	No changes required	Complies
SPECIAL PURPOSE ZONES		
37.01s1 Special Use Zone – Apollo Bay Airfield	Table of uses have been aligned to the MD and more clearly stated and made consistent with Clause 73 land use terms.	Policy neutral amendment
	MD schedule template has been used and structured accordingly with decision guidelines for each application type.	Policy neutral amendment
	Headings have been removed to comply with MD with other minor wording changes.	Policy neutral amendment
	Only a maximum of 5 purposes can be provided.	Complies
37.01s2 Special Use Zone – Apollo Bay Harbour	Table of uses have been aligned to the MD and more clearly stated and made consistent with Clause 73 land use terms.	Policy neutral amendment
	Greater list of prohibited uses have been included due to restructuring of table of uses which flow from section 2 uses.	
	Schedule includes large amount of development plan information which ideally would be better in a	Complies

	Development Plan Overlay. Has been retained in schedule for now.	
37.01s3 Special Use Zone – Dairy Food Production Plant – Connor and Murray Streets, Colac	Only a maximum of 5 purposes can be provided so these have been consolidated to meet MD.	Policy neutral amendment
37.01s4 Special Use Zone – Colac Abattoir and Food Production Plant	Schedule complies apart from some minor additions and edits.	Policy neutral amendment

5.5. Overlays

All the overlay schedules that are included in the planning scheme are included in the table below, and a notation about whether they comply or require changing as a result of this review. Changes may be required to align with the *Ministerial Direction on the Form and Content of Planning Schemes*, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Changes required (if relevant)	ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
ENVIRONMENTAL AND LANDSCAPE OVERLAYS		
42.01s2 Environmental Significance Overlay – Lakes, Wetlands and Watercourse	Schedule contains 9 objectives; MD only allows for one. Although MD only allows for one, have been reduced to 5 objectives. Difficult to rationalise without further work.	Policy neutral amendment
	Revised drafting to comply with MD drafting requirements. Referral section reference to Clause 66.04 has been removed from schedule.	Policy neutral amendment
42.01s3 Environmental Significance Overlay – Declared Water Supply Catchments	Schedule contains 9 objectives; MD only allows for one. Although MD only allows for one, have been reduced to 5 objectives. Difficult to rationalise without further work.	Policy neutral amendment
	Revised drafting to comply with MD drafting requirements. Referral section reference to Clauses 66.04 and 66.06 have been removed from schedule.	Policy neutral amendment
42.01s4 Environmental Significance Overlay – Habitat Protection	Schedule contains 4 objectives; MD only allows for one. Difficult to rationalise without further work.	Policy neutral amendment
	Revised drafting to comply with MD drafting requirements. Referral section reference to Clauses 66.04 and 66.06 have been removed from schedule.	Policy neutral amendment
42.01s6 Environmental Significance Overlay – Colac Water Reclamation Plant Buffer	Schedule contains 2 objectives; MD only allows for one. Difficult to rationalise without further work.	Policy neutral amendment
	Revised drafting to comply with MD drafting requirements. Referral section reference to Clauses 66.04 has been removed from schedule.	Policy neutral amendment
	Schedule has been renumbered to ESO1 and references also updated at Clause 66.04.	
42.02s1 Vegetation Protection Overlay – Significant and remnant vegetation	Schedule contains 3 objectives. Revised drafting to comply with MD drafting requirements. Referral section reference to Clauses 66.04 has been removed from schedule.	Policy neutral amendment

42.02s2 Vegetation Protection Overlay – Roadside Vegetation	Schedule contains 2 objectives. Revised drafting to comply with MD drafting requirements. Referral section reference to Clauses 66.06 has been removed from schedule.	Policy neutral amendment
42.02s3 Vegetation Protection Overlay – Birregurra Tree Protection Area	Schedule contains 2 objectives and complies with MD drafting requirements.	Complies
42.03s1 Significant Landscape Overlay – Valleys, Hills and Plains Landscape Precinct	Schedule contains 6 objectives; MD only allows for 5 so have been consolidated down to 5 objectives.	Policy neutral amendment
	Revised drafting to comply with MD drafting requirements.	Policy neutral amendment
42.03s2 Significant Landscape Overlay – Coastal Towns: Skenes Creek, Kennett River, Wye River and Separation Creek	Schedule contains 7 objectives; MD only allows for 5 so have been consolidated down to 5 objectives.	Policy neutral amendment
	Revised drafting to comply with MD drafting requirements. Some application requirements are decision guidelines and have been reworded and relocated. Background documents have been removed from schedule as there is no ability to include this in the MD template.	Policy neutral amendment
42.03s3 Significant Landscape Overlay – Apollo Bay Coastal Valley and Hills Precinct	Schedule contains 7 objectives; MD only allows for 5 so have been consolidated down to 5 objectives.	Policy neutral amendment
	Revised drafting to comply with MD drafting requirements. Some application requirements are decision guidelines and have been reworded and relocated. Referral section reference to Clauses 66.06 has been removed from schedule. Background documents have been removed from schedule as there is no ability to include this in the MD template.	Policy neutral amendment
42.03s4 Significant Landscape Overlay – Johanna Coast to Cape Otway Coastal Valley and Hills Precinct	Schedule contains 10 objectives; MD only allows for 5 so have been consolidated down to 5 objectives.	Policy neutral amendment
	Revised drafting to comply with MD drafting requirements. Some application requirements are decision guidelines and have been reworded and relocated. Referral section reference to Clauses 66.06 has been removed from schedule.	Policy neutral amendment
42.03s5 Significant Landscape Overlay – Apollo Bay Landscape Precinct	Schedule contains 3 objectives and complies with MD requirements.	Complies
	Revised drafting to comply with MD drafting requirements. Referral section reference to Clauses 66.06 has been removed from schedule.	Policy neutral amendment
42.03s6 Significant Landscape Overlay – Rivers of the Barwon: Barwon River (Parwan) Corridor Environs	Schedule contains 5 objectives and complies with MD requirements. Drafting meets MD requirements.	Complies
HERITAGE AND BUILT FORM OVERLAYS		
43.01s1 Heritage Overlay	Local heritage places not listed (are they possibly missing or just removed?): HO7, HO9, HO10, HO11, HO17, HO22, HO34, HO37, HO38, HO47, ..., etc. If not part of a current amendment could be investigated further. HO95 for the Bleak House needs an administrative correction as the property at 10 McDonnell Road, Birregurra is the incorrect	Complies Policy neutral amendment

	address. The correct property is 4970 Princess Highway, Warncoort. This needs to be corrected in the schedule to the heritage overlay and the property needs to be mapped in Map 12HO. Otherwise, no changes are required to the HO schedule and it meets MD drafting requirements.	
43.02s1 Design and Development Overlay – Colac Industrial Areas	Schedule contains 5 objectives and complies with MD requirements. Background documents have been removed from schedule as there is no ability to include this in the MD template.	Policy neutral amendment
43.02s3 Design and Development Overlay – Colac Western Entrance	Schedule contains 2 objectives and complies with MD requirements. Background documents have been removed from schedule as there is no ability to include this in the MD template.	Policy neutral amendment
43.02s4 Design and Development Overlay – Coastal Towns: Skenes Creek, Kennett River, Wye River and Separation Creek	Schedule contains 2 objectives and complies with MD requirements. Background documents have been removed from schedule as there is no ability to include this in the MD template.	Policy neutral amendment
43.02s5 Design and Development Overlay – Apollo Bay – Town Centre	Schedule contains 4 objectives and complies with MD requirements.	Complies
43.02s6 Design and Development Overlay – Apollo Bay – Medium Density Residential Area	Schedule contains 5 objectives and complies with MD requirements. Remove the Apollo Bay and Marengo Neighbourhood Character Study 2003 from the 'Decision Guidelines' as it is a background document, as per the practitioner's guide.	Policy neutral amendment
43.02s7 Design and Development Overlay – Apollo Bay and Marengo – Lower Density Residential Areas	Schedule contains 5 objectives and complies with MD requirements. Remove the Apollo Bay and Marengo Neighbourhood Character Study 2003 from the 'Decision Guidelines' as it is a background document, as per the practitioner's guide.	Policy neutral amendment
43.02s8 Design and Development Overlay – Colac CBD	Schedule contains 2 objectives with sub-points and technically complies with MD requirements. Background documents have been removed from schedule as there is no ability to include this in the MD template.	Policy neutral amendment
43.02s9 Design and Development Overlay – 413-437 and 441-479 Murray Street, Colac	Schedule contains 3 objectives and complies with MD requirements. Minor redrafting of application requirements. Background documents have been removed from schedule as there is no ability to include this in the MD template.	Policy neutral amendment
43.02s10 Design and Development Overlay – 6230, 6240, 6250 and 6280 Great Ocean Road and Lots 1 and 2 LP137842 Marriners Lookout Road, Apollo Bay	Schedule contains 7 objectives and MD only allows for 5 so have been consolidated down to 5 objectives. Background documents have been removed from schedule as there is no ability to include this in the MD template.	Policy neutral amendment
43.02s11 Design and Development Overlay – Birregurra Preferred Character Area A (Main Street)	Schedule contains 4 objectives and complies with MD requirements. Minor redrafting of decision guidelines. Background documents have been removed from schedule as there is no ability to include this in the MD template.	Policy neutral amendment
43.02s12 Design and Development Overlay – Birregurra Preferred Character Area B (North Street)	Schedule contains 4 objectives and complies with MD requirements. Minor redrafting of decision guidelines.	Policy neutral amendment

43.02s13 Design and Development Overlay – Birregurra Preferred Character Area C (Roadnight Street Entry and South of Main Street)	Schedule contains 4 objectives and complies with MD requirements. Meets MD drafting requirements.	Complies
43.02s14 Design and Development Overlay – Birregurra Preferred Character Area D (South)	Schedule contains 4 objectives and complies with MD requirements. Meets MD drafting requirements.	Complies
43.02s15 Design and Development Overlay – Birregurra Commercial Area	Schedule contains 9 objectives and MD only allows for 5 so have been consolidated down to 5 objectives. Background documents have been removed from schedule as there is no ability to include this in the MD template.	Policy neutral amendment
43.02s16 Design and Development Overlay – Birregurra Industrial Area	Schedule contains 4 objectives and complies with MD requirements. Meets MD drafting requirements. Background documents have been removed from schedule as there is no ability to include this in the MD template.	Policy neutral amendment
43.02s17 Design and Development Overlay – Wyuna Estate Area	Schedule contains 2 objectives and complies with MD requirements. Meets MD drafting requirements. One minor wording revision in Decision Guidelines section.	Policy neutral amendment
43.02s18 Design and Development Overlay – 17 and 21 Yarima Road, Cressy	Schedule contains 1 objective and complies with MD requirements. Meets MD drafting requirements.	Complies
43.04s1 Development Plan Overlay - Colac Abattoir and Food Production Plant	Complies	Complies
43.04s2 Development Plan Overlay – Future Residential Areas	Complies but note that more detail could be provided on the second point in section 2.0 to make the meaning clearer.	Complies
43.04s3 Development Plan Overlay – Future Industrial Areas	Reword the last requirement of 4.0 to make its meaning clearer. Consider replacing the word “views” with something more appropriate, e.g., “perspective” or “referrals” and consider against whether it should be deleted altogether and included only in Clause 66	Policy neutral amendment
43.04s4 Development Plan Overlay – Mariners Vue	Complies	Complies
43.04s5 Development Plan Overlay – 6230 and 6280 Great Ocean Road Apollo Bay	Complies	Complies
43.04s6 Development Plan Overlay – Bulla Dairy Foods – Forest Street, Colac	Complies	Complies
43.04s7 Development Plan Overlay – J Barrys Road, Colac Industrial Area	Complies	Complies
43.05s1 Neighbourhood Character Overlay – Coastal Towns: Skenes Creek, Kennett River and Separation Creek	Schedule contains 6 objectives; MD only allows for 5 so have been consolidated down to 5 objectives. Clause references have been updated to the MPS and PPF clause references in B13 – Landscaping. Background documents have been removed from schedule as there is no ability to include this in the MD template.	Policy neutral amendment
LAND MANAGEMENT OVERLAYS		

44.01s1 Erosion Management Overlay	Complies	Complies
44.03s1 Floodway Overlay	Complies. However, consider specifying the name of the schedule to something more distinct may be useful.	Complies
44.04s1 Land Subject to Inundation	Complies. However, consider specifying the name of the schedule to something more distinct may be useful.	Complies
44.05s1 Special Building Overlay	Complies. However, consider specifying the name of the schedule to something more distinct may be useful.	Complies
	NOTE: Permit exemptions are almost identical on all schedules to FO, LSIO, and SBO	
44.06s1 Bushfire Management Overlay – Forrest, Skenes Creek BAL-12.5 Areas	Complies	Complies
44.06s2 Bushfire Management Overlay - Forrest, Skenes Creek BAL-29 Areas	Complies	Complies
OTHER OVERLAYS		
45.01s Public Acquisition Overlay	Complies	Complies
45.02s2 Airport Environs Overlay	Complies	Complies
45.05s Restructure Overlay	Complies	Complies
45.09s1 Parking Overlay – Colac Commercial Centre	Schedule contains 6 objectives; MD only allows for 5 so have been consolidated down to 5 objectives. Otherwise drafting of schedule meets MD requirements.	Policy neutral amendment
45.09s2 Parking Overlay – Apollo Bay Commercial Centre	Complies	Complies
45.12s Specific Controls Overlay	Complies	Complies

5.6. Particular provisions

All the particular provision schedules that are available to be applied in the planning scheme are included in the table below, and a notation about whether they comply or require changing as a result of this review. Changes may be required to align with the *Ministerial Direction on the Form and Content of Planning Schemes*, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Is it applied? Changes required (if relevant)	Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
51.01s Specific sites and exclusions	Applied. No changes required	Complies
52.02s Easements, restrictions, and reserves	Blank schedule applied with "None specified"). No changes required	Complies
52.05s Signs	Blank schedule applied with "None specified"). No changes required	Complies

52.16s Native vegetation precinct plan	Blank schedule applied with "None specified"). No changes required	Complies
52.17s Native vegetation	Blank schedule applied with "None specified"). No changes required	Complies
52.27s Licenced premises	Blank schedule applied with "None specified"). No changes required	Complies
52.28s Gaming	Applied. No changes required	Complies
52.32s Wind energy facility	Applied. No changes required	Complies
52.33 Post boxes and drystone walls	Blank schedule applied with "None specified"). Provisions for "all land" have now been applied in the schedule	Policy neutral amendment
53.01s Public open space contributions and subdivision.	Applied. No changes required	Complies
53.06s Live music entertainment venues	Blank schedule applied with "None specified"). No changes required	Complies
53.15s Statement of underlying provisions	Blank schedule applied with "None specified"). No changes required	Complies
59.15s Local VicSmart application	Blank schedule applied with "None specified"). No changes required	Complies
Schedule 1 to Clause 59.16 Information requirements and decision guidelines for local VicSmart applications	Blank schedule applied with "None specified"). No changes required	Complies

5.7. General provisions

There are two general provisions that have a schedule available. They are included in the table below with a notation about whether they comply or require changing as a result of this review. Changes may be required to align with the *Ministerial Direction on the Form and Content of Planning Schemes*, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Is it applied? Changes required (if relevant)	Action
Schedule to Clause 66.04 Referral of Permit Applications Under Local Provisions	Schedule 6 to Clause 42.01 (ESO6) has been renumbered to Schedule 1 to Clause 42.01 (ESO1). Victorian Government Department names have been updated in schedule.	Policy neutral amendment
Schedule to Clause 66.06 Notice of permit applications under local provisions	Victorian Government Department names / Agencies have been updated in schedule.	Policy neutral amendment

5.8. Operational provisions

All the operational provision schedules that are available to be applied in the planning scheme are included in the table below, and a notation about whether they comply or require changing as a result of this review. Changes may be required to align with the *Ministerial Direction on the Form and Content of Planning Schemes*, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause	Name	Considerations	Recommendations Complies PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
ADMINISTRATION AND ENFORCEMENT OF THIS SCHEME			
72.01s	Schedule to Responsible Authority for this Planning Scheme	Relevant responsible authorities are specified correctly.	Complies
72.02s	Schedule to What Area is Covered by this Planning Scheme?	The Municipal district named correctly.	Complies
72.03s	Schedule to What Does this Scheme Consist of?	Scheme maps are not listed accurately in alphabetic order and have been amended. Map 24WMO is currently included in the planning scheme maps online but not in the schedule to Clause 72.03. It doubles up with 24BMO and the 24WMO map should be deleted to avoid any confusion. Map 23SCO needs to be removed due to the expiry of the document <i>Wye River and Separation Creek bushfire affected properties, October 2016</i> .	Policy neutral amendment
72.04s	Schedule to Documents Incorporated in this Planning Scheme	There are two updates to be made to the list of Incorporated Documents due to completed projects and document expiry.	Complies
72.08s	Schedule to Background Documents	There are 4 Council adopted strategies that have been added to the list of background documents: <ul style="list-style-type: none"> • <i>Apollo Bay Harbour Development Plan</i> (Tract Consultants, 2020). • <i>Climate Change Action Plan 2023-2033</i> (Colac Otway Shire, 2021) • <i>Colac Otway Social Housing Plan</i> (Colac Otway Shire, 2021). • <i>Domestic Wastewater Management Plan – Operational Plan</i> (Whitehead & Associates, 2021). 	Policy neutral amendment
STRATEGIC IMPLEMENTATION			
74.01s	Schedule to Application of Zones, Overlays and Provisions	Clause 52.33 has been added into this clause	Policy neutral amendment
74.02s	Schedule to further strategic work	The schedule to the clause has been updated based on Council advice about strategic work that has been progressed, is now not current, is underway or listed as a future project.	Policy neutral amendment

5.9. Recommendations

R5. Amend the MPS, local PPF policies and schedules to include changes identified in the audit of the planning scheme review and shown on the marked up ordinance at Appendix 1.

R6. Undertake further strategic work to address issues identified in the planning scheme audit for the following controls:

- Review the schedule to Clause 43.01s - Heritage Overlay to insert statements of significance for all sites not included in the Victorian Heritage Register.
- Review Schedule 1 to Clause 59.16 - information requirements and decision guidelines for local VicSmart applications to incorporate additional local classes of minor applications.

6. Planning scheme performance

This section contains an analysis of planning permit activity that has taken place during the last four years. It draws on both publicly available Planning Permit Activity and Reporting System (PPARs) data and data provided by Council.

6.1. Planning permit activity

6.1.1. Number of permits assessed

Evidence

Table 1 shows the number of permit applications received between the 2017/18 financial year and the 2021/22 financial year over five consecutive years. The numbers of applications received varied, with a low of 314 and a high of 420 most recently.

Table 1: PPARs Report for Permits Issued Between the 2017/18 and 2021/22 Calendar Year

Permits (including refusals)	2017/18	2018/19	2019/20	2020/21	2021/22
Received	317	345	314	396	420
NOD	0	0	3	3	3
New / Amended Permit	267	265	300	290	362
Refusal	6	12	4	2	4
Withdrawn / Not Required / Lapsed	30	40	39	52	54
Determined	303	317	346	347	423

Discussion

Analysis of **Table 1** shows that applications received and determined have remained relative consistent but that the trend for applications received has been increasing, apart from the period during the initial year of the Covid-19 pandemic restrictions in 2020. Applications determined usually match or sometimes exceed the number of applications lodged which is commendable.

There is a low percentage of refusals, which at a yearly average of less than 2% is typical for rural municipalities but there is also a moderately high degree of withdrawn/not required/lapsed applications. The large rate of withdrawn and no permit required applications is explained in part by the low number of refusals as applications that are inconsistent with Council's MPS and local planning policy are often withdrawn before they are refused. A high number of withdrawn and no permit required applications also suggests that greater clarity could be provided in the Colac-Otway Planning Scheme so that it is clearer to applicants and Council about when a permit is required.

6.1.2. Service performance

Evidence

The average timeframe taken to decide applications at Colac Otway has remained relatively stable over the past 4 years with exception of a spike in 2019-20. During 2017-18, 2018-19, 2019-20 and 2021-22 the median number of days taken to process applications was 70, 86, 91, 78 respectively. In 2021-22, the median number of days was 78, a nearly 20% decrease from 2019-20. This was above the average for neighbouring rural councils (66 days) and the statutory requirement set out in the Planning and Environment Act 1987 (60 days).

Despite this, the percentage of applications decided within the requisite timeframes has remained relatively stable over the past 4 years and at a high of 423 applications in 2021/22. Council could further improve performance in future years with increased resourcing and planning regulatory reductions.

The per-application cost of statutory planning services at Colac Otway has been significantly higher in some years compared to selected comparable councils but in 2020/21 was significantly reduced from 2019/20. In 2020/21, per-application cost of statutory planning services was \$1,998.25, down from \$3,447.93 the preceding year and increasingly for the 2021/22 financial year to \$2247.33.

Discussion

Colac Otway's performance has been benchmarked against three other neighbouring Councils being Corangamite, Golden Plains and Surf Coast. This benchmarking shows that Colac-Otway compares generally favourably against the:

- Median number of days taken between receipt of a planning application and a decision on the application, apart from in 2019/20 (other than for Corangamite where there are significant planning scheme differences).
- Percentage of VicSmart planning application decisions made within 10 days and regular planning application decisions made within 60 days.
- Direct cost to council of the statutory planning service per planning application received, with overall costs showing a decreasing trend but representative in part due to lack of resources at times.
- Percentage of council planning application decisions subject to review by VCAT that were not set aside, with an overall low appeal rate.

While there have been significant performance improvements, more could be undertaken with further planning regulatory reductions and additional resourcing and investment of the planning function being required.

Table 2 compares recent service performance of the recent service performance of the Colac Otway Shire against comparable councils.

Table 2: Comparison of Service Performance Against Comparable Councils

Measure description	Council	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022
Median number of days taken between receipt of a planning application and a decision on the application	Colac-Otway	70	86	91	74	78
	Corangamite	25	41	29	34	34
	Golden Plains	77	68	80	78	84
	Surf Coast	48	63	76	77	84

Measure description	Council	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022
Percentage of VicSmart planning application decisions made within 10 days and regular planning application decisions made within 60 days	Colac-Otway	0.74	0.73	0.80	0.77	0.78
	Corangamite	0.93	0.83	0.97	0.92	0.91
	Golden Plains	0.47	0.84	0.78	0.66	0.67
	Surf Coast	0.79	0.84	0.81	0.87	0.78
Direct cost to council of the statutory planning service per planning application received	Colac-Otway	3634.55	3367.43	3447.93	1998.25	2247.33
	Corangamite	1541.29	2179.40	1701.44	1179.81	1420.79
	Golden Plains	1731.84	1679.15	1035.16	707.84	896.46
	Surf Coast	1480.98	2909.65	2716.98	2978.88	2790.10
Percentage of council planning application decisions subject to review by VCAT that were not set aside	Colac-Otway	1	0.73	0.5	0	0.87
	Corangamite	0	0.83	1	0.67	1
	Golden Plains	1	0.84	1	0	0
	Surf Coast	0.5	0.84	0.8	0.69	1

Source: www.knowyourcouncil.vic.gov.au.

6.1.3. Most common permit triggers

As shown in **Table 3**, applications for 'Extension to dwelling or associated structure', 'One or more new buildings', 'Subdivision of land' and 'Single dwelling' are the four most common application types between 2017/18 financial year and the 2022/23 financial year over five consecutive years.

Table 3: Most Common Application Types

Application type	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2018-2023
Extension to dwelling or associated structure	71	62	7	88	57	349
Liquor Licence	1	3	5	8	2	19
Signage	19	14	14	22	9	78
Multi Development	6	2	5	5	6	24
Extension to building/structure (not a dwelling)	8	10	9	8	14	49
Change or extension of use	8	25	22	26	16	97
One or more new buildings	44	53	59	71	71	298
Subdivision - Change to easement/restriction	2	6	4	1	3	16
Other building & works (septic tank)	10	11	12	18	17	68
Native Vegetation Removal	11	4		8	1	43
Other	9	13	1	6	2	31
Subdivision of Land (Inc. Covenant Removal/Variation)	39	48	46	47	57	237

Application type	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2018-2023
Single Dwelling	72	81	69	80	87	389
Alteration to Building Structure	8	7	18	25	15	73
Demolition	0	1	4	2	1	8
Other Vegetation Removal	0	2	1	4	2	9
Waiver of Parking	3	1	0	1	1	6
Telecommunications Facility	4	3	1	3	0	11
Consolidation	0	0	1	1	0	2
More than one new dwelling	2	0	0	0	0	2
Total	317	346	348	424	374	1809

Source: PPARS (including aggregates of new permit applications and amended permit applications)

Table 3 includes the most common types of applications received in the municipality, with applications for single dwellings, new buildings and building alterations/additions and signage reflecting the development settings of the Colac-Otway Planning Scheme. Change or extension of use and signage applications are the next most regular type of application, with native vegetation removal and liquor licencing applications being the next most predominant application types received. Applications for multi-dwellings are characteristically low for a rural municipality and the moderate number of native vegetation removal applications is typical for a municipality such as Colac-Otway with its high degree of native vegetation in substantial parts of the municipality.

6.1.4. VCAT Matters

The number of applications that were appealed to the Victorian Civil and Administrative Tribunal was less than 1% which is a relatively low amount and equates to around 1-2 appeals per year on average. This low appeal rate is characteristic of many rural municipalities and reflects the rural nature of the municipality and the predisposition to negotiating planning application outcomes.

There were 9 matters that were appealed to the Victorian Civil and Administrative Tribunal (VCAT) between the 2017/18 and 2022/23 financial years (up to 30 May 2023). The applications for review were mostly split against several refusals to grant a permit and five notices of decision to grant a planning permit, but this is a low rate of appeal for planning applications. There was one failure to determine appeal and one declaration proceeding. A large rate of withdrawn and no permit required applications accounts in part for the low rate of appeals, as applications that are inconsistent with Council's MPS and local planning policy are often withdrawn before they are refused.

As shown in **Table 4**, Most appeals are against Council's Notice of Decision to Grant a Planning Permit with 5 appeals in the last six years in this category.

Table 4: Applications for Review against Planning Applications to VCAT

Application for review type	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Appeal against refusal (s. 77)	-	-	2	-	-	-
Appeal against decision to grant (s. 82)	-	1	-	1	1	2
Appeal against failure (s. 79)	-	-	1	-	-	-
Declaration proceedings (s. 149B)	1	-	-	-	-	-

Note: decisions are from both PPARs and Council supplied VCAT determinations.

6.1.5. Geographic spread of applications

There is a large spread of applications over the municipality with concentrations in the townships of Apollo Bay, Birregurra, Colac, Colac East, Colac West and Elliminyt shown in **Table 5**. There have also been moderate numbers of applications in the smaller townships or settlements of Barongarook, Beech Forest, Cressy, Forrest, Gellibrand, Skenes Creek and Marengo. Separation Creek and Wye River have experienced high levels of applications due to rebuilding resulting from the 2015/16 bushfires.

Table 5: Distribution of Applications from 2017/18 to May 2023

Locality	Number of Applications between 2017/18 and 2022/2023	Percentage (%)	Locality	Number of Applications between 2017/18 and 2022/2023	Percentage (%)
ALVIE	1	0.06	FERGUSON	5	0.28
APOLLO BAY	192	10.61	FORREST	47	2.60
BALINTORE	4	0.22	GELLIBRAND	33	1.82
BARONGAROOK	28	1.55	GERANGAMETE	16	0.88
BARONGAROOK WEST	32	1.77	GLENAIRE	7	0.39
BARRAMUNGA	10	0.55	GREY RIVER	4	0.22
BARWON DOWNS	30	1.66	HORDERN VALE	11	0.61
BEEAC	28	1.55	IRREWARRA	23	1.27
BEECH FOREST	32	1.77	IRREWILLIPE	11	0.61
BIRREGURRA	176	9.73	IRREWILLIPE EAST	2	0.11
BUNGADOR	2	0.11	JOHANNA	24	1.33
CAPE OTWAY	5	0.28	KAWARREN	18	1.00
CARLISLE RIVER	8	0.44	KENNETT RIVER	17	0.94
CARPENDAIT	1	0.06	LARPENT	16	0.88
CHAPPLE VALE	6	0.33	LAVERS HILL	22	1.22
COLAC	299	16.53	MARENGO	28	1.55
COLAC EAST	63	3.48	MURROON	17	0.94
COLAC WEST	34	1.88	NALANGIL	4	0.22
CORAGULAC	12	0.66	OMBERSLEY	3	0.17
COROROOKE	31	1.71	ONDIT	12	0.66
CORUNNUN	8	0.44	PETTICOAT CREEK	2	0.11
CRESSY	24	1.33	PIRRON YALLOCK	5	0.28
DREEITE	6	0.33	SEPARATION CREEK	23	1.27
DREEITE SOUTH	1	0.06	SKENES CREEK	53	2.93
ELLIMINYT	159	8.79	SKENES CREEK NORTH	2	0.11
EURACK	3	0.17	STONYFORD	1	0.06

Locality	Number of Applications between 2017/18 and 2022/2023	Percentage (%)
SUGARLOAF	3	0.17
SWAN MARSH	3	0.17
TANYBRYN	5	0.28
WARNCOORT	12	0.66
WARRION	15	0.83
WEEAPROINAH	5	0.28
WEERING	3	0.17
WHOOREL	1	0.06

Locality	Number of Applications between 2017/18 and 2022/2023	Percentage (%)
WONGARRA	13	0.72
WYE RIVER	100	5.53
WYELANGTA	5	0.28
YEO	10	0.55
YEODENE	23	1.27
YUULONG	10	0.55
Total Apps	1809	100

Unsurprisingly most of the permit activity is occurring in the main townships of Apollo Bay, Colac and Ellymit. These towns have a more diverse residential, commercial and industrial base triggering permit requirements for new dwellings, extensions to buildings and liquor licences.

There has also been a moderate number of applications between 2017/18 and 2022/2023 at Wye River following reconstruction after the 2015/16 bushfire. There is also a large spread of applications in smaller townships and settlements including Birregurra, Forrest and Skenes Creek. These towns and settlements have some degree of tourism related development, agriculture and usual township activity. Small lots in the Farming Zone and Rural Conservation Zone are also likely to be a likely source of applications outside of townships.

6.2. Planning Panels Victoria

6.2.1. Summary of planning scheme amendments

Council has undertaken 24 'C' planning scheme amendments since the last planning scheme review as shown in **Table 6**. A detailed analysis of these has been provided to Council officers. Most amendments were considered by a Panel. Implications for two Amendments, C97cola and C108cola, are further discussed below.

Table 6: C Amendments Undertaken by Council from 2018

Amendment number	In operation from	Brief description of the amendment	What sort of amendment: - Policy related - Site specific - Administrative	Status of the amendment - Did not progress - Approved - Underway
C094	25 January 2018	Rezones land at 119-153 Pound Road, Colac from Public Use Zone 2 - Education to Public Use Zone 5 - Cemetery / Crematorium, to provide for the future provision of land for the Colac Cemetery.	Site specific	Approved
C096	8 February 2018	Corrects mapping anomalies in the Colac Otway Planning Scheme and applies to various parcels of land throughout the municipality.	Administrative	Approved with changes
C065	2 March 2018	Rezones a number of sites from FZ to RAZ with a DDO and EAO in Colac East and West. Removes DDO7 from a number of sites in Apollo Bay and amends the Apollo Bay Framework Plan. Amends DDO7, corrects anomalies to HO and NCO1.	Site specific implementing specific recommendations from C55 Panel Report and technical amendment needed to DDO7 and clauses 43.05-2 and 43.01.	Approved - Split parent
C027	20 March 2018	Applies the Heritage Overlay to 243 individual places and 17 precincts in the Colac Otway Shire. Amends the Municipal Strategic Statement and introduces a new Local Planning Policy Development in Heritage Precincts. Includes the Colac Otway Heritage Study (2003) as a reference document in the Municipal Strategic Statement.	Policy related	Split parent
C072	20 March 2018	The amendment proposes to apply the recommendations of the Colac CBD and Entrances Report 2012, the Colac and Apollo Bay Parking Strategy 2011, the Colac Commercial Centre Parking Plan 2011, and the Apollo Bay Commercial Centre Parking Precinct Plan 2011.	Policy related	Split parent
C095	19 April 2018	The amendment inserts a new incorporated document titled Princes Highway - Barongarook Creek Bridge Upgrade, - October 2017 in the Schedules to Clause 52.03 and Clause 81.01, rezones a section of land from Public Park and Recreation Zone to Road Zone Category 1 to correct a zoning anomaly, consistent with the existing	Site specific	Approved

		use of the land as a road and applies a Public Acquisition Overlay (PAO1) to the land.		
C085cola	24 July 2019	Rezones 558 Corangamite Lake Road (formerly 15 Factory Road), Cororooke from Township Zone to Public Park and Recreation Zone.	Site specific	Approved
C102cola	27 March 2020	Amends the wording of the Schedule to Clause 53.01 of the Colac Otway Planning Scheme to allow for the collection of public open space contributions for subdivisions of three lots or more to align with the Colac Otway Public Open Space Strategy 2011.	Policy related	Approved with changes
C104cola	14 May 2020	Section 96A combined amendment to apply the Specific Controls Overlay (SCO) to 265-281 Murray Street, Colac and insert an incorporated document titled 'Whiskey Distillery Colac, 265-281 Murray Street, Colac, November 2019' to facilitate the use and development of land for the purpose of a Whiskey Distillery. Planning Permit PP189/2019-1 seeks approval for use and development of the land for Industry (Beverage Production), use of the land for the sale and consumption of liquor on and off the premises, display of internally illuminated business identification signage, display of a mural/panel sign, reduction in bicycle facilities, alteration of access to a road in a Road Zone, Category 1 and associated works.	Site specific	Gazetted
C103cola	09 July 2020	Corrects various mapping and ordinance anomalies and errors, removes redundant provisions and updates the incorporated document Princes Highway – Barongarook Creek Bridge Upgrade, October 2017.	Site specific	Gazetted
C97cola	4 August 2021	The Amendment implements the strategic land use directions of the Colac 2050 Growth Plan (2019) by updating the Municipal Planning Strategy, relevant clauses in the Planning Policy Framework, and the schedules to the Operational Provisions 72.08 Background Documents and 74.02 Further Strategic Work.	Policy related	Approved with changes
C101cola	04 August 2021	Amendment C101cola removes the Environmental Significance Overlay Schedule 1 (ESO1- Warrion Groundwater Area) from the Colac Otway Planning Scheme and amends the mapping of Environmental Significance Overlay Schedule 2 (ES02 - Lakes, Wetlands and Watercourses) to reduce the extent over the Barongarook and Deans Creek floodplains in Colac.	Site specific	Approved with changes
C107cola	4 August 2021	The Amendment corrects zoning and overlay anomalies affecting the north-eastern portion of the Colac Water Reclamation Plant site at 1-33 Treatment Works Rd, Colac East by rezoning this portion of the site from Farming Zone (FZ) to Public Use Zone, Schedule 1 (PUZ1 - Service and Utility), and removing an Environmental Significance Overlay, Schedule 6 (ESO6 - Colac Water Reclamation Plant Buffer) from this portion of the site.	Site specific	Approved
C99cola	19 August 2021	The amendment updates the local schedules in zones, overlays, particular provisions and	Administrative	Approved

		general provisions of the Colac Otway Planning Scheme to remove technical errors and inconsistencies with the Ministerial Direction on the Form and Content of Planning Schemes and the Victoria Planning Provisions as a consequence of Amendment VC142 and Amendment VC148		
C109cola	16 September 2021	The amendment applies the Specific Controls Overlay to 10 Drapers Road Colac East and inserts a new incorporated document titled 'Colac East Service Station Advertising Signage, 10 Drapers Road Colac East, December 2020 to allow the development of signage associated with a service station.	Site specific	Approved
C090cola	16 September 2021	Implements the findings of the Deans Creek and Barongarook Creek Flood Study (2017) through changes to the Floodway Overlay (FO) and Land Subject to Inundation Overlay (LSIO) maps and schedules to improve the performance of the Colac Otway Planning Scheme in responding to flood events in Colac and surrounds.	Site specific	Approved with changes
C108cola	18 November 2021	Replaces the Local Planning Policy Framework of the Colac Otway Planning Scheme with a new Municipal Planning Strategy at Clause 02, local policies within the Planning Policy Framework at Clauses 11-19 and a selected number of local schedules to overlays and operational provisions consistent with changes to the Victoria Planning Provisions introduced by Amendment VC148	Administrative	Approved
C121cola	9 June 2022	The amendment reintroduces heritage policy provisions which were inadvertently removed by Amendment C108cola. The Heritage Design Guidelines for each of the twelve precincts are included as separate Incorporated Documents in the planning scheme.	Administrative	Approved
C113cola	23 June 2022	The Amendment rezones a surplus school site in Cressy from Public Use Zone 2 - Education to Township Zone, applies a Design and Development Overlay and amends the requirement for a public open space contribution.	Site specific	Approved
C119cola	21 September 2022	Implements the findings of the Colac Otway Shire Erosion Management Overlay Review (Golder Associates, 2021) by amending the Erosion Management Overlay (EMO) mapping and the Schedule to the EMO to reduce the extent of land affected, increase permit exemptions and reduce application requirements.	Policy related	Gazetted
C111cola	25 November 2022	The combined planning scheme amendment and planning permit application facilitates the upgrade and expansion of the Red Rock Regional Theatre and Art Gallery in Cororooke. The amendment rezones a 4,907 square metre portion of land at 30 Factory Road, Cororooke from Farming Zone to Township Zone. Planning permit PP219/2020-1 applies to 520 Corangamite Lake Road and 30 Factory Road, Cororooke and allows subdivision of the land into three lots, use of the land for a food and drink premises (cafe) and on-premises liquor	Site specific	Gazetted

		license, temporary use of the land for a store (tram storage), extensions and alterations to buildings and associated works, display of signage, alteration of access to a road in a Transport Zone 2, creation of an easement, and reduction of bicycle parking requirements.		
C118cola	22 March 2023	Amendment C118cola updates the Heritage Overlay and Design and Development Overlay Schedule 8 controls applying to land within the Colac town centre and the Murray Street Precinct.	Site specific	Approved with changes
C116cola	22 March 2023	Implements the findings of the Birregurra Flood and Drainage Strategy (Engeny, 2022) by amending the Floodway Overlay and Land Subject to Inundation Overlay mapping and introducing the Special Building Overlay to improve the performance of the Colac Otway Planning Scheme in responding to flood events in Birregurra.	Site specific	Approved with changes
C123cola	31 August 2023	Rezones land in an area bounded by Sinclair Street South, Irrewillipe Road, Hart Street and Harris Road, Elliminyt from Rural Living Zone to General Residential Zone Schedule 1, applies the Development Plan Overlay Schedule 8 to the land, and applies the Environmental Audit Overlay to 145 Harris Road, Elliminyt (otherwise known as Bakerland and assessed by Development Facilitation Team at DTP)	Site specific	Gazetted
C125cola	16 November 2023 (exhibition finished)	The amendment removes the Development Plan Overlay Schedule 2 from the Colac West residential area and applies a new Development Plan Overlay Schedule 9. The amendment also amends Clause 17.03-1L (Industrial Development in Colac), Schedule 1 to the Design and Development Overlay (Colac Industrial Areas) and Schedule 7 to the Development Plan Overlay (J Barrys Road, Colac Industrial Area) to reduce the minimum lot size for industrial land in Colac.	Policy related	Underway

6.2.2. Issue One

Evidence

Matter	Response
Amendment No:	C97cola
Amendment common name	Implementation of the Colac Otway 2050 Vision
Issues considered:	Colac 2050 Growth Plan (2019)
In operation from:	17 March 2021
Brief description of the amendment:	The Amendment implements the strategic land use directions of the Colac 2050 Growth Plan (2019) by updating the Municipal Planning Strategy, relevant clauses in the Planning Policy Framework, and the schedules to the Operational Provisions 72.08 Background Documents and 74.02 Further Strategic Work.
Policy matters raised by the Panel that require further	This Amendment implemented a revised growth framework for the Colac township with growth focused within the existing township and particularly to the Deans Creek Growth Area.

consideration or action by Council.	The Amendment provided strategic guidance for where future residential development should locate in Colac, identified in the Colac 2050 Framework Plan. It also provides objectives and strategies as to how residential growth should be managed to ensure environmental, social and economic benefits. The Colac 2050 Framework Plan delineates a revised settlement boundary, containing residential, commercial and industrial development within the township boundary and improving the overall urban structure, connectivity, and walkability of the town. It also identified areas for short and long term residential and industrial expansion and additional activity centres to service the town's population.
Changes to ordinance required:	Significant changes were made to the planning scheme including the MPS and the PPF. Further implementation work that is identified in Clause 74.02 could consider zoning and overlay changes for the township that provide detail for residential, commercial and industrial zones and enhanced design and environmental requirements through overlays, if required.
Further strategic work required:	There are eight specific points already detailed in Clause 74.02 and these have been slightly revised and consolidated in the proposed future strategic work to align with the next stages of implementation for Colac, particularly for the Deans Creek Growth Area.

Discussion

Colac and Apollo Bay are identified in Council's MPS as the two townships in the municipality for growth, with Colac clearly able to accommodate a greater degree of significant growth in residential, commercial and industrial use and development.

The Colac 2050 Growth Plan has been implemented through Amendment C99 to the scheme and provides a clear framework for the future growth of the town and identifies investigation areas for future growth after 2050.

Continued implementation of the Colac 2050 Growth Plan has been acknowledged in the scheme through eight specific points in Clause 74.02. This shows a significant focus by Council in terms of budget and resources to undertake and deliver these future strategic projects. There are some adjustments that are required to the Clause 74.02 to adjust projects to the future work program to deliver the Colac 2050 Growth Plan into the scheme.

6.2.3. Issue Two

Evidence

Matter	Response
Amendment No:	C108cola
Amendment common name	Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF) Translation
Issues considered:	Amendment was a policy neutral translation exercise that introduced the new MPS and integrated PPF into the planning scheme.
In operation from:	11 July 2019
Brief description of the amendment:	Replaced the Local Planning Policy Framework with a new Municipal Planning Strategy at Clause 2 and a modified Planning Policy Framework at Clauses 10-19.
Policy matters raised by the Panel that require further consideration or action by Council.	N/A

Changes to ordinance required:	Replaced Clause 21 with Clause 02 Municipal Planning Strategy and an integrated Planning Policy Framework at Clauses 10-19.
Further strategic work required:	The MPS and integrated PPF translation provided the foundation for further strategic work to be undertaken based on Clause 74.02 and for new strategy and policy to be developed and provisions to be applied, responding to several recommendations of the 2018 review.

Discussion

The gazettal of Amendment C108cola provided the foundation for further strategic work to be undertaken based on Clause 74.02 and for new strategy and policy to be developed and provisions to be applied.

The translation amendment responded to several recommendations of the 2018 review and provided for a clearer and more concise planning scheme. It has enabled this review to be more targeted to areas of strategic gaps and in improving the efficiency and effectiveness of the scheme following Amendments C108cola and C97cola. This also includes an outstanding recommendation from the 2018 review in applying zones and overlays through specific schedules to land (a specific one to each) so that scheduled requirements can be clearly identified to the land that it affects.

Findings

- R7. Revise Clause 74.02 - Future Strategic Work for delivery of the Colac 2050 Growth Plan and to other strategic work that this targeted to areas of existing strategic gaps.**
- R8. Improve the application, efficiency and effectiveness of the scheme by revising zone and overlay schedules to be consistent with the Ministerial Direction on Form and Content of Planning Schemes through more specific zone and overlay schedule requirements .**

6.3. VCAT

6.3.1. VCAT cases reviewed

Council officers provided the following list of VCAT cases to review as provided below:

- 36 Old Coach Road, Skenes Creek, VCAT REFERENCE NO. P92/2018 PERMIT APPLICATION NO. PP178/2017-1.
- 10 Drapers Road, Colac VCAT REFERENCE NO. P218/2019 PERMIT APPLICATION NO. PP106/2018-1, BWK Properties Pty Ltd v Colac-Otway SC [2020] VCAT 132.
- 320 Mooleric Road, Ombersley (Birregurra on VicPlan), VCAT REFERENCE NO. P1297/2018, Colac Otway SC v MCG Quarries Pty Ltd [2018] VCAT 1402.
- 19 Gallop Street, Colac East, VCAT REFERENCE NO. P1257/2019 PERMIT APPLICATION NO. PP42/2019-1, Course v Colac-Otway SC [2020] VCAT 90.
- 260 Warrowie Road, Irrewarra, VCAT REFERENCE NO. P401/2020 PERMIT APPLICATION NO. PP142/2019, Irrewarra Estate Ltd v Colac-Otway SC [2021] VCAT 358.
- 150 Birregurra-Yeodene Road, Yeodene, VCAT REFERENCE NO. P11616/2021 PERMIT APPLICATION NO. PP167/2021, MacLeod v Colac Otway SC [2022] VCAT 1422.
- 185 & 265 Telegraph Road, Murroon, VCAT REFERENCE NOS. P935/2022 & P1131/2022 PERMIT APPLICATION NO. PP389-2021-1, Riordan v Colac Otway SC [2022] VCAT 1132.
- 17 Thompson Street, Apollo Bay, VCAT REFERENCE NO. P2443/2018 PERMIT APPLICATION NO. PP146/2017-1, Ting Gu v Colac-Otway SC [2019] VCAT 1079.
- 18 Iluka Avenue, Wye River, VCAT REFERENCE NO. P255/2021 PERMIT APPLICATION NO. PP130/2020-1, Wye River Separation Creek Community Association Inc v Colac Otway SC [2022] VCAT 147.

6.3.2. Policy issues raised at VCAT

The issues raised in VCAT cases over the past four years that have policy implications include:

- Design impacts on the Colac township entrances from signage and the development of large format restricted retailing premises within the Commercial 2 Zone.
- Residential development within townships, particularly in coastal locations and how to balance housing provision with neighbourhood character and landscape/environmental considerations.
- Impact of dwellings and small lot subdivision in rural areas on farming and agricultural activities.

6.3.3. Issue One

Colac Township Entrances

Summary

In *Course v Colac-Otway*, the applicant sought to construct and display a major promotion sign and have their application fees reimbursed by Council. The application was appealed against failure to determine to the Tribunal and Council subsequently refused the application due to its inappropriate and prominent design and location at the eastern entrance to Colac. VCAT agreed with Council and no permit was granted including no reimbursement of application fees.

Discussion

This case highlights the importance of the approach and entrances to Colac and the implications of inappropriate signage and the development of large format retailing. The *Urban Design Guidelines for Victoria* apply to development within townships, including large format retail premises that often locate in the Commercial 2 Zone. While useful, these guidelines are more generic state-wide and do not address the detailed requirements that might apply to a specific site such as 19 Gallop Street, Colac East or other land along the township entries.

The Tribunal determination highlighted that further strategic work is need to determine the future character of these Commercial 2 zoned areas that should be undertaken through a future strategic project. This could identify important design and layout principles and be implemented through objectives and strategies in a local policy and design objectives and requirements in a Design and Development Overlay. The location of new signs, upgrading and/or removal of uncoordinated existing signs, landscaping and building design and layout could be addressed in a future strategy for the eastern and western entrances to Colac and address the issues highlighted by Council and the Tribunal.

6.3.4. Issue Two

Medium density development within Apollo Bay and Marengo

Summary

In *Ting Gu v Colac-Otway*, the applicant sought a review of the refusal at 17 Thompson Street, Apollo Bay for the construction of four dwellings on the land. Council and adjoining objector concerns related to perceived overdevelopment of the site for medium density development; scale and density of the development; impact on neighbourhood character (whether two storey development achieves a coastal character); and amenity and traffic impacts. The Tribunal disagreed with Council and the objectors and a permit was granted for the development.

Discussion

The case has implications for the Apollo Bay and Marengo township strategies and whether there needs to be improved distinction about the competing interests of protecting the character and views of the town versus encouraging the increased diversity of housing close to services and facilities within and adjacent to the town centre. Clearer and strengthened provisions for the types of new housing development within the MPS and PPF and residential zone and neighbourhood character objectives and requirements could be considered further through additional strategic work.

6.3.5. Issue Three

Dwellings in the Farming Zone, Rural Conservation Zone and Rural Activity Zone

Summary

In *Irrewarra Estate Ltd v Colac-Otway*, the applicant sought approval for a two lot subdivision that “excised” a smaller lot from a larger lot for a dwelling in the Farming Zone. Council issued a Notice of Decision for the proposal and the application was appealed by an objector to the Tribunal. Key issues in the proceedings included subdivision provisions in the Farming Zone that allow for smaller lots, the classification of an ‘existing dwelling’ and the language and interpretation of provisions in the planning scheme. VCAT disagreed with the Council decision and directed that no permit be issued.

Discussion

This case highlights many other similar instances where dwellings are proposed in the Farming, Rural Conservation and Rural Activity Zones. An application can be made for a two lot subdivision where the subdivision is for the creation of a lot for an existing dwelling. The approval of such an application can result in the creation of a lot less than the minimum lot size and the subsequent sale of the second dwelling and newly created lot. Subdivision of land following further dwelling approval could occur again and this land fragmentation often negatively affects farming and agricultural activities on neighbouring land and establishes residential amenity expectations rather than farming and agricultural expectations. Examples of smaller farming zone lots that do not currently meet the minimum lot size in the zone schedule can also create confusion for landowners and could also be considered further in terms of their future.

A strategic project could consider the appropriate settings for different types of rural land and where minimum lot sizes should be reviewed based on the types of agricultural production that are envisaged for distinctive land types. This might:

- Distinguish between high quality agricultural land and less productive agricultural land and what might be the different requirements for subdivision.
- Consider whether there are differences between rural land along and adjacent to the coastal hinterland and more broadacre agricultural land along the western plains.
- Review areas of high biodiversity and the appropriate rural zone and its requirements.
- Identify and review areas of smaller farming zone lots that do not currently meet the minimum lot size in the zone schedule and determine the preferred minimum lot size and other requirements.

Further strategic work could result in improved strategic directions to discourage multiple dwellings and their subdivision on high quality agricultural land and to better protect farming and agricultural land through revised local planning policy, advocacy and requirements in zone schedules.

Findings / recommendations

R9. Undertake further strategic work that considers the strengthening of local planning policies and zoning and overlay provisions in the scheme around:

- Design and development impacts on the Colac township entrances from signage and large format restricted retailing premises within the Commercial 2 Zone.
- Residential development within townships, particularly in coastal locations and how to balance housing provision with neighbourhood character and landscape/ environmental considerations.
- Discouraging dwellings and subdivision lower than the minimum lot size in Farming, Rural Conservation and Rural Activity Zones.
- Identify the Shire's high value agricultural land and determine how it can be better protected and differentiated from less high value land in the scheme.
- Consider whether there are differences between rural land along and adjacent to the coastal hinterland and more broadacre agricultural land along the western plains.
- Review areas of high biodiversity and the appropriate rural zone and its requirements.
- Identify and review areas of smaller farming zone lots that do not currently meet the minimum lot size in the zone schedule and determine the preferred minimum lot size and other requirements.

7. Stakeholder engagement

This section contains an overview and analysis of stakeholder engagement that has informed the Planning Scheme Review. It includes data collected as part of a Council planner survey, responses from key referral agencies and external stakeholders as well as feedback provided by planning staff, key internal staff, and Councillors through a series of workshops.

The intention of this part of the review is to provide context from those who most use the planning scheme and Councillors, as the community representatives. The findings of this engagement help refine the key issues that Council needs to address and prioritise the scope of further strategic work that should be undertaken during the next four years.

Detailed tabulated survey results have been provided separately to Council.

7.1. Planners' feedback

Council planning officers were asked to respond to a survey about the Colac Otway Planning Scheme, prior to any analysis documents or findings being shared. The survey included questions from an officer perspective, about how well the scheme is performing, controls that need refining or could be removed, applications that are taking more time than they should, and policy gaps.

R10. Recommendations included the following matters about the operation of the Scheme including the:

- Removal of planning permit triggers for minor development that appear to serve no useful purpose such as for agricultural buildings in the ESO and the SLO.
- Ensure that the focus in the ESO and the SLO is on significant buildings and structures that may have environmental and landscape impacts.
- Schedule to the ERO requires rewriting to reduce complexity.
- Vehicle crossover requirements should be removed from the HO and exemptions clarified for the HO from the incorporated document.
- Earthworks requirements in the FZ and RCZ need clarification as it is difficult to confirm with many proposals whether the rate of flow over a boundary would alter.
- Revision of minimum lot sizes in Apollo Bay as they may unnecessarily constrain development.
- Eliminyt dwellings with SLO applying, should be no permit required, particularly single storey, where they provide muted tones and are compliant with envelopes on title.
- Birregurra – alteration of railway station requiring a HO.
- Birregurra DDOs are too restrictive and generate unnecessary planning permit applications.
- Liquor licensing red line plans cause issues for planning system.
- Cultural heritage issues should be removed from the planning system.
- Need standard permit conditions for the ESO2 to speed up the permit process.
- Query 100m from waterway, floodplain permit trigger (especially if no wastewater is generated).
- Opportunities for additional VicSmart applications.
- The site at 10 McDonnell Road, Birregurra is incorreccted listed as HO95. The correct address is 4970 Princess Highway, Warncoort and HO95 needs to be included in Map 12HO.

- Opportunities to streamline multiple overpays to achieve preferred neighbourhood character outcomes in coastal areas by addressing conflicts between controls (retain EMO and BMO) but streamline/update others such as the SLO and NCO.

R11. Recommendations included the following matters about further strategic work and/or implementation to address policy gaps for:

- Advertising signage policy, save for policy references for Colac which arose from the 2012 Colac CBD & Entrances Strategy (which has been in the Planning Scheme review recommendations for years).
- Policies relating to dwellings in rural zones, particularly the Farming Zone, must be strengthened to provide for better decisions that are consistent with supporting farming and agricultural activities.
- Include additional local classes of VicSmart applications in the BMO for outbuildings greater 100sqm where only a Bushfire Management Plan is required and no CFA referral necessary.
- A fresh Heritage Study that picks up heritage places not identified in the 2003 Study, and to provide more detailed guidance for applications in identified heritage precincts.
- Direction on priorities where conflicting policies exist such as tourist potential versus landscape values in areas along coast.
- Providing improved local policy guidance for managing bushfire hazard following the strengthening of state planning controls for bushfire risk by better managing requirements between the BMO (and bushfire considerations) and SLO (referring to vegetation and buildings being in keeping with character).
- Need greater policy guidance on assessing applications which require on-site wastewater treatment, particularly in declared water catchments, and to reference the Domestic Wastewater Management Plan 2021.
- Neighbourhood character studies need to be updated for all of the coastal townships and planning controls reviewed accordingly.
- The NCO1 needs review especially in Wye River where development is now largely based on BAL requirements.
- There is a strong need for mapping of projected coastal inundation from sea level rise and coastal erosion along the coast, particularly in key areas such as Apollo Bay, to inform planning controls that respond to this risk (GORCAPA have been funded to do a scoping study in 2023).
- A flood study is required for the Barham River floodplain and associated tributaries to ensure appropriate flood mapping, and recent flood mapping for coastal towns such as Kennett River and Wye River and then implemented by an amendment.
- Policy direction from a regional salinity mapping project undertaken in 2006 needs to be incorporated into the Scheme (but no overlay triggering planning permits).
- The EAO could be applied more broadly to sites where known contamination exist.
- There is no policy guidance for considering applications for gaming machines or licensed premises, which could benefit from a local policy.
- There is a need to refresh the Forrest Structure Plan to take account of a likely announcement that reticulated sewerage will be implemented.
- There is a lack of local policy direction to implement higher sustainability standards in new development.
- Reference should be included to the 2014 Integrated Water Management Plan.
- Small town structure plans need to be completed for Beeac, Cororooke, Alvie, Coragulac, and Cressy, which have been identified for growth and need new settlement boundaries identified and wastewater issues reviewed.

- **Need to reflect the social housing policy in the scheme.**
- **Need a tiny houses policy in the scheme.**
- **Reviewing the signage requirements of the DDO schedules to apply signage categories that are not more restrictive than the zone signage category that applies to land.**
- **Investigating in the southern half of the Shire and to “ground truth” actual conditions, particularly around the Johanna area, where there is a mismatch between the application of the Rural Conservation Zone and the Farming Zone to cleared land and vegetated land.**

Feedback from the initial planner survey provided the basis for a workshop with Council planners held on 9 June 2023 and then on 10 August 2023. The workshop expanded on the issues raised in the Planners’ survey and analysed planning scheme performance more broadly.

Matters raised in this workshop echoed the survey results but there were further issues raised about:

- Better protection of high quality agricultural land is critical.
- Insufficient guidance to support consistent decision-making in the Farming Zone, Rural Conservation Zone and Rural Activity Zone particularly for dwellings and small lot subdivisions.
- Bushfire Management Overlays and the siting of dwellings and how this over-rides vegetation protection and landscape character.
- Including an improved framework for infrastructure requirements and contributions.
- Stormwater treatment and integrated stormwater management requirements need strengthening.
- Encouraging more sustainable design and ESD policy and requirements but question whether improved direction should be provided for Building design (Clause 15.01-2L) in small towns.
- Housing and neighbourhood character issues, particularly for the coastal townships.
- Delegations for planning applications and that they could be more strategically targeted and more efficient.
- Need setback requirements for low density residential areas.
- Issues with outbuildings and large sheds in residential zones.
- Schedule to LSIO needs to be based on more upfront guidance from the CCMA and based on an MOU with water authorities.
- HO guidelines and incorporated documents for statements of significance are very difficult to access electronically.
- Planning information generally appears harder to find and the scheme to navigate since the Smart Planning reforms which creates inefficiencies at the Council end.
- Signage policy is needed in the scheme.

There were also issues raised about the inadequate resourcing of the planning functions at Council particularly in the strategic planning area. There are only two strategic planners employed at Council to manage many existing strategic projects currently underway and the new projects proposed through future strategic work. This level of resourcing does not enable multiple planning scheme amendments and strategic projects to be progressed, multiple project briefs and consultancy projects to be managed, called-in proposals from State Government to be overseen and planning advice to be provided throughout Council.

The funding of strategic projects and their implementation is also a significant issue for Council in a rate capped and inflationary fiscal environment. Council has adopted and progressed the Colac 2050 Growth Plan which is a significant and important strategic project for the Shire’s largest town. Structure plans for Birregurra and Forrest are progressing. However, there are many other strategic projects such as the review of signage and an updated heritage study with contemporary statements of significance for all heritage places identified in the HO. Council needs to prioritise funding to these and several other projects in order to implement this planning scheme review. To assist with this,

Council should investigate external funding and partnership opportunities that are provided by Victorian Government Departments and Agencies and regional organisations.

Council delegations for planning functions currently state that any application that is proposed for refusal or where four or more objections have been received must be determined by Council. The review finds this level of delegation is insufficient and inconsistent with an efficient and well-functioning planning scheme and application process and should be reviewed.

Strategic planning matters and applications received and progressed are regularly reported to Council. This enables Councillors to raise any issues with specific matters and to “call-in” planning applications for reporting to Council such as those that raise substantial policy issues. To provide for a better functioning planning function at Council, the Review recommends that Council revise its delegations for planning applications so that those that are recommended for refusal and applications with five or less objections are determined under delegation by officers.

This leads to an additional recommendation to:

- **Review delegations for planning applications and better resource the strategic planning function.**

Refer to Chapter 10 for a more detailed discussion about the matters raised.

7.2. Internal staff

Council staff identified as having an interaction with the Colac Otway Planning Scheme, either in an internal referral capacity or as an administrator of its policies, were asked to participate in a survey.

Matters raised by internal staff have provided useful comments about the review relating to the types of planning applications that are referred and some of the strategic gaps in the scheme. A documented protocol that provides clear direction about internal referrals and processes exists and weekly “Planning Surgery” meetings are held between internal Departments to exchange information and discuss issues, projects and applications. Internal referrals were considered to be working effectively and efficiently.

Standard conditions have recently been reviewed by some Departments and the pre-filling of planning reports to include paragraphs of information that could be used for similar applications is a new efficiency measure underway. Consistency in referrals to internal Departments to a standard email address and via well utilised platforms was raised as an issue to be addressed. The weekly update of received and approved planning applications has been a great initiative.

There was support for planners determining more of the minor environmental matters that require a permit without referral to the Environment Department and for additional exemptions in many of the overlays that currently apply. There was also support for a review of rural land in the municipality to consider minimum lot size requirements that should apply to different areas to support agriculture and the rural economy.

Projects underway that may have future implications for the scheme include the new Environmental Sustainability Strategy 2023-2033, Council's Climate Change Action Plan 2023-2033, the Environment Strategy and Environment Action Plan. The scheme should be strengthened around ESD and integrated water management requirements and a review of the Strategic Fire Management Plan should also be undertaken.

R12. Recommendations included the following matters about internal Council processes that could be improved:

- Enable planners to determine more minor environmental matters that require a permit without referral to the Environment Department
- Include additional exemptions in many of the environmental overlays that currently apply.
- Enable planners to provide general advice about the native vegetation removal regulations and associated exemptions rather than referring all enquiries to the Environment Department.
- Include more requirements and considerations for ESD, climate change and integrated water management consulting with the Environment Department.

R13. Recommendations included the following matters about further strategic work that should be prepared:

- Undertake a review of rural land in the municipality to consider minimum lot size requirements that should apply to different areas to support agriculture and the rural economy.
- Implement the new Environmental Sustainability Strategy 2023-2033, Climate Change Action Plan 2023-2033, Environment Strategy and Environment Action Plan into the scheme.
- Strengthen the scheme around ESD and integrated water management requirements.
- Undertake a review of the Strategic Fire Management Plan.
- Review the ESO and VPO based on updated data and modelling.

7.3. Councillors and executive team

The Executive team and Councillors were engaged about the review during July and August 2023 and in a briefing on 16 August. At these meetings, the planning scheme review background, an outline of the objectives of planning in Victoria and what the review should achieve, and a summary of analysis findings to date were presented and discussed. Opportunities were also given for feedback to be provided and this has helped to inform the review.

In the briefing, Councillors raised several matters including:

- Dwellings in farming and agricultural areas and providing better guidance.
- Considering how to separate out dwelling development and subdivision.
- Improving the scheme by removing zoning and overlay anomalies/inconsistencies.
- How to balance the requirements of the C1Z and the HO with commercial development.
- Costs per application and the relationship to the scheme's requirements, particularly as a result of the application of many overlays along the coast such as the BMO, SLOs, EMOs and little graduation between minor and more complex applications.
- Providing guidelines and other advice about the planning scheme and requirements.
- Climate change and impacts on the municipality.

The matters raised above are very important for the review and have been considered/incorporated into the review's recommendations.

7.4. Referral and notice agencies

All relevant Referral and Notice agencies and the Registered Aboriginal Party were invited to provide their written comments and feedback regarding the current performance of the Colac Otway Planning Scheme, in relation to their specific area(s) of responsibility. Referral and notice agency responses were provided to Council and are summarised below.

In summary, there were many good suggestions made by referral authorities for the review currently underway. These relate to referrals or notice of permit applications under local provisions as detailed in the schedules to Clauses 66.04 and 66.06. There are several matters listed incorrectly in schedules to overlays in relation to referral or notice requirements that should be removed and relocated in either Clause 66.04 or 66.06 and Department or agency name updates.

Corangamite Catchment Management Authority (CCMA)

The CCMA requested that updates be made to the Schedule to Clause 66.04 - Referral of permit applications to remove them as a referral authority and to change reference to the “Secretary to the Department of Environment, Land, Water and Planning” to the “Secretary of the Department of Energy, Environment and Climate Action” to reflect the current Department Name. This change is supported and can be progressed as a policy neutral Amendment or a prescribed Amendment.

They also requested that future referrals be directed to floodinfo@ccma.vic.gov.au.

Country Fire Authority (CFA)

The CFA noted that the relevant referral triggers were associated with state based planning provisions and therefore any changes to requirements would be addressed with the Department directly. They recommended that any potential policy changes recommended through the review are considered through the policy lens of Clause 13.02-15.

At the meeting on 9 October 2023, these issues were further clarified with the CFA’s local representative who highlighted the importance of identifying any areas for growth and potential bushfire related impacts at the strategic stage and that growth being directed to Colac and in Apollo Bay was clear, with clarity being needed around the interface with rural land at Apollo Bay. Fragmentation of lots in rural and semi-rural areas was highlighted as a significant concern with legacy issues remaining from some development in the south-west of the Shire. Revegetation and the linkage between grasslands, understorey planting and canopy vegetation and their often poor management in residential and rural residential areas were raised as issues of particular concern. Subdivision design through perimeter edge ring roads and improved building design were potential mitigation options raised.

Environment Protection Authority Victoria

The EPA Victoria noted that it was not currently a referral authority in the Schedules to Clauses 66.04 and 66.06 of the scheme. Having examined the relevant overlays (ESO2, ESO3, ESO4, ESO6, VPO1 and AEO), the EPA was unlikely to request involvement as a referral authority under these provisions. They had no other specific comments about the review.

Great Ocean Road Coast and Parks Authority

The Great Ocean Road Coast and Parks Authority (GORCAPA) raised issues of interpretation of planning scheme provisions and sections of the P&E Act. The issues they highlighted were more related to educative and partnership actions between Council and Authority. They suggested additional exemptions to the BMO, EMO, LSIO, ESO, SLO for a permit not being required to construct infrastructure associated with coastal access, for example, safety bridges, lookouts, stairs and ramps but this is a matter for the relevant VPP provisions and DEECA and DTP. They have now been included as a referral agency in the schedule to Clause 66.06 to replace the Western Coastal Board for applications subject to the SLO.

Parks Victoria

Parks Victoria did not seek any changes to Schedules 66.04 or 66.06, nor any specific changes to words or provisions within the Colac Otway Planning Scheme. However, they noted that there are examples where an inappropriate zone is applied, as follows:

- Princetown Wildlife Reserve (Hunting) is currently zoned as Rural Conservation Zone;
- Lough Calvert Lake Reserve in Eurack is currently zoned both Farming Zone and Public Use Zone 1;
- Dreeite Nature Conservation Reserve is currently zoned as Farming Zone.
- There are instances of minor incursions of inappropriate zoning into areas of the Great Otway National Park.

These issues have been progressed through suggested changes to the relevant zoning maps to address the issues raised to rezone land to the appropriate zone of Public Conservation and Resource Zone, although the last point for correction is difficult to clearly identify and substantiate.

R14. The following recommendations are included:

- **Update the Schedule to Clause 66.04 - Referral of permit applications under local provisions to change reference to the “Secretary to the Department of Environment, Land, Water and Planning” to the “Secretary of the Department of Energy, Environment and Climate Action”.**
- **Update the Schedule to Clause 66.06 - Notice of permit applications under local provisions to change reference to the “Secretary to the Department of Environment, Land, Water and Planning” to the “Secretary of the Department of Energy, Environment and Climate Action” and replace the Western Coastal Board with Great Ocean Road Coast and Parks Authority.**
- **Undertake future mapping updates to the PCRZ for the following land subject to further discussion with Parks Victoria:**
 - Princetown Wildlife Reserve (Hunting) is currently zoned as Rural Conservation Zone;
 - Lough Calvert Lake Reserve in Eurack is currently zoned both Farming Zone and Public Use Zone 1;
 - Dreeite Nature Conservation Reserve is currently zoned as Farming Zone.
 - There are instances of minor incursions of inappropriate zoning into areas of the Great Otway National Park (if able to be determined).
- **Consider the preparation of an MOU between Council and the Eastern Maar Aboriginal Corporation that clearly and consistently outlines roles and responses for each party across a range of scenarios in a partnership approach.**

Agencies that did not respond.

There was no response from the Department of Transport and Planning.

7.5. Community and other external stakeholders

[Add details after community and other external stakeholder consultation]

7.6. Summary of issues raised through engagement

The following table prioritises the various matters raised during the Stakeholder Engagement phase of the review and recommends appropriate actions:

Issue	Officer survey	Planners	Internal staff	Crs and Executive	Referral Agencies	Community and other external stakeholders
Dwellings and subdivision in the Farming, Rural Conservation and Rural Activity Zones	✓	✓	✓	✓		
Internal processes, communication and delegations.	✓	✓	✓	✓		
Significant landscapes and Significant Landscape Overlay	✓	✓	✓	✓	✓	
Native vegetation removal	✓	✓	✓		✓	
Towns and settlements including Colac 2050 Growth Plan	✓	✓	✓	✓	✓	
Developer contribution requirements and infrastructure	✓	✓	✓			
Bushfire and Bushfire Management Overlay	✓	✓	✓	✓	✓	
Affordable housing	✓	✓				
Environmentally sustainable development	✓	✓	✓	✓		
Heritage	✓	✓		✓		
Climate Change Impacts	✓	✓	✓	✓	✓	
Water and stormwater treatment	✓	✓	✓		✓	

8. New strategic work

New strategic work that has been adopted by Council and prepared for the Shire was reviewed to identify whether any policy should be included into the scheme.

The intention of this part of the review process is to include policy that may have been developed by another part of Council (for example, Economic Development, Sustainability, Community Planning etc.) and that is unlikely to be incorporated into the planning scheme through a stand-alone amendment.

The scope of this does not include significant strategic land use planning projects such as Structure Plans for townships, or Housing Strategies, which should go through a separate, dedicated planning scheme amendment process.

Regional documents, such as Catchment Management Plans, are also reviewed, to identify if there are any Council specific proposals that should be reflected in the planning scheme. (For example, the construction of a new wetland or an integrated water management plan).

8.1. Council projects and documents

8.1.1. Documents reviewed

The following documents were reviewed:

- Climate Change Action Plan 2023-2033.
- Colac Otway Social Housing Plan, 2021.
- Domestic Wastewater Management Plan – Operational Plan, 2021.

8.1.2. Documents with policy implications

Climate Change Action Plan 2023-2033

Colac Otway Shire recently adopted a Climate Change Action Plan 2023-2033. This plan helps provide a framework to better understand and anticipate, and to better plan for, offset and mitigate the impacts of climate change impacts on the Shire. Council's Climate Change Action Plan 2023-2033 is a 10 year plan identifying 48 actions that will be undertaken to adapt to a changing climate and urgently mitigate against further impacts. Several actions outlined in the draft Plan have implications for the planning scheme in the future related to improved state-led mapping, current flood modelling, ensuring zones and overlays reflect best available climate projections and enhancing the planning policy framework with planning policies that better reflect climate change adaption and mitigation initiatives. See further discussion in Chapter 10.

Colac Otway Social Housing Plan, 2021

The Colac Otway Social Housing Plan, 2021 outlines the need for many more subsidised social housing properties. There are 290 social housing properties in the Colac Otway Shire at present and there is an unmet demand for an additional 344 homes. The state government's Big Housing Build may help to achieve significant progress to meeting the target of additional housing for Colac Otway Shire.

The plan outlines positive working relationships between Council, other Councils in the G21 region and the state government to work toward the shared goals of driving economic recovery, building jobs and addressing disadvantage.

Domestic Wastewater Management Plan – Operational Plan, 2021

Council is required to prepare a Domestic Wastewater Management Plan (DWMP) under the State Environment Protection Policy (Waters). The DWMP assesses domestic wastewater (often referred to as on-site wastewater or septic tank) risks in the municipality and develops prioritised actions to address potential impacts. Referencing this document in the scheme helps to better manage unsewered land for urban development particularly for planning applications that are lodged with Council.

R15. Include the Climate Change Action Plan 2023-2033, Colac Otway Social Housing Plan, 2021 and Domestic Wastewater Management Plan - Operational Plan, 2021 as background documents in the scheme.

8.2. Regional projects and documents

8.2.1. Documents reviewed

The following documents were reviewed:

- Corangamite Regional Flood Plain Management Strategy 2018 – 2028, 2018

The issues raised in this strategy have been addressed in section 9.1.2.

9. Work underway

There are a number of planning scheme amendments currently underway. One is being assessed by the Development Facilitation Team at DTP (Amendment C122cola) and Amendment C125cola is currently under exhibition.

C122cola	Hillview Planning Scheme Amendment (being assessed by Development Facilitation Team at DTP)
C124cola	Flood Overlay Amendment (Mapping and Schedule) Sinclair Street, Colac
C125cola	Removes the Development Plan Overlay Schedule 2 from the Colac West residential area, applies a new Development Plan Overlay Schedule 9, amends Clause 17.03-1L (Industrial Development in Colac), Schedule 1 to the Design and Development Overlay (Colac Industrial Areas) and Schedule 7 to the Development Plan Overlay (J Barrys Road, Colac Industrial Area) to reduce the minimum lot size for industrial land in Colac.

Council is currently preparing or contributing to the following strategic planning projects:

- Deans Creek (Colac) Precinct Structure Plan.
- Colac Civic, Health and Railway Precinct Plan.
- Colac West Development Plan.
- J Barrys Road Industry Development Plan.
- Apollo Bay Community Infrastructure Plan.
- G21 Regional Plan.
- Environment Strategy.
- Environment Action Plan.

Council is currently undertaking 10 strategic planning projects that will implement several of the projects identified in the previous review plus a range of other projects and inputs to projects including the:

- Deans Creek (Colac) Precinct Structure Plan - preparation of a Precinct Structure Plan to enable orderly and coordinated development of the Deans Creek growth corridor in Colac, including a Development Contributions Plan and Planning Scheme Amendment.
- Colac Civic, Health and Railway Precinct Plan -master plan for future office needs across the civic, rail and railway precinct in Colac.
- Colac West Development Plan - preparation of a Development Plan in partnership with landowners to enable subdivision of land at Rifle Butts Road, between Murray Street and Lake Colac, including a Shared Infrastructure Funding Plan.
- J Barrys Road Industry Development Plan - preparation of a Development Plan to enable subdivision of Industry Zoned land in J Barrys Road, Colac, including a Shared Infrastructure Funding Plan.
- Apollo Bay Community Infrastructure Plan- long term vision and principles and preliminary concepts for Apollo Bay, Skenes Creek and Marengo (District Plan, Foreshore Master Plans, Streetscape Plans, Design Guidelines).
- G21 Regional Growth Plan - update of the Regional Growth Plan.
- Environment Strategy - review of the 2010 Plan to establish actions and strategies for environmental improvement.
- Review the Forrest Structure Plan.
- Review of the Birregurra Structure Plan.
- Undertake further strategic work to address strategic gaps in the Colac Otway Planning Scheme relating to direction for small towns such as Alvie, Beeac, Cressy and Cororooke.

These projects are a significant burden on Council's strategic planning resources. In order to be delivered within the next review period, these existing and all additional projects need to be resourced with additional strategic planning staff resources and budget.

10. Key issues

Most of the key issues have already been discussed. However, the issue of climate change and environmentally sustainable development requires further elaboration below.

10.1. Climate change and environmentally sustainable development

10.1.1. Issue

Council's recent adoption of the Climate Change Action Plan 2023-2033 and how this should be implemented into the scheme on the issues of climate change and environmentally sustainable development.

10.1.2. Discussion

Colac Otway Shire recently adopted a Climate Change Action Plan 2023-2033. This plan helps provide a framework to better understand and anticipate, and to better plan for, offset and mitigate the impacts of climate change impacts on the Shire.

Natural environmental hazards present risks and constraints for land use and settlement in the municipality and this requires careful management of hazards such as bushfire risk, flooding, drought, coastal erosion and climate change impacts, where more frequent, intense and uncertain weather events are likely. Climate change has the potential to have adverse impacts on the key industries of agriculture, forestry and tourism and the economic prosperity and viability of the Shire. While significant costs are incurred by direct damage to public and private property, indirect costs to the community such as long-term economic impacts, loss of productivity, displacement of residents, closure of roads, trauma and ill health are also significant.

The impacts of climate change can be mitigated in part by supporting alternative energy sources, carbon farming, reducing greenhouse gas emissions, improved building design and adopting environmentally sustainable development principles. Directing future growth to existing townships and away from higher risk areas from bushfire and flooding through the appropriate siting, design and management of uses and developments can significantly improve community safety and help to mitigate climate change impacts.

Council's Climate Change Action Plan 2023-2033 is a 10 year plan identifying 48 actions that will be undertaken to adapt to a changing climate and urgently mitigate against further impacts. The Plan's implementation will be monitored and reported to Council and the community, with a formal review after five years. Several actions outlined in the draft Plan have implications for the planning scheme in the future related to improved state-led mapping, current flood modelling, ensuring zones and overlays reflect best available climate projections and enhancing the planning policy framework with planning policies that better reflect climate change adaptation and mitigation initiatives. This can be done by referencing climate change impacts and one of the potential planning responses through an environmentally sustainable development local policy.

Findings/Recommendations

- R16. Include reference to the Colac Otway Shire Climate Change Action Plan 2023-2033, in the Municipal Planning Strategy and as a background document, as well as introducing a new Environmentally Sustainable Development local policy into the scheme at Clause 15.01-2L through the planning scheme review.**

11. Further strategic work

Appendix 2 of this report outlines the strategic planning work that has been identified through this planning scheme review.

Through the review process, the highest priority tasks for Council to undertake over the next four years to improve the planning scheme has been identified and is included in the recommendations below. Numerous other recommendations for further strategic work have been identified through this review and are included in **Appendix 2**.

Council has reviewed this list and removed projects that are no longer required. The list below represents the further strategic work that will have the most positive impact for the Colac Otway community and the efficient functioning of the planning service.

Only work that can be completed in the next four years should be included in Clause 72.04 of the planning scheme. A recommended Clause 72.04 is included in the marked-up ordinance at **Appendix 2**. This should be considered by Council to ensure that the work is reasonable to complete over the next four years and, if not, the priority projects that should be included in Clause 74.02.

Recommendations:

It is recommended that Council prioritise the following further strategic work over the next four years to:

- R17. Implement township plans for Alvie, Beeac, Cororooke and Cressy to determine a revised settlement boundary that supports growth of the towns in accordance with the Rural Living Strategy.**
- R18. Implement the Deans Creek Precinct Structure Plan to guide growth area planning in Colac by identifying the requirements for orderly staging and development of the land consistent with the Colac 2050 Growth Plan.**
- R19. Prepare an advertising signs policy that provides strengthened coordination and design of all signage in Colac and Apollo Bay including the eastern and western entrance corridors to Colac.**
- R20. Partner with the Great Ocean Road Authority on the land use planning implications of sea level rise and storm surge associated with climate change and appropriate planning scheme responses.**
- R21. Rezone land identified as either low density or rural living to facilitate housing on larger lots consistent with the Colac Framework Plan.**
- R22. Rezone the RAZ to maintain buffers to industry and around the abattoir and/or prepare a precinct plan for the area south of Flaxmill Road and north of Princes Highway located west of the industrial land to identify appropriate land use and development controls.**
- R23. Review and Implement the Forrest Structure Plan and prepare a neighbourhood character assessment of the town.**
- R24. Implement remaining initiatives from the Birregurra Structure Plan.**
- R25. Investigate opportunities to expand the application of the RAZ to the coastal hinterland of the Shire and for more fragmented FZ areas and apply an appropriate planning response.**
- R26. Undertake a Gaming Strategy for the municipality.**
- R27. Undertake a Licensed Premises Strategy for the municipality.**
- R28. Review the schedule to Clause 43.01s - Heritage Overlay to insert statements of significance for all sites not included in the Victorian Heritage Register.**
- R29. Review Schedule 1 to Clause 59.16 - information requirements and decision guidelines for local VicSmart applications to incorporate additional local classes of minor applications.**

Appendix 1

Marked up ordinance with policy neutral and strategically justified changes to the planning scheme.

Circulated as a separate document.

Appendix 2

Comprehensive list of further strategic work

The following list of work is a comprehensive list of all the further strategic work that has been identified through this planning scheme review.

The highest priorities have been identified and included in Chapter 11 of the report. The remaining projects on this list need to be prioritised by Council.

Project Name	Project source:
Implement township plans for Alvie, Beeac, Cororooke and Cressy to determine a revised settlement boundary that supports growth of the towns in accordance with the Rural Living Strategy.	CI 74.02
Implement the Deans Creek Precinct Structure Plan to guide growth area planning in Colac by identifying the requirements for orderly staging and development of the land consistent with the Colac 2050 Growth Plan that includes: <ul style="list-style-type: none"> • Coordination of infrastructure. • A neighbourhood activity centre. • A shared infrastructure plan. • Management of interfaces, including industry separation distances and buffers. • Rezoning of land zoned Low Density Residential in Christies Road to Farming Zone to protect its long term use as general residential land. Rezoning of land zoned Industrial 1 Zone in Colac West to Industrial 3 Zone to facilitate its ongoing use for industrial purposes, and provide a buffer with less intensive industrial uses next to planned residential land to its north.	CI 74.02
Prepare an advertising signs policy that provides strengthened coordination and design of all signage in Colac and Apollo Bay including the eastern and western entrance corridors to Colac.	CI 74.02
Partner with the Great Ocean Road Authority on the land use planning implications of sea level rise and storm surge associated with climate change and appropriate planning scheme responses.	CI 74.02
Rezoning land identified as either low density or rural living to facilitate housing on larger lots consistent with the Colac Framework Plan.	CI 74.02
Rezoning the RAZ to maintain buffers to industry and around the abattoir and/or prepare a precinct plan for the area south of Flaxmill Road and north of Princes Highway located west of the industrial land to identify appropriate land use and development controls.	CI 74.02
Review and implement the Forrest Structure Plan and prepare a neighbourhood character assessment of the town.	Identified in the Colac Otway Planning Scheme Review 2018
Implement remaining initiatives from the Birregurra Structure Plan.	Identified in the Colac Otway Planning Scheme Review 2018
Investigate opportunities to expand the application of the RAZ to the coastal hinterland of the Shire and for more fragmented FZ areas and apply an appropriate planning response.	Identified in the Colac Otway Planning Scheme Review 2018
Undertake a Gaming Strategy for the municipality.	Identified in the Colac Otway Planning Scheme Review 2018
Undertake a Licensed Premises Strategy for the municipality.	Identified in the Colac Otway Planning Scheme Review 2018
Review the schedule to Clause 43.01s - Heritage Overlay to insert statements of significance for all sites not included in the Victorian Heritage Register.	CI 74.02
Review Schedule 1 to Clause 59.16 - information requirements and decision guidelines for local VicSmart applications to incorporate additional local classes of minor applications.	CI 74.02

Appendix 3

State and regional planning scheme amendments and planning practice notes issued since last planning scheme review

VC (Victorian) and GC (group of council) amendments.

Since the last planning scheme review in 2018, 70 VC and GC amendments have introduced new policy and provisions into the Colac Otway Planning Scheme and many directly relevant to this review:

Table 7: V, VC and GC Amendments to Colac Otway Planning Scheme From 2018

Amendment number	In operation from	Brief description
VC144	27 FEB 2018	<p>The Amendment changed the Victoria Planning Provisions and all planning schemes by:</p> <ul style="list-style-type: none"> Amending Clause 52.05 (Advertising signs) to specify 'electronic sign' in Section 2 of Category 3 - High amenity areas (Clause 52.05-9), with a condition that the advertisement area must not exceed three square metres. Increase the size of the permitted maximum advertisement area of a 'promotion sign' in Section 2 of Category 3 from two to three square metres. Amending Clauses 52.05 and 73 to replace the term 'home occupation' with 'home based business'. Correcting minor errors in Clauses 52.05 and 62. <p>Impact on Colac Otway Planning Scheme: Largely administrative impact only, although the increase to the size allowed for electronic signage in high amenity issues could create issues in residential areas.</p>
VC145	28 MAR 2018	<p>The amendment amended the <i>Victorian Planning Provisions</i> (VPP) and all planning schemes by:</p> <ul style="list-style-type: none"> Amending Clause 11.05-2 – <i>Distinctive areas of state significance</i>, to reference the Yarra Ranges Localised Planning Statement; Amending Clause 43.01 – <i>Heritage Overlay</i>, to reinstate administrative corrections that were made in Amendment VC132 but inadvertently removed by Amendment VC141; Amending Clause 52.19 – <i>Telecommunications Facility</i>, to clarify notice and review exemptions for telecommunications facility permit applications that are funded (or partly funded) by the Victorian or Commonwealth government; and Separating clauses and subclauses into separate documents and the consequential renumbering and rationalisation of certain clauses to enable their migration into the Planning Scheme Information Management System (PSIMS). <p>Impact on Colac Otway Planning Scheme: Largely administrative impact.</p>
VC143	15 MAY 2018	<p>The Amendment changed the Victoria Planning Provisions and all planning schemes by:</p> <ul style="list-style-type: none"> Amending Clause 32.07 (Residential Growth Zone) to remove Food and drink premises and Shop from Section 1 – Permit not required and make them Section 2 – Permit required uses subject to conditions. Amending Clause 32.08-4 (General Residential Zone) to enable an area to be exempt from the minimum garden area requirement through a schedule to the zone. Amending Clauses 32.08-3 (General Residential Zone) and 32.09- 3 (Neighbourhood Residential Zone) to: <ul style="list-style-type: none"> Exclude the creation of a vacant lot of 400 square metres or greater from the minimum garden area requirement.

Amendment number	In operation from	Brief description
		<ul style="list-style-type: none"> Clarify that the minimum garden area requirement does not apply to: <ul style="list-style-type: none"> The creation of a vacant lot less than 400 square metres where there is a precinct structure plan or equivalent strategic plan. The creation of a vacant lot less than 400 square metres where there is an incorporated plan or approved development plan. The creation of a vacant lot less than 400 square metres where there is an approved residential development. Amending clauses 32.08-4 (General Residential Zone) and 32.09- 4 (Neighbourhood Residential Zone) to: <ul style="list-style-type: none"> Remove the minimum garden area requirement from applying to the construction or extension of a dwelling or residential building where a planning permit is not required. Remove the reference to garden area being required to be provided at ground level. Clarify that the minimum garden area requirement does not apply to: <ul style="list-style-type: none"> A medium density housing site in an approved precinct structure plan or equivalent strategic plan. A medium density housing site in an incorporated plan or approved development plan. An existing building that did not meet the minimum garden area requirement prior to approval of Amendment VC110. Amending the Garden area definition at Clause 72 (General Terms) to provide greater clarity about garden area inclusions and exclusions. <p>Impact on Colac Otway Planning Scheme: Significant and includes a minimum garden area requirement in residential zones. Relates to the application of the General Residential Zone and Neighbourhood Residential Zone in the Shire's townships.</p>
VC146	15 MAY 2018	<p>Amendment VC146 introduced a new overlay, Clause 45.11 (Infrastructure Contributions Overlay).</p> <p>Impact on Colac Otway Planning Scheme: The planning scheme does not currently have an infrastructure contributions plan. It is however a possibility in the future.</p>
VC148	31 JUL 2018	<p>The amendment changed to the <i>Victoria Planning Provisions</i> and all planning schemes by:</p> <ul style="list-style-type: none"> Deleting the State Planning Policy Framework (SPPF) and replacing it with a new integrated Planning Policy Framework (PPF) in Clauses 10 to 19. Deleting Clauses 1.0 (Preliminary) 2.0 (User Guide). Moving the planning scheme purposes from Clause 1.0 to new Clause 01 (Purposes of this planning scheme) and inserting new Clause 00 (Purpose and Vision). Moving the operational provisions for the Local Planning Policy Framework (LPPF) to new Clauses 23.02 and 23.03 and inserting a new Clause 23.01 to explain the relationship between the LPPF and the PPF. Amending provisions (including schedules) to update references to the new MPS and PPF and as a result of the restructure and reorganising of provisions. Amending Clauses 37.03 (Urban Floodway Zone); 42.01 (Environmental Significance Overlay); 42.02 (Vegetation Protection Overlay); 42.03 (Significant Landscape Overlay); 43.01 (Heritage Overlay); 43.02 (Design and Development Overlay); 43.04 (Development Plan Overlay); 44.01 (Erosion Management Overlay); 44.02 (Salinity Management Overlay); 44.03 (Floodway Overlay); 44.04 (Land Subject to Inundation Overlay); 44.05 (Special Building Overlay and 52.28 (Gaming) to enable schedules to specify additional matters. Amending Clause 43.01 (Heritage Overlay) to require the schedule to the overlay to specify a statement of significance for each heritage place included in the schedule and the ability to incorporate heritage design guidelines for a heritage place. Amending Clause 43.04 (Development Plan Overlay) to clarify when an application is exempt from the notice and review requirements.

Amendment number	In operation from	Brief description
		<ul style="list-style-type: none"> Introducing the Specific Controls Overlay (Clause 45.12). Organising particular provisions into three new categories at Clauses 51, 52 and 53. Inserting a new section, 'Operational provisions' (Clauses 70 to 74) that consolidates operational, administrative and other provisions. Making various changes to advertising signs provisions at Clauses 32.04 (Mixed Use Zone), 52.05 (Signs), 62.02, 62.01 and at newly numbered Clauses 73.02 (Sign terms) and 73.03 (Land use terms). Amending Clause 52.29 (Land Adjacent to a Road Zone 1, Category 1, or a Public Acquisition Overlay for a Category 1 Road) to exempt an application from notice and review requirements and to clarify permit exemptions. Amending Clause 33.01 (Industrial 1 Zone) to remove the requirement to obtain a planning permit to use land for a 'convenience shop' and 'take away food premises'. Amending Clause 33.03 (Industrial 3 Zone) to remove the requirement to obtain a planning permit to use land for a 'service industry' (in certain circumstances) and a 'take away food premises'. Deleting Clause 52.12 (Service station). Amending Clauses 33.01 (Industrial 1 Zone) and 32.04 (Mixed Use Zone) to ensure impacts of service stations are considered. Deleting Clauses 52.13 (Car wash) and 52.14 (Motor vehicle, boat or caravan sales). Amending Clause 52.06 (Car parking) to change the planning permit requirements and number of spaces to be provided in certain circumstances. Introducing incorporated document <i>Principal Public Transport Network Area Maps</i> (State Government of Victoria, 2018). Deleting the VicSmart provisions in Clauses 90 to 95 and consequently: relocating classes of State VicSmart applications to the applicable zones, overlays and particular provisions, local VicSmart provisions to a new Clause 59 (VicSmart applications and requirements) and operational provisions to new Clause 71.06. Making consequential changes to the schedules of applicable particular provisions in planning schemes, including inserting new schedules. <p>Impact on Colac Otway Planning Scheme: Significant. The Amendment began the translation of the Colac Otway Planning Scheme into the new format required by the State Government and provided the basis for Amendment C99cola.</p>
VC151	6 AUG 2018	<p>Updated the <i>Principal Public Transport Network Area Maps</i> (State Government of Victoria, 2018) with a corrected version of the document.).</p> <p>Impact on Colac Otway Planning Scheme: Limited. This is a policy natural amendment.</p>
VC147	14 SEP 2018	<p>The amendment made administrative (formatting and clerical matters) changes to the Victoria Planning Provisions (VPP) and all planning schemes.</p> <p>Impact on Colac Otway Planning Scheme: Minimal. This is a policy neutral amendment</p>
VC150	21 SEP 2018	<p>The Amendment changed the Victoria Planning Provisions (VPP) and all planning schemes by updating reference documents and provisions relating to animal industries.</p> <p>Impact on Colac Otway Planning Scheme: Significant as it clarifies and changes the way many farming uses are considered in the Colac Otway Planning Scheme and assessed.</p>
VC149	4 OCT 2018	<p>The Amendment changed the Victoria Planning Provisions (VPP) by inserting a new Commercial 3 Zone at Clause 34.03.</p> <p>Impact on Colac Otway Planning Scheme: Minimal. The Shire has no C3Z land. Other aspects of the amendment further support solar and wind energy.</p>
VC153	4 OCT 2018	<p>Amended Clause 52.13-7 (2009 Bushfire – Recovery Exemptions) to extend the expiry date to 30 September 2019.</p>

Amendment number	In operation from	Brief description
		Impact on Colac Otway Planning Scheme: Administrative and has now expired.
VC152	26 OCT 2018	Responded to various accommodation matters for shared housing, rooming houses, aged care, nursing homes and crisis accommodation. Impact on Colac Otway Planning Scheme: Supports and augments current housing provisions for various types of important accommodation and aged care facilities.
VC154	26 OCT 2018	Changed the Victoria Planning Provisions and all planning schemes by: <ul style="list-style-type: none"> Deleting Clause 14.02-3S (Water conservation) and integrating these policy statements into a new Clause 19.03-3S (Integrated water management). Amending Clause 19.03-3S (Water supply, sewerage and drainage) to update and broaden water, drainage and stormwater policies to integrated water management policies. Deleting Clause 19.03-4S (Stormwater) and integrating this policy into the new Clause 19.03-3S (Integrated water management), with consequential renumbering throughout Clause 19.03. Inserting a new particular provision at Clause 53.18 for 'Stormwater management in urban development'. Amending Clause 55 (Two or more dwellings on a lot and residential buildings) to provide transitional provisions for residential development applications to be assessed against the Clause 55 provisions as they existed before the approval date of Amendment VC154. Amending Clause 55.03-4 (Permeability) to rename the standard 'Permeability and stormwater management' and amend the standard to include a new stormwater purpose, requirements and decision guidelines. Amending Clause 55.07 (Apartment developments), Clause 56.07 (Integrated water management) and Clause 58.03 (Site layout) to generally align with the new particular provision. Amending Clause 73.01 (General terms) to insert a new general term and definition for 'stormwater'. Impact on Colac Otway Planning Scheme: Significant and supports current provisions relating to water management for two or more dwellings on a lot and commercial and industrial developments.
VC155	26 OCT 2018	Amended the Victoria Planning Provisions and all planning schemes by: <ul style="list-style-type: none"> Amending Clause 15.03-1S (Heritage conservation) to include an additional strategy and policy guideline. Amending Clauses 54.03-5 (Energy efficiency protection), 55.03-5 (Energy efficiency) and 55.07-1 (Energy efficiency) to replace the word 'capacity' with 'performance' and specify that a rooftop solar energy facility must exist at the time an application is lodged. Impact on Colac Otway Planning Scheme: Significant and supports and augments current provisions.
VC157	15 MAR 2019	Introduced changes to the <i>Victoria Planning Provisions</i> (VPP) and all planning schemes to require planning approval for power lines to connect new large-scale electricity generation facilities to the electricity network. Impact on Colac Otway Planning Scheme: May impact on future transmission lines connecting wind farms across the state.
VC156	11 APR 2019	Introduced changes to the Victoria Planning Provisions and all planning schemes to correct formatting and spelling errors and omissions and to clarify the operation of certain provisions. Impact on Colac Otway Planning Scheme: Minimal. This is a policy neutral amendment.
VC159	8 AUG 2019	The Amendment supported Smart Planning and addressed land use terms. Impact on Colac Otway Planning Scheme: Minimal and largely administrative with updated land use definitions used in planning applications.

Amendment number	In operation from	Brief description
VC163	16 AUG 2019	Corrected an error in Clause 73.04 (nesting diagrams) Impact on Colac Otway Planning Scheme: Minimal. This is a policy neutral amendment.
VC161	17 SEP 2019	Amended the Victoria Planning Provisions and all planning schemes to introduce new requirements for renewable energy facilities and a State planning policy for the protection of declared irrigation districts, and makes an administrative correction in relation to Amendment VC157. Impact on Colac Otway Planning Scheme: Minimal.
VC164	26 SEP 2019	The Amendment changed the Victoria Planning Provisions and all planning schemes by amending Clause 52.13-7 (2009 Bushfire – Recovery Exemptions) to extend the expiry date to 31 March 2020. Impact on Colac Otway Planning Scheme: Minimal as this Clause has expired.
VC158	26 NOV 2019	Introduced a new particular provision to exempt combustible cladding rectification on buildings subject to an emergency order, building notice or building order under Part 8 of the Building Act 1993. Impact on Colac Otway Planning Scheme: Minimal due to the low rise residential nature of the Shire.
VC165	3 DEC 2019	Amended the Victoria Planning Provisions and all planning schemes to introduce notice and review exemptions and to amend the responsible authority status for certain planning applications for non-government primary and secondary schools. Impact on Colac Otway Planning Scheme: Minimal.
VC160	24 JAN 2020	Amended the Victoria Planning Provisions and all planning schemes to correct errors and omissions, clarify the operation of certain provisions, and implement planning reforms for extractive industries. Impact on Colac Otway Planning Scheme: Minimal but has some impact on the assessment of extractive industries.
VC170	31 JAN 2020	Introduced a new particular provision to facilitate the Level Crossing Removal Project. Impact on Colac Otway Planning Scheme: Minimal.
VC168	11 FEB 2020	Updated the PPF and Operational Provisions to reference the Plan Melbourne 2017-2050: Addendum 2019 and introduced a new strategy and spatial framework at Clause 11.01-1R Settlement-Metropolitan Melbourne. Impact on Colac Otway Planning Scheme: Minimal.
VC177	11 MAR 2020	The Amendment changes the VPP and all planning schemes in Victoria by inserting a new particular provision at Clause 52.07 to facilitate and support recovery from bushfire. Impact on Colac Otway Planning Scheme: Has ongoing impact on the Shire due to the nature of bushfire risk and ongoing recovery efforts from the 2009 bushfires.
VC181	6 APR 2020	Changes the VPP and all planning schemes were revised with a new Clause 52.18 (State of emergency exemption), to facilitate the delivery of food and other essential goods during and following a state of emergency declared in relation to Novel Coronavirus 2019 (2019-nCoV). Impact on Colac Otway Planning Scheme: Had some impact on the Shire but its effect is now negligible.

Amendment number	In operation from	Brief description
VC178	9 APR 2020	<p>Changes the VPP and all planning schemes were revised with an amended expiry date for Clause 52.13-7 (2009 Bushfire – Recovery Exemptions) to 30 June 2020 as well as changes to the terms 'extractive industry' and 'solar energy system' to align with the intent of Amendment VC160.</p> <p>Impact on Colac Otway Planning Scheme: Had ongoing impact on the Shire but the Clause has expired.</p>
VC179	6 MAY 2020	<p>Inserts a new provision at Clause 52.10 to facilitate rebuilding following the 2019/20 bushfires and amends the Schedule to Clause 72.01 in all planning schemes to designate the Council CEO as the responsible authority for Clause 52.10.</p> <p>Impact on Colac Otway Planning Scheme: Has no impact on the Shire.</p>
VC175	26 MAY 2020	<p>Improves the way the planning system addresses buffers for amenity, human health and safety impacts by updating the PPF and Clause 53.10, as well as introducing the Buffer Area Overlay (BAO).</p> <p>Impact on Colac Otway Planning Scheme: Has ongoing impacts on separation distances for industrial and other hazardous land uses to more sensitive land uses and enables the BAO to be applied to uses where risk assessments related to the environmental hazard have been undertaken.</p>
VC176	5 AUG 2020	<p>Changes the VPP and all planning schemes by amending Clause 52.12 (Bushfire Protection: Exemptions) to align the 10/30 and fence line vegetation exemptions with the Bushfire Prone Area map across all Victorian councils, making administrative updates and further clarifies the exemptions for dwellings and defendable space under the BMO.</p> <p>Impact on Colac Otway Planning Scheme: Has ongoing impacts on the Shire and bushfire requirements.</p>
VC186	27 AUG 2020	<p>The amendment inserts a new particular provision at Clause 51.06 (Secondary Dwelling) to facilitate the development of a secondary dwelling in the Greater Bendigo, Kingston, Moreland and Murrindindi Planning Schemes.</p> <p>Impact on Colac Otway Planning Scheme: Had no impact on secondary dwellings in the Shire.</p>
VC183	28 SEP 2020	<p>Introduces a new state planning policy Clause 13.07-3S (Live Music) and makes changes to Clause 53.06 (Live Music Entertainment Venues) of the VPP and all planning schemes to encourage, create and protect opportunities for the enjoyment of live music.</p> <p>Impact on Colac Otway Planning Scheme: Had ongoing impacts on live music venues in the Shire.</p>
VC169	9 OCT 2020	<p>Changes the VPP and all planning schemes by changing the PPF to help direct balanced outcomes for housing growth and built form while also clarifying and consolidating housing policy.</p> <p>Impact on Colac Otway Planning Scheme: Has ongoing impacts on residential development in the Shire in townships and settlements.</p>
VC193	21 OCT 2020	<p>Amends clause 52.18 (State of emergency exemption) to support Victoria's social and economic recovery from the coronavirus (COVID-19) pandemic through temporary planning scheme and permit condition exemptions that enable outdoor dining and facilitate the reopening and safe operation of restaurants and other food and drink businesses.</p> <p>Impact on Colac Otway Planning Scheme: Had some impact on the Shire but its effect is now negligible.</p>
VC191	5 NOV 2020	<p>Clarifies permit requirements for rectification works on government buildings related to Clause 52.01 ('Combustible cladding rectification exemptions').</p>

Amendment number	In operation from	Brief description
		Impact on Colac Otway Planning Scheme: Is administrative in nature but has ongoing impacts on development in the Shire.
VC192	16 NOV 2020	Clarifies Clause 72.01-1 to make the Minister for Planning the responsible authority for all large energy generation facilities and electrical utility installations, including large renewable energy facilities and large scale battery facilities that store electricity from any source. Impact on Colac Otway Planning Scheme: Is administrative in nature and clarifies decision making roles.
VC187	1 DEC 2020	Introduces a new particular provision for 'Housing by or on behalf of the Director of Housing' at Clause 53.20 and streamlines the planning permit process for residential development made by or on behalf of the Director of Housing. Impact on Colac Otway Planning Scheme: Is administrative in nature and reflects existing roles for social and affordable housing.
VC190	1 DEC 2020	Introduces a new particular provision for 'Victoria's Big Housing Build' at Clause 52.20. Clause 52.20 and streamlines the planning permit process for residential development made by or on behalf of the Director of Housing. Impact on Colac Otway Planning Scheme: Is administrative in nature and reflects existing roles for social and affordable housing.
VC180	4 DEC 2020	Facilitates the development of new, and the upgrade and expansion of existing, non-government primary and secondary schools. Impact on Colac Otway Planning Scheme: Has an ongoing role for the development of non-government schools.
VC188	14 DEC 2020	Removes Clause 52.13 2009 Bushfire: Recovery Exemptions and references to it from all planning schemes following its expiry. Impact on Colac Otway Planning Scheme: Is administrative in nature and removes an expired clause.
GC175	18 FEB 2021	Updates the Schedules to Clause 53.06 and changes the parent provision to reflected scheduled provisions. Impact on Colac Otway Planning Scheme: Is administrative in nature and relates to live music venues.
VC195	11 MAR 2021	Modifies the particular provision at clause 52.32 (Wind energy facilities) to streamline the application process for minor changes to approved wind energy facilities, clarify consent requirements and simplify review and panel exemptions. Impact on Colac Otway Planning Scheme: Is administrative in nature and clarifies existing responsibilities.
VC194	25 MAR 2021	The amendment inserts two new particular provisions at clauses 52.30 and 52.31 to facilitate state projects and local government projects. Impact on Colac Otway Planning Scheme: Reflects the ability to identify state and locally significant projects, exemption and permit requirements.
VC185	30 APR 2021	Modifies Clause 72.01-1 to make transitional provisions for an energy generation facility or utility installation to be determined by the council instead of the Minister for Planning if made prior to the approval date of Amendment VC192. Impact on Colac Otway Planning Scheme: Is administrative in nature and clarifies existing responsibilities.
VC198	14 MAY 2021	The amendment introduces new particular provisions at clauses 52.35 (Major Road Projects) and 52.36 (Rail Projects) and makes other changes related to

Amendment number	In operation from	Brief description
		delivery of projects carried out by or on behalf of Major Road Projects Victoria and Rail Projects Victoria. Impact on Colac Otway Planning Scheme: Reflects the ability to identify state significant projects, exemptions and permit requirements.
VC189	3 JUN 2021	Amends Clause 12.04-1S Sustainable development in alpine areas, to reference the <i>Alpine Resorts Strategic Plan 2020-2025</i> , a new Municipal Planning Strategy at Clause 02 and local policies within the Planning Policy Framework at Clauses 11-19, and administrative changes. Impact on Colac Otway Planning Scheme: Has no impact on the Shire.
VC203	1 JUL 2021	Implements a new environment protection framework in the VPP and all planning schemes through updates to the PPF to align with new requirements for contaminated and potentially contaminated land, revises clause 45.03 (Environmental Audit Overlay) and replaces references to State Environment Protection Policies with new content references to related to the <i>Environment Protection Act 2017</i> . Impact on Colac Otway Planning Scheme: Has ongoing impacts on land in the Shire.
GC161	08 JUL 2021	Includes maps and transfers sites from the Schedule to Clause 51.01 (Specific Sites and Exclusions) into the Schedule to Clause 45.12 (Specific Controls Overlay) or deletes expired documents from the Schedule to Clause 51.01 and makes other related consequential changes. Impact on Colac Otway Planning Scheme: Is administrative in nature and reflects existing requirements.
VC206	3 AUG 2021	Changes the VPP and all planning schemes by aligning planning provisions for a wind energy facility with the requirements of the <i>Environment Protection Act 2017</i> for the regulation of wind turbine noise and updates licencing references in the Port Zone. Impact on Colac Otway Planning Scheme: Is administrative in nature but reflects updated requirements.
VC196	19 AUG 2021	Changes the VPP and all planning schemes by providing stronger recognition and protection of existing extractive industries, and to designate land with State-significant earth resources, where extractive industries may be established in the future, as strategic extractive resource areas. Impact on Colac Otway Planning Scheme: Has ongoing requirements for land identified as strategic extractive resource areas.
VC171	6 SEP 2021	Changes the VPP and all planning schemes to implement the Marine and Coastal Policy, support coastal hazard planning and sea level rise adaptation, and update policy references. Impact on Colac Otway Planning Scheme: Has impact on the Shire given its coastal location.
VC211	14 SEP 2021	Modifies clause 67.02 to enable the application of exemptions set out in clause 52.31 and updates clauses 66.05 and 67, consolidates clauses 67.02, 67.03 and 67.04 under clause 67.02, and deletes clauses 67.03 and 67.04. Impact on Colac Otway Planning Scheme: Is administrative in nature and has little impact.
VC208	5 OCT 2021	Amends Clause 52.10 to apply the use, notice and review exemptions to other types of emergencies. Impact on Colac Otway Planning Scheme: Is administrative in nature and has little impact.

Amendment number	In operation from	Brief description
VC202	12 OCT 2021	<p>Introduces a land use term and definition for Rural worker accommodation and modifies clause 35.07 (Farming Zone) to introduce exemptions for use of land for Rural worker accommodation that accommodates no more than 10 persons and introduces a permit requirement for use of land for Rural worker accommodation for more than 10 persons.</p> <p>Impact on Colac Otway Planning Scheme: Has an ongoing impact on Farming Zone land throughout the Shire and enables rural worker accommodation to be more easily provided.</p>
VC212	13 OCT 2021	<p>Makes changes to Clause 35.07 (Farming Zone) and to notice requirements to minimise the potential for land use conflict from as-of-right accommodation uses in the Farming Zone, in the vicinity of proposed and approved wind energy facilities.</p> <p>Impact on Colac Otway Planning Scheme: Is administrative in nature and has little impact.</p>
VC214	19 NOV 2021	<p>Amends the exemptions at clause 52.18 (State of Emergency and Recovery Exemptions) to apply to a broader range of uses.</p> <p>Impact on Colac Otway Planning Scheme: Is administrative in nature and has little impact.</p>
VC204	9 DEC 2021	<p>Changes the VPP and all planning schemes in Victoria by modifying Clause 18 of the Victoria Planning Provisions to implement changes to State planning policy for transport.</p> <p>Impact on Colac Otway Planning Scheme: Is administrative in nature and has little impact.</p>
VC174	20 DEC 2021	<p>Changes the VPP and all planning schemes by implementing the Better Apartment Design Standards for all apartment developments.</p> <p>Impact on Colac Otway Planning Scheme: Minimal due to the low rise residential nature of the Shire.</p>
VC207	20 DEC 2021	<p>Changes the VPP and all planning schemes by implementing the revised Better Apartment Design Standards into clauses 52.20 and 53.20.</p> <p>Impact on Colac Otway Planning Scheme: Minimal for the Shire.</p>
VC205	20 JAN 2022	<p>Introduces a new Transport Zone to replace the Road Zone and Public Use Zone Schedule 4 with consequential changes.</p> <p>Impact on Colac Otway Planning Scheme: Is administrative in nature but affects all transport land.</p>
VC199	3 FEB 2022	<p>Changes the VPP and all planning schemes by aligning existing provisions with current policy, guidelines and legislation, deleting redundant content and correcting clerical errors.</p> <p>Impact on Colac Otway Planning Scheme: Is administrative in nature and has little impact.</p>
VC200	17 FEB 2022	<p>Changes the VPP and all planning schemes by introducing planning permit exemptions for specified types of transport projects and specifies the Minister for Planning as the responsible authority for transport projects.</p> <p>Impact on Colac Otway Planning Scheme: Is administrative in nature and has little impact.</p>
VC209	8 MAR 2022	<p>Changes the VPP and all planning schemes by removing clause 51.06 (Secondary dwelling) from the VPP and the Greater Bendigo, Kingston, Moreland and Murrindindi planning schemes, and updating clause 52.18 (State of emergency and recovery exemptions) to reflect the new pandemic declaration powers under the <i>Public Health and Wellbeing Act 2008</i>.</p> <p>Impact on Colac Otway Planning Scheme: Has no impact on land in the Shire.</p>

Amendment number	In operation from	Brief description
VC219	22 MAR 2022	Changes the VPP and all planning schemes to support the ongoing operation of extractive industry across Victoria and increase amenity protections for nearby accommodation. Impact on Colac Otway Planning Scheme: Has ongoing requirements for extractive industry and adjoining sensitive uses in the Shire.
VC210	4 MAY 2022	Makes changes to the VPP and all planning schemes to ensure they are current and correct obvious or technical errors. Impact on Colac Otway Planning Scheme: Is administrative in nature.
VC218	18 MAY 2022	Changes the VPP by updating the PPF to further implement the National Airports Safeguarding Framework in Victoria. Impact on Colac Otway Planning Scheme: Has some but limited impact to land in the Shire.
VC220	30 MAY 2022	Changes the VPP and all planning schemes by supporting the efficient delivery of neighbourhood batteries into the electricity distribution network by amending clause 73.03 Land use terms. Impact on Colac Otway Planning Scheme: Has ongoing impact to land in the Shire.
VC216	10 JUN 2022	Changes the VPP and all planning schemes by altering the PPF to support Environmentally Sustainable Development (ESD). Impact on Colac Otway Planning Scheme: Has ongoing impact to land in the Shire around ESD.
VC213	14 JUL 2022	Makes changes to the VPP and all planning schemes to ensure consistency with existing requirements under the Melbourne Strategic Assessment (MSA) Program to achieve specific biodiversity outcomes within Melbourne's growth corridors. Impact on Colac Otway Planning Scheme: Has no impact on land in the Shire.
VC230	14 JUL 2022	Updates clauses 52.20 (Victoria's Big Housing Build) and 72.01 (Responsible authority for this planning scheme) to replace the Minister for Planning as the responsible authority. Impact on Colac Otway Planning Scheme: Is administrative and has little impact on the Shire.
VC221	4 AUG 2022	Facilitates all-electric developments to support implementation of Victoria's <i>Climate Change Strategy 2021</i> and <i>Gas Substitution Roadmap 2022</i> and changes the VPP and all planning schemes by amending clauses that require developments to be connected to reticulated gas and amending the referral requirements. Impact on Colac Otway Planning Scheme: Reflects climate change and energy related considerations for land in the Shire.
VC223	12 AUG 2022	Amends Clause 73.01 (General terms) to define Minister for Planning to mean a Minister for the time being administering the <i>Planning and Environment Act 1987</i> . Impact on Colac Otway Planning Scheme: Is administrative and has little impact on the Shire.
VC225	15 SEP 2022	Makes changes to the VPP and all planning schemes to correct obvious or technical errors and ensure they are current. Impact on Colac Otway Planning Scheme: Is administrative and has little impact on the Shire.

Amendment number	In operation from	Brief description
VC222	29 SEP 2022	Changes to the VPP and all planning schemes to support the co-location of new government primary schools with kindergartens and facilitate projects that support the 2026 Commonwealth Games. Impact on Colac Otway Planning Scheme: Has ongoing and potentially large impacts on the Shire's early childhood education provision and facilities.
VC224	28 OCT 2022	Changes the VPP and all planning schemes that relate to declared irrigation districts and solar energy facilities, delivery exemptions, electorate offices, Future Homes, healthy waterways, land use terms, stormwater management and tree removal under VicSmart. Impact on Colac Otway Planning Scheme: Is largely administrative in nature but has ongoing impacts for land in the Shire.
VC226	4 NOV 2022	Makes changes to the VPP and all planning schemes to support emergency recovery, telecommunications, solar energy systems and community care accommodation. Impact on Colac Otway Planning Scheme: Is largely administrative in nature.
VC227	14 NOV 2022	Changes the VPP and all planning schemes to support the facilitation of container deposit scheme (CDS) infrastructure under the <i>Victorian Government's Recycling Victoria: a new economy policy</i> . Impact on Colac Otway Planning Scheme: Has ongoing impacts for recycling in the Shire.
VC228	22 NOV 2022	Changes to the VPP and all planning schemes to facilitate Victoria's recovery from emergencies by allowing an exemption from operation hours for extractive industries. Impact on Colac Otway Planning Scheme: Is administrative in nature.
VC201	16 DEC 2022	Updates the PPF, introduces two new regional policies and a series of new Significant Landscape Overlays to recognise, protect and improve waterway health, amenity, access and community values. Impact on Colac Otway Planning Scheme: Provides updates to waterway policy across the State including the Shire.
VC215	3 MAR 2023	Implements the Melbourne Industrial and Commercial Land Use Plan in the PPF. Impact on Colac Otway Planning Scheme: Has no impact on land in the Shire.
VC229	20 MAR 2023	Makes changes to the VPP and all planning schemes to correct obvious or technical errors and ensure they are current. Impact on Colac Otway Planning Scheme: Is administrative in nature.
VC231	6 APR 2023	Amends the Victoria Planning Provisions and 60 planning schemes in Victoria by amending existing planning permit exemption thresholds for dwelling extensions, out-buildings and buildings used for agriculture in clauses 35.03 (Rural Living Zone), 35.07 (Farming Zone) and 35.08 (Rural Activity Zone). Impact on Colac Otway Planning Scheme: Reduces permit requirements for some rural zones in the municipality.
VC234	4 JUL 2023	Clarifies noise requirements for wind energy facilities and the responsible authority for enforcement matters. Clause 52.32 is revised to refer to Division 5 Part 5.3 of the Environment Protection Regulations 2021. Impact on Colac Otway Planning Scheme: Clarifies requirements but has minimal impact on land in the municipality.

Amendment number	In operation from	Brief description
VC236	14 AUG 2023	Supports renewable hydrogen gas production and distribution and makes the Minister for Planning the responsible authority for large-scale production of hydrogen gas. Impact on Colac Otway Planning Scheme: Supports renewable energy but at this point has minimal impact on land in the municipality.
VC238	3 AUG 2023	Amends clause 52.13, Victoria's container deposit scheme by revising the permit exemption threshold in clause 52.13 to enable an automated collection point to occupy 5 car spaces instead of 4 if the land contains 50 or more car spaces. Impact on Colac Otway Planning Scheme: Is administrative in nature.
VC242	20 SEP 2023	Introduces two new particular provisions to facilitate significant residential development and significant economic development through clauses 53.22 and 53.23. It also makes changes to the RGZ, GRZ and NRZ to allow retail premises and offices subject to specific land use conditions. Impact on Colac Otway Planning Scheme: Has significant impact on residential and commercial land in the municipality for the provision of affordable and social housing as well as retailing and commercial premises. Makes the Minister for Planning the responsible authority for applications subject to these two clauses.
VC243	22 SEP 2023	Supports the delivery of housing in Victoria by codifying residential development standards, implementing the Future Homes project across Victoria, removing permit requirements for single dwellings on lots of 300 square metres or more and introducing VicSmart permits for single dwellings on lots less than 300 square metres. Impact on Colac Otway Planning Scheme: Has significant impact on residential land in the municipality for the provision of all types of housing and their assessment.
VC246	26 SEP 2023	Introduces new land use controls to improve facilitation of Victoria's Container Deposit Scheme by introducing a new land use term, Container deposit scheme centre, nested under Transfer station and corrections to ordinance in clause 52.13. Impact on Colac Otway Planning Scheme: Is administrative in nature but supports recycling in the municipality.
VC247	6 OCT 2023	Extends planning exemptions under clauses 52.07 (Emergency recovery) and 52.18 (Coronavirus (COVID 19) pandemic and recovery exemptions) and makes corrections to ordinance introduced in VC246 related to Container deposit scheme centres. Impact on Colac Otway Planning Scheme: Is administrative in nature and has minimal impact on land in the municipality.
VC241	17 OCT 2023	The amendment removes prohibitions for specified sign types for a Freeway service centre, Service station and Open sports ground in a zone where Category 4 - Sensitive areas sign controls apply. Impact on Colac Otway Planning Scheme: Has some impact on signage at Freeway service centres, service states and open sports grounds in the municipality by removing the prohibitions on signage where Category 4 signage controls apply.
VC234	18 OCT 2023	The amendment clarifies noise requirements for wind energy facilities and the responsible authority for enforcement matters . Impact on Colac Otway Planning Scheme: Is administrative in nature and has minimal impact on land in the municipality.

Amendment number	In operation from	Brief description
VC238	1 NOV 2023	The amendment changes the permit exemption threshold in clause 52.13 to enable an automated collection point to occupy 5 car spaces instead of 4 if the land contains 50 or more car spaces. Impact on Colac Otway Planning Scheme: Is administrative in nature and has minimal impact on land in the municipality.
VC253	14 DEC 2023	The amendment introduces a new land use term and siting, design and amenity requirements for a small second dwelling into the Victoria Planning Provisions (VPP) and all planning schemes to implement Victoria's Housing Statement: The decade ahead 2024-2034 by making it easier to build a small second dwelling. Impact on Colac Otway Planning Scheme: Is significant and will have a large impact on land in the municipality for the provision of small secondary dwellings.
VC2249	15 JAN 2024	The amendment changes the Victoria Planning Provisions and all planning schemes in Victoria by exempting development for a small second dwelling from Development Contributions Plan requirements and correcting typographical errors related to small second dwellings. Impact on Colac Otway Planning Scheme: Is administrative in nature and has minimal impact on land in the municipality..

11.1.1. New Planning Practice Notes and Guidance Materials

Since the last planning scheme review in 2018, Several Planning Practice Notes (PPNs) and guidance materials have been introduced which impact on the strategic directions and drafting of the Colac Otway Planning Scheme.

Table 8: New or Updated Ministerial Directions and Planning Practice Notes From 2018

Resource	Summary of Document	Implications for Colac Otway Planning Scheme
Planning for Housing and Using the Residential Zones (Planning Practice Notes 90 and 91) December 2019 planning-practice-notes	In the last decade, the Victorian Government has revised housing and residential zone resources and approaches with extensive changes and improvements to residential zones, overlays and guidelines through Planning Practice Notes (PPN) 90 and 91. A residential development framework is required to be prepared usually at a municipal level that identifies residential changes areas and implementation mechanisms. Built form outcomes are driven by the application of specific types of residential zones. In 2017 changes to residential zones restricted building height to 9 metres in the Neighbourhood Residential Zone and 11 metres in the General Residential Zone with a garden area requirement. Application of the Residential Growth Zone encourages four storey development and Mixed Use Zones have no height limit unless specified in a schedule to the zone. Low Density Residential Zones are applied to low density areas usually between 0.2 and 0.4 hectares (minimum) with no minimum height requirement in the zone. Township Zones continue to apply in smaller townships with a minimum height requirement	The principles established through these PPNs are sound and need to be nuanced to settlement hierarchies based on a housing and settlement strategy and the preferred neighbourhood character for residential areas. These PPNs have been in operation since the last review and provide different guidance to previous documentation.

Resource	Summary of Document	Implications for Colac Otway Planning Scheme
	only if specified in a schedule to the zone and allow a wide range of commercial, residential, industrial and community uses.	
A Practitioner's Guide to Victorian Planning Schemes, April 2022 (Version 1.5) practitioners-guide	<p>The guide applies to the preparation and application of a planning scheme provision in Victoria. It is primarily intended for use by practitioners considering or preparing a new or revised provision for a planning scheme. The guide sets out and explains:</p> <ul style="list-style-type: none"> • The principles that should underpin the creation, selection and application of a planning scheme provision. • How a planning scheme relates to the VPP. • Rules and advice about how the various components of a planning scheme operate. • How to select, write and apply various elements of a planning scheme. 	<p>This guide establishes the VPP principles and good drafting conventions and examples. It must be followed when preparing a planning scheme policy or provision and has been updated since the last review.</p>
Managing buffers for land use compatibility (Planning Practice Note 92) planning-practice-notes	<p>The PPN provides guidance about planning for land use compatibility and the PPF and planning requirements relating to the management of buffers such as Clause 53.10 Uses and activities with potential adverse impacts and Clause 44.08 Buffer Area Overlay.</p> <p>The BAO supports implementation of the objective and strategies in Clause 13.07-1S - Land use compatibility. The BAO complements Clause 53.10 to help ensure that industry establishes appropriately and addresses the reverse situation so that land use and development around existing industry is appropriate.</p> <p>Buffers can be used to manage both land use and development and should be applied to address different issues of risk and land use compatibility.</p>	<p>This PPN relates to Amendment VC175 and was prepared after the last review in 2018. It provides clearer guidance for industrial uses and maintaining separation distances to sensitive uses and how to apply the BAO to industrial facilities.</p>
Ministerial Direction on the Form and Content of Planning Schemes 5 April 2023 The role of the Minister (planning.vic.gov.au)	<p>This Direction provides the schedule template for zone, overlay, particular provision and general provision schedules and how local planning schemes are to be prepared based on the VPP. It includes requirements and parameters about how State provisions can be applied at the local level and how local provisions can be given effect.</p>	<p>These templates can change from time to time and should be used as the basis for the preparation of new or revised schedules in the scheme.</p>
Ministerial Direction 19 – Preparation and Content of Amendments That May Significantly Impact the Environment, Amenity and Human Health October 2018	<p>This Direction requires planning authorities to seek the views of the Environment Protection Authority (EPA) in the preparation of planning scheme reviews and amendments that could result in use or development of land that may result in significant impacts on the environment, amenity and human health due to pollution and waste. The Direction applies to any strategic plan or its review that forms the basis of a planning scheme amendment relating to the use or development of land within a buffer area or</p>	<p>This Direction is triggered for any planning scheme amendment or a planning scheme review.</p>

Resource	Summary of Document	Implications for Colac Otway Planning Scheme
The role of the Minister (planning.vic.gov.au)	separation distance of industry and specified industrial uses.	
Ministerial Direction 20 – Major Hazard Facilities October 2018 The role of the Minister (planning.vic.gov.au)	This Direction aims to minimise potential human and property exposure from the risk of incidents that may occur at a major hazard facility and ensure their ongoing viability. The Direction requires planning authorities to seek and have regard to the views of WorkSafe Victoria and the Minister for Economic Development when preparing a planning scheme amendment which rezones land for, or is within the threshold distance of, a major hazard facility.	This Direction is triggered for any planning scheme amendment that relates to a threshold distance for a major hazard facility.

Overview of Strategic Planning Work Program and Future Strategic Planning Projects

Strategic Work Program 2024/25			
Project/Task	General Description	Status	Priority
Deans Creek PSP	Preparation of Precinct Structure Plan for Deans Creek growth corridor. Also includes preparation of Development Contributions Plan and planning scheme amendment	Background reports	High
Colac West Development Plan	Resolving and finalising Shared Infrastructure Plan and Affordable housing plan/agreement	Lodged and being processed	High
Apollo Bay Community Infrastructure Plan	Long term vision and principles and preliminary concepts for Apollo Bay, Skenes Creek and Marengo (District Plan, Foreshore Master Plans, Streetscape Plans, Design Guidelines)	Completed	
Colac Civic, Health and Railway Precinct Plan	Masterplan for future development of Civic Health and Rail Precinct	Budget being clarified and plan to be readied for consultation	High
J Barry's Road Industrial Land Development Plan	Preparation of Development Plan and planning scheme amendment to change min lot size	pre -planning	Medium
Planning Scheme Review	Preparation and completion of planning scheme review report including reports to Council and submission to DTP	draft report	High
Amendment C123 - Bakerland & Development plan	PSA Approved - includes dealing with Shared Infrastructure Agreement and Affordable Housing Agreement	Lodged and being processed	High
Amendment C127 Hillview	PSA Approved - includes dealing with Shared Infrastructure Agreement and Affordable Housing Agreement	Development Plan Lodged and being processed	High
Marriners Road Planning Scheme Amendment	Rezoning land from RAZ to GRZ	On Hold	Low

Amendment C124 Sinclair Street	Replaces flood overlay with DPO and Schedule through Standing Advisory Committee process	Panel Hearing held	High
LSIO Planning Scheme Amendment	Removes permit triggers once land has been subdivided for development	Pre-planning	High
Update DPO2 - Area 4	Development Plan review to unlock subdivision/development potential in Aireys Street, Hart Street, Main Road, Irrewillipe Road, Elliminyt	Not started	Low
Birregurra Structure Plan	Review and update of structure plan	Consultant appointed and background work commenced	High
Northern Towns Growth Plans	Preparation of growth plans for towns focusing on actions to stimulate new development within townships	Consultant appointed and background work commenced	High

Future Projects and Planning Scheme Review Recommendations			
Project/Task	Comments	Likely Cost	Priority
Implement and review Colac 2050 Growth Area plan (to protect future growth of Township)	There are concerns over some potential land use conflicts and need to regularly review plan and ensure it continues to provide appropriate direction for the expansion of the township.	\$75,000	Medium
Prepare an advertising sign policy - focusing on entry corridors	Addresses concerns that came from previous VCAT hearings regarding a highway related signs. Focus on Apollo Bay and Colac.	\$50,000	Medium
Include additional Vicsmart applications into scheme to streamline decision making - Review CI 59.16	Project has commenced - \$20,000 will be required for PSA Background work external funded	\$20,000	High
Implement policy neutral changes to the planning scheme ordinance as recommended in the planning scheme review report	Council has a consultation and process support role for this externally funded project		High

Finalise the Deans Creek Precinct Structure Plan	Project funded with budget \$1.5 million and project addresses land supply and housing shortages in Colac. External funded (\$1.5m) Council \$300,000	\$300,000	High
Implement assessed planning scheme changes to address sea rise and related climate change impacts (in conjunction with GORCAPA)	GORCAPA currently doing a scoping exercise to facilitate funding opportunities across the region (may require a Council contributions) Not likely to be completed in 4 years	\$250,000	contingent on external drivers
Rezone RAZ Buffers to protect industry near Flaxmill Rd as per Colac 2050	Required to protect industry and waste water treatment plant from sensitive uses.	\$50,000	Medium
Review and implement the Forrest Structure Plan and prepare a neighbourhood character assessment of the town	Needs to completed ahead of the planned provision of reticulated sewerage to the township.	\$150,000	High
Expansion of RAZ to coastal hinterland to address land fragmentation issues and to identify other land use opportunities.	Likely to complex and contentious	\$70,000	Medium
Undertake a Gaming Strategy and related planning scheme amendment	Need is low given current gaming machine caps (could combine with Liquor Strategy) and the project cost	\$110,000	Low (but funded in 24/25 budget)
Undertake a licensed premises strategy	Planning problem requires clear definition.	\$75,000	Low
Review structure plan and Neighbour Character provisions for Apollo Bay	This is a complex project and unlikely to address housing supply issues due to limits on building heights and township boundary expansion	\$200,000	High
Review schedule to Heritage Overlay to include statements of significance for sites not included on VHR	Combine and include in Heritage study update/review		Medium
Rural Dwelling policy to improve guidance and better decision making to align with prioritising farming activities	Could be a delegation issue and resolved by allowing officers to make all decisions on the refusal of non compliant applications. As there appears to be enough clarity and certainty in the objectives of the Farming Zone to support restricting non farm based dwellings.	\$25,000	Medium

Include local classes of Vicsmart applications for outbuildings in the BMO above 100sqm where CFA have approved a bushfire management plan	Reduces a number of permit triggers for routine planning applications/ can be combined with Vicsmart amendments	\$2,000	High
Additional Heritage Study that investigates and provides recommendations for protection of buildings not included in the 2003 Heritage Study.	Includes preparation of guidelines and revised overlay controls/schedules	\$150,000	Medium
Reconcile policy conflicts for tourism developments in significant landscape areas	Outcomes may arise from the Strategic Framework plan from DEECA	\$50,000	Low
Update/improve bushfire hazard policy	Requires a planning scheme amendment and should be combined with other work	\$2,000	Low/medium
Implement changes related to any flood study completed for Barham River floodplain	Likely to be supported by CCMA	\$10,000	Low
Implement ESD provisions in the planning scheme	Could be avoided if similar controls were introduced by the State Government . Would require either consultant or additional in house resources and training of planning staff.	\$50,000	Medium
Implement policy direction from 2006 salinity mapping and avoid additional permit triggers	Should be part of a procedural or anomalies update to planning scheme		low
Incorporate a Social Housing Policy into the planning scheme	Will require external consultant and may require planning panel	\$20,000	Funding contingent

Review sign requirements in DDO's to identify and align restrictions to the relevant zone.	Include in anomalies amendment		Low
Resolve the mismatch issue around Johanna and southern parts of the Shire between the application of the RCZ and FZ to cleared and vegetated land	Would require consultation with community etc and could be combined with the refinement work for the RAZ.	\$5,000	Low
Undertake an anomalies amendment		\$2,000	Medium
Reviewing 2008 Structure Plan Wye River, Kennett River and Separation Creek	Contingent of more information about sea level rises. Review NC and consider significant changes to the towns that were impacted by bushfires including Skenes Creek	\$150,000	Medium
Total Project Costs		\$1.98m	

Item: 8.9

Adoption of Investment Policy

OFFICER	Xavier Flanagan
ACTING GENERAL MANAGER	Steven O'Dowd
DIVISION	Corporate Services
ATTACHMENTS	<ol style="list-style-type: none">1. 16 3 Investment Policy Review 22 April 2020 [8.9.1 - 5 pages]2. Investment Policy - Review 22 April 2024 - Policy Changes [8.9.2 - 3 pages]3. Investment Policy - Review 22 April 2024 - Draft [8.9.3 - 7 pages]

1. PURPOSE

To provide Council's revised Investment policy for adoption.

2. EXECUTIVE SUMMARY

Council's Investment Policy was last reviewed 22 April 2020. As per the policy, it should be reviewed every 4 years.

Changes of note that have been made include:

- Changes and additions to Policy Purposes made to provide greater clarity and detail with respect to the intention of the Policy
- Updating the Accounting Standards and legislation referred to within the policy.
- The addition of a 'Definitions' section within the policy to provide greater clarity and understanding of financial terms used throughout the document, and to bring greater clarity and reduce confusion relating to limits, thresholds, or calculations mentioned throughout the policy.
- Revised statement of policy regarding calculation to determine if the 'Maximum percentage of total funds held in a single institution' has been reached.

3. RECOMMENDATION

That Council notes the review undertaken and adopts the amended Council Investment Policy 16.3 (Attachment 1).

4. KEY INFORMATION

The revised Policy is at Attachment 1.

The revised Investment Policy is guided by s. 103 of the Local Government Act 2020 and gives clarity as to which Investment types are allowed in which institutions (see 'Statement of Policy' 1, at page 4), providing they meet the prescribed minimum Credit Rating shown in table 1 of 'Statement of Policy' 1; Investment limits. These criteria set out by the revised policy ensures that council funds are invested in products and institutions that are of a high credit rating and low risk.

The revised Investment Policy allows for investment in any Australian Deposit-Taking Institution (ADI), but excludes any investment in building societies, credit unions, managed funds investing in equities, future markets, property or shares. This would allow investment of council funds in any of the 'Big 4' Australian banks (NAB, Westpac, Commonwealth Bank of Australia, ANZ), or any other Australian Banking institution, such as Bendigo Bank, on the condition they meet the minimum Credit Rating.

The current Investment Policy is at Attachment 2.

Details of changes made to the current policy and reasons for each of the changes are provided in a table below (and at Attachment 3):

Policy Section	Section status	Nature of Change	Reason for change/Comments
PURPOSE	Change & Addition	<p>Policy Purposes unchanged:</p> <ul style="list-style-type: none">ensure that Council maximises the return on surplus funds, taking into consideration the level of risk,ensure that Council funds are invested in accordance with its legislative and common law responsibilities, <p>Policy Purposes refined:</p> <ul style="list-style-type: none">'ensure that Council funds are preserved' Changed to 'ensure that funds are invested in a way that ensures security of the investment portfolio' <p>Policy Purposes added:</p> <ul style="list-style-type: none">Provide the community with transparency with regard to the decision-making process for investing surplus cash,establish parameters for investment decision-making,	Changes and additions to Policy Purposes made to provide greater clarity and detail with respect to the intention of the Policy.

Policy Section	Section status	Nature of Change	Reason for change/Comments
		<p>delegated to authorised Council officers,</p> <ul style="list-style-type: none"> • guide the process for Council officers to implement investment decisions, manage investments and monitor financial risk, • ensure that Council is compliant with the current legislative framework, • ensure that Council selects investments with low financial risk, and • ensure that Council maintains sufficient liquidity to meet operational and planned commitments. 	
SCOPE	Change & Addition	<ul style="list-style-type: none"> • Wording changed to include 'Chief Executive Officer' role. • Reference to 'contractors and consultants' removed. • Wording regarding 'Council officers without delegated authority' added. 	<p>Reference to 'Chief Executive Officer' role added as it is the CEO who has power to delegate any function of Council (i.e. S103 (a) to (f) and the administrative functions of the Local Government Act 2020).</p> <p>Reference to 'contractors and consultants' removed as Local Government Act 2020 Section 47 is restricted to delegations, which can only be made to a "member of Council staff" (which specifically excludes an independent contractor under a contract for services).</p>
REFERENCES	Change	<p>Update to reference to Act and section.</p> <p>Section has been updated from: <i>'Local Government Act 1989 – Section 143'</i> Updated To <i>'Local Government Act 2020 – Section 103'</i></p>	Update required due to legislative change from Local Government Act 1989 to Local Government Act 2020.
DEFINITIONS	New Section	<p>This section has been added to the Policy document. Definitions included for the following terms:</p> <ul style="list-style-type: none"> • At Call Deposits • Australian Deposit-Taking Institution (ADI) • 90 Day Bank Bill • Credit Rating Agency • Cash and Cash Equivalents • Council funds eligible for investment • Fitch • Government Securities • Long-term Investment • Moody's • Other Financial Assets • Short-term Investment 	Definitions added to the policy to provide greater clarity and understanding of financial terms used throughout the document, and to bring greater clarity and reduce confusion relating to limits, thresholds, or calculations mentioned throughout the policy.

Policy Section	Section status	Nature of Change	Reason for change/Comments
		<ul style="list-style-type: none"> Standard & Poor's Term Deposit 	
STATEMENT OF POLICY: 1. Approved Investments	Change	Section updated to reflect wording of Section 103 of the Local Government Act 2020	Statement updated to provide exact definition under the Local Government Act 2020 and remove ambiguity.
STATEMENT OF POLICY: 2. Investment Limits	No Change	No Change	
STATEMENT OF POLICY: 3. Calculation of Maximum Holding	Change	<p>Section changed from: '3. Calculation of Maximum Holding' To '3. Calculation of percentage of funds held in a single institution'.</p> <p>Section has been changed from providing a basis of calculation for a 'Maximum Holding' percentage referred to in 'Table 1' to a basis of calculation for the percentage of funds held in a single institution.</p>	<p>Statement in current policy provides method of calculation for 'Maximum Holding', that has some issues:</p> <ul style="list-style-type: none"> This calculation does not calculate the maximum percentage holding of a single institution, but rather the percentage held in a particular type of investment as against total council investments. Using 'total council investments' (Which is not clearly defined), as the denominator in the equation instead of funds in excess of those needed to support Council's immediate operational requirements may overexpose council to one institution. The calculation has elements that are ambiguous and unclear, such as 'Type', and 'council investments'. <p>The revised calculation method - <i>Calculation of percentage of funds held in a single institution</i> – provides clarity of terms used in the equation, by cross-referencing to the new 'Definitions' section, and using the 'Council funds eligible for investment' as the denominator in the equation significantly reduces Council's expose to one institution.</p> <p>A paragraph is also added to provide further clarity in excluding State and Federal Government bonds from calculation of maximum holding</p>
STATEMENT OF POLICY: 4. Long Term Investments	No Change	No Change	
STATEMENT OF POLICY: 5. Money to be Invested	Change	Term 'immediate working capital requirements' changed to 'immediate operational requirements'	Change has been made to use a term more widely understood, and less of a technical financial term.
STATEMENT OF POLICY: 6. Quotations on Investments	No Change	No Change	

Policy Section	Section status	Nature of Change	Reason for change/Comments
STATEMENT OF POLICY: 7. Measurement and Recognition	Additions	Three Accounting standards unchanged: <ul style="list-style-type: none"> AASB 7 Financial Instruments: Disclosures AASB 9 Financial Instruments AASB 132 Financial Instruments: Presentation Three Accounting standards added: <ul style="list-style-type: none"> AASB 9 Financial Instruments AASB 136 Impairment of Assets AASB 139 Financial Instruments Recognition and Measurement 	All relevant Accounting Standards added and cross-referenced in the relevant section of the Policy, where appropriate.
STATEMENT OF POLICY: 8. Reports	Change	Change in wording.	Wording updated to provide greater scope for reporting.
STATEMENT OF POLICY: 9. Register of Investments	No Change	No Change	
STATEMENT OF POLICY: 10. Performance Benchmarks	No Change	No Change	
STATEMENT OF POLICY: 11. Prudent Person of Business	No Change	No Change	
STATEMENT OF POLICY: 12. Delegation of Authority	Change	Position titles updated. Chief Executive updated to Chief Executive Officer. Finance Coordinator updated to Coordinator Financial Accounting.	Position titles updated as per role descriptions.
COMPLIANCE	No Change	No Change	
IMPLEMENTATION AND REVIEW	No Change	No Change	
DOCUMENT CONTROL	Change	Policy Owner Title Change and dates updated.	Administrative update

5. CONSIDERATIONS

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

The Investment Policy has been revised considering 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 is to be pursued
- the ongoing financial viability of the Council is to be ensured
- the transparency of Council decisions, actions and information is to be ensured

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

Investment Policy is revised in accordance with Council's power of investment under the Local Government Act 2020 – Section 103.

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

Not applicable.

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

This policy is operational in nature and does not require community consultation and engagement.

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)

The investment policy will have an impact on organisational income from Interest earned, financial risk with regard to council's liquidity, and exposure to other Australian Prudential Regulatory Authority (APRA) regulated Authorised Deposit Taking Institution (ADI).

Service Performance (s106 Local Government Act 2020)

Not applicable.

Risk Assessment

The Investment policy will have an impact on organisational Financial Risk with regard to council's liquidity, and exposure to other Australian Prudential Regulatory Authority (APRA) regulated Authorised Deposit Taking Institution (ADI).

Communication/Implementation

This policy will be made available to the public via the Council's website, and Officers via the intranet

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 Investment Policy as presented**

This option is recommended by officers as the attached policy has been developed through benchmarking with other councils and a review of best practices.

Option 2 – Adopt the Investment Policy with amendments

This option is not recommended by officers as careful consideration has been taken by officers recommending a policy which reflects best practice, and it is considered that the policy is effective and complete in the proposed form.

Option 3 – Do not adopt Investment Policy

This option is not recommended by officers as significant improvements have been made to the policy and the review process has been informed by Councillor feedback.



Council Policy

16.3 INVESTMENT POLICY

PURPOSE

The purpose of this policy is to ensure that:

- Council funds are preserved;
- Council maximises the return on surplus funds, taking into consideration the level of risk; and
- Council funds are invested in accordance with its legislative and common law responsibilities.

SCOPE

This policy applies to all investment activities undertaken by Council and is binding upon Council Officers, contractors and consultants while engaged by Council.

REFERENCES

Investment of Council funds is to be in accordance with Council's power of investment under the Local Government Act 1989 – Section 143.

STATEMENT OF POLICY

1. Approved Investments

Without approval from Council, investments are limited to:

- Interest bearing deposits with Australian owned banking institutions; and
- Government bonds issued by the Commonwealth of Australia or an Australian State subject to the investment limits stated in '2. Investment Limits'.

2. Investment Limits

Council will invest with an Australian Prudential Regulatory Authority (APRA) regulated Authorised Deposit Taking Institution (ADI) with credit ratings outlined in Table 1.

Investments shall not be made in building societies, credit unions, managed funds investing in equities, future markets, property or shares.

Uncontrolled when printed

CM reference		Date of adoption	22 April 2020
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Table 1

Minimum Credit Rating						Maximum percentage of total funds held in a single institution*	Maximum term to maturity**
Long Term			Short Term				
S&P	Moody's	Fitch	S&P	Moody's	Fitch		
AA-	Aa3	AA-	A-1+	P-1	F1+	75%	12 months
A-	A3	A-	A-1	P-1	F1	40%	12 months
<i>*with the exception of the Council's primary transactional account holding institution (as per tender)</i>							
<i>**with the exception of General Manager Corporate Services or Chief Executive Approval (per '4 Long Term Investments'.</i>							

Higher rated institutions represent a lower risk level. As such, if at any point during an investment the institution's credit rating is downgraded below the acceptable level, funds should be divested as soon as practicable.

In the case where an ADI is covered by a deposit guarantee, such as the Financial Claims Scheme (FCS), it is not necessary for the ADI to meet the minimum credit ratings set out in Table 1, providing the investment does not exceed the guarantee limit.

3. Calculation of Maximum Holding (refer Table 1)

The maximum holding is the amount of the investment, plus any other investments of the same type at the time of making the investment, as a percentage of the current total of council investments or the anticipated total of investments in 5 working days time.

4. Long Term Investments

Investments fixed for a period greater than 12 months are to be approved by the General Manager Corporate Services or Chief Executive.

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CM reference		Date of adoption	22 April 2020
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5. Money to be Invested

The bank account balance of Council is to be kept at a level no greater than is required to meet Council's immediate working capital requirements, with any surplus funds being applied to either reduce debt or invest. Any debt repayment, other than amounts specified in the adopted budget, must be approved by Council resolution.

6. Quotations on Investments

No less than three quotations are to be obtained from authorised institutions whenever an investment is proposed. After taking into account all relevant factors, including the exposure limits set above, the quote which delivers the best value to Council shall be successful.

7. Measurement and Recognition

All reports are to account for investments in accordance with the provisions of the following Accounting Standards:

- AASB 7 Financial Instruments: Disclosures
- AASB 9 Financial Instruments
- AASB 132 Financial Instruments: Presentation

Annual averages are to be calculated by using the weighted average of end of month balances.

8. Reports

A table will be included in the Quarterly Financial Performance Report for Council, which summarises the investment portfolio and compares year to date performance with budget and performance benchmark.

9. Register of Investments

A register of investments will be maintained together with an investment file containing all letters of advice from financial institutions.

For audit purposes, certificates must be obtained from the banks/fund managers confirming the amounts of investment held on Council's behalf at 30th June each year.

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CM reference		Date of adoption	22 April 2020
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10. Performance Benchmarks

Investment	Performance Benchmark
Overall Portfolio	Average Return will aim to equal or exceed the Reserve Bank cash rate plus 0.35% over the year.
Cash/Direct Investments	Average 90 day Bank Bill index

11. Prudent Person of Business

All investments are to be made exercising care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons. When acting under the provisions of this policy, Council staff should always maintain a professional balance of risk and return and act as a steward of Council funds.

12. Delegation of Authority

The Chief Executive, the General Manager Corporate Services, the Manager Financial Services and the Finance Coordinator have the delegated authority to invest surplus funds.

Authority to undertake any investment must be obtained from a minimum of two (2) authorised officers.

COMPLIANCE

The Finance Coordinator is responsible for ensuring the requirements of this policy are met.

Any breaches of this policy will be reported to the Audit Committee.

IMPLEMENTATION AND REVIEW

This policy will be implemented by Council and is subject to review every 4 years.

Uncontrolled when printed

CM reference		Date of adoption	22 April 2020
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DOCUMENT CONTROL

Policy owner	Finance Coordinator	Division	Corporate Services
Adopted by council	22 April 2020	Policy Number	16.3
File Number		Review date	22 April 2024

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CM reference		Date of adoption	22 April 2020
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16.3 Investment Policy- Review 22 April 2024: Policy Changes

Policy Section	Section status	Nature of Change	Reason for change/Comments
PURPOSE	Change & Addition	<p>Policy Purposes unchanged:</p> <ul style="list-style-type: none"> ensure that Council maximises the return on surplus funds, taking into consideration the level of risk, ensure that Council funds are invested in accordance with its legislative and common law responsibilities, <p>Policy Purposes refined:</p> <ul style="list-style-type: none"> 'ensure that Council funds are preserved' Changed to 'ensure that funds are invested in a way that ensures security of the investment portfolio' <p>Policy Purposes added:</p> <ul style="list-style-type: none"> Provide the community with transparency with regard to the decision-making process for investing surplus cash, establish parameters for investment decision-making, delegated to authorised Council officers, guide the process for Council officers to implement investment decisions, manage investments and monitor financial risk, ensure that Council is compliant with the current legislative framework, ensure that Council selects investments with low financial risk, and ensure that Council maintains sufficient liquidity to meet operational and planned commitments. 	Changes and additions to Policy Purposes made to provide greater clarity and detail with respect to the intention of the Policy.
SCOPE	Change & Addition	<ul style="list-style-type: none"> Wording changed to include 'Chief Executive Officer' role. Reference to 'contractors and consultants' removed. Wording regarding 'Council officers without delegated authority' added. 	<p>Reference to 'Chief Executive Officer' role added as it is the CEO who has power to delegate any function of Council (ie. S103 (a) to (f) and the administrative functions of the Local Government Act 2020).</p> <p>Reference to 'contractors and consultants' removed as Local Government Act 2020 Section 47 is restricted to delegations, which can only be made to a "member of Council staff" (which specifically excludes an independent contractor under a contract for services).</p>
REFERENCES	Change	<p>Update to reference to Act and section.</p> <p>Section has been updated from: 'Local Government Act 1989 – Section 143'</p> <p>Updated To</p>	Update required due to legislative change from Local Government Act 1989 to Local Government Act 2020.

Attachment 8.9.2 Investment Policy - Review 22 April 2024 - Policy Changes

Policy Section	Section status	Nature of Change	Reason for change/Comments
		<i>'Local Government Act 2020 – Section 103'</i>	
DEFINITIONS	New Section	<p>This section has been added to the Policy document.</p> <p>Definitions included for the following terms:</p> <ul style="list-style-type: none"> • At Call Deposits • Australian Deposit-Taking Institution (ADI) • 90 Day Bank Bill • Credit Rating Agency • Cash and Cash Equivalents • Council funds eligible for investment • Fitch • Government Securities • Long-term Investment • Moody's • Other Financial Assets • Short-term Investment • Standard & Poor's • Term Deposit 	<p>Definitions added to the policy to provide greater clarity and understanding of financial terms used throughout the document, and to bring greater clarity and reduce confusion relating to limits, thresholds, or calculations mentioned throughout the policy.</p>
STATEMENT OF POLICY: 1. Approved Investments	Change	Section updated to reflect wording of Section 103 of the Local Government Act 2020	Statement updated to provide exact definition under the Local Government Act 2020 and remove ambiguity.
STATEMENT OF POLICY: 2. Investment Limits	No Change	No Change	
STATEMENT OF POLICY: 3. Calculation of Maximum Holding	Change	<p>Section changed from: '3. Calculation of Maximum Holding' To '3. Calculation of percentage of funds held in a single institution'.</p> <p>Section has been changed from providing a basis of calculation for a 'Maximum Holding' percentage referred to in 'Table 1' to a basis of calculation for the percentage of funds held in a single institution.</p>	<p>Statement in current policy provides method of calculation for 'Maximum Holding', that has some issues:</p> <ul style="list-style-type: none"> • This calculation does not calculate the maximum percentage holding of a single institution, but rather the percentage held in a particular type of investment as against total council investments. • Using 'total council investments' (Which is not clearly defined), as the denominator in the equation instead of funds in excess of those needed to support Council's immediate operational requirements may overexpose council to one institution. • The calculation has elements that are ambiguous and unclear, such as 'Type', and 'council investments'. <p>The revised calculation method - <i>Calculation of percentage of funds held in a single institution</i> – provides clarity of terms used in the equation, by cross-referencing to the new 'Definitions' section, and using the 'Council funds eligible for investment' as the denominator in the equation significantly reduces Council's expose to one institution.</p> <p>A paragraph is also added to provide further clarity in excluding State and</p>

Attachment 8.9.2 Investment Policy - Review 22 April 2024 - Policy Changes

Policy Section	Section status	Nature of Change	Reason for change/Comments
			Federal Government bonds from calculation of maximum holding
STATEMENT OF POLICY: 4. Long Term Investments	No Change	No Change	
STATEMENT OF POLICY: 5. Money to be Invested	Change	Term 'immediate <i>working capital</i> requirements' changed to 'immediate <i>operational</i> requirements'	Change has been made to use a term more widely understood, and less of a technical financial term.
STATEMENT OF POLICY: 6. Quotations on Investments	No Change	No Change	
STATEMENT OF POLICY: 7. Measurement and Recognition	Additions	Three Accounting standards unchanged: <ul style="list-style-type: none"> • AASB 7 Financial Instruments: Disclosures • AASB 9 Financial Instruments • AASB 132 Financial Instruments: Presentation Three Accounting standards added: <ul style="list-style-type: none"> • AASB 9 Financial Instruments • AASB 136 Impairment of Assets • AASB 139 Financial Instruments Recognition and Measurement 	All relevant Accounting Standards added and cross-referenced in the relevant section of the Policy, where appropriate.
STATEMENT OF POLICY: 8. Reports	Change	Change in wording.	Wording updated to provide greater scope for reporting.
STATEMENT OF POLICY: 9. Register of Investments	No Change	No Change	
STATEMENT OF POLICY: 10. Performance Benchmarks	No Change	No Change	
STATEMENT OF POLICY: 11. Prudent Person of Business	No Change	No Change	
STATEMENT OF POLICY: 12. Delegation of Authority	Change	Position titles updated. Chief Executive updated to Chief Executive Officer. Finance Coordinator updated to Coordinator Financial Accounting.	Position titles updated as per role descriptions.
COMPLIANCE	No Change	No Change	
IMPLEMENTATION AND REVIEW	No Change	No Change	
DOCUMENT CONTROL	Change	Policy Owner Title Change and dates updated.	Administrative update



Council Policy

16.3 INVESTMENT POLICY

PURPOSE

The purpose of this policy is to:

- provide the community with transparency with regard to the decision-making process for investing surplus cash,
- establish parameters for investment decision-making, delegated to authorised Council officers,
- guide the process for Council officers to implement investment decisions, manage investments and monitor financial risk,
- ensure that funds are invested in a way that ensures security of the investment portfolio,
- ensure that Council maximises the return on surplus funds, taking into consideration the level of risk,
- ensure that Council funds are invested in accordance with its legislative and common law responsibilities,
- ensure that Council is compliant with the current legislative framework,
- ensure that Council selects investments with low financial risk, and
- ensure that Council maintains sufficient liquidity to meet operational and planned commitments.

SCOPE

This policy applies to all investment activities undertaken by Council, the Chief Executive Officer or Council Officers with delegated authority to make investment decisions or undertake investment activities on behalf of Council.

Council officers without delegated authority should not undertake or make investment decisions on behalf of Council.

REFERENCES

Investment of Council funds is to be in accordance with Council's power of investment under the Local Government Act 2020 – Section 103.

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CM reference		Date of adoption	{ } May 2024
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DEFINITIONS

90 Day Bank Bill

The 90 Day Bank Bill swap rate is a crucial benchmark interest rate in the financial market on a Sydney business day that includes a credit premium representing the market assessment of the premium payable by the Prime Banks, relative to a comparable risk free interest rate.

At Call Deposits

Cash held in Council bank accounts with ADIs. Funds are readily accessible with no fees, and a standard variable interest rate is applied.

Australian Deposit-Taking Institution (ADI)

Corporations authorised under the Banking Act 1959. ADIs include banks, building societies, and credit unions.

Cash and Cash Equivalents

Cash on hand, at call deposits, and other highly liquid investments with original maturities of 90 days or less). This may include cash funds either restricted or unrestricted, excluding cash on hand, that is available to invest in an approved institution.

Council funds eligible for investment

For the purpose of calculating the percentage of funds held in a single institution, Council funds eligible for investments are defined as:

- At Call deposits (as per definition above), surplus to funds required to meet Council's operational requirements; and
- Currently held Approved Investments (as per definition above).

Credit Rating Agency

A credit rating agency is a company that assigns credit ratings, which rate a debtor's ability to pay back debt by making timely interest payments and the likelihood of default. An agency may rate the creditworthiness of issuers of debt obligations, of debt instruments, and in some cases, of the servicers of the underlying debt, but not of individual consumers.

Fitch

Fitch Ratings is the third largest NRSRO rating agency credit rating agency and is a leading provider of credit ratings, commentary and research for global capital markets.

Government Securities

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CM reference		Date of adoption	{ } May 2024
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Investments with long maturity dates with a sovereign debt rating. These investments have a 'very high' credit rating with a relatively low return in terms of yield.

Long-term Investment

An investment that has a term to maturity of more than 12 months from the date the investment was made and is restricted to a maximum term.

Moody's

Moody's Investors Service publishes credit ratings and provides assessment services on a wide range of debt obligations, programs and facilities. Moody's is one of the three nationally recognised statistical rating organisations (NRSRO) designated by the U.S. Securities and Exchange Commission and credit ratings have proven to be good predictors of creditworthiness.

Other Financial Assets

Investments with an original maturity of greater than three months as well as other financial investments. This may include statutory, contractual and discretionary funds restricted for specific purposes and identified in Other Reserves. Investments may be classified as Cash and Cash Equivalents or Other Financial Assets.

Short-term Investment

An investment that has a term to maturity of 12 months or less from the date the investment was made.

Standard & Poor's

Standard & Poor's Financial Services (also referred to as S&P) issue credit ratings for the debt of public and private companies, and other public borrowers such as governments and governmental entities. S&P is one of the three nationally recognized statistical rating organisations (NRSRO) designated by the U.S. Securities and Exchange Commission, and is the world's largest index provider and the foremost source of independent published credit ratings.

Term Deposit

Highly liquid investment held by an ADI at an agreed fixed rate of interest over a fixed amount of time (7 days to 5 years). Term deposits are classified as Other Financial Assets (term deposits with original maturity dates of three months or more: 3 to 12 months classified as current; > 12 months classified as non-current). Term deposits can be a highly liquid product with a fixed rate of return.

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CM reference		Date of adoption	{ } May 2024
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STATEMENT OF POLICY

1. Approved Investments

Under Section 103 of the Local Government Act 2020 investments are limited to:

- Government securities of the Commonwealth; and
- Securities guaranteed by the Government of Victoria; and
- An Australian Deposit-Taking Institution (ADI); and
- Investments with any financial institution guaranteed by the Government of Victoria; and
- Deposits with an eligible money market dealer within the meaning of the Corporations Act; and
- in any other manner approved by the Minister, either generally or specifically, to be an authorised manner of investment for the purposes of section 103 section of the *Local Government Act 2020*.

2. Investment Limits

Council will invest with an Australian Prudential Regulatory Authority (APRA) regulated Authorised Deposit Taking Institution (ADI) with credit ratings outlined in Table 1.

Investments shall not be made in building societies, credit unions, managed funds investing in equities, future markets, property or shares.

Table 1

Minimum Credit Rating						Maximum percentage of total funds held in a single institution*	Maximum term to maturity**
Long Term			Short Term				
S&P	Moody's	Fitch	S&P	Moody's	Fitch		
AA-	Aa3	AA-	A-1+	P-1	F1+	75%	12 months
A-	A3	A-	A-1	P-1	F1	40%	12 months

**with the exception of the Council's primary transactional account holding institution (as per tender)*

***with the exception of General Manager Corporate Services or Chief Executive Officer Approval (per '4. Long Term Investments').*

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Higher rated institutions represent a lower risk level. As such, if at any point during an investment the institution's credit rating is downgraded below the acceptable level, funds should be divested as soon as practicable.

In the case where an ADI is covered by a deposit guarantee, such as the Financial Claims Scheme (FCS), it is not necessary for the ADI to meet the minimum credit ratings set out in Table 1, providing the investment does not exceed the guarantee limit.

3. Calculation of percentage of funds held in a single institution

Is the amount invested in an institution, of a specific type (as per '1. Approved Investments' above), as a percentage of Council funds eligible for investment (see definition above) or the anticipated total of council funds eligible for investment within 5 working days.

This calculated percentage should not exceed the 'Maximum percentage of total funds held in a single institution', with the exception of the Council's primary transactional account holding institution, with respect to Credit Ratings as per table 1 above.

Calculation of maximum holding excludes State and Federal Government securities.

4. Long Term Investments

Investments fixed for a period greater than 12 months are to be approved by the General Manager Corporate Services or Chief Executive Officer.

5. Money to be Invested

The bank account balance of Council is to be kept at a level no greater than that required to meet Council's immediate operational requirements, with any surplus funds being applied to either reduce debt or invest. Any debt repayment, other than amounts specified in the adopted budget, must be approved by Council resolution.

6. Quotations on Investments

No less than three quotations are to be obtained from authorised institutions whenever an investment is proposed. After taking into account all relevant factors, including the exposure limits set above, the quote which delivers the best value to Council shall be successful.

7. Measurement and Recognition

All reports are to account for investments in accordance with the provisions of the following Accounting Standards:

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CM reference		Date of adoption	{ } May 2024
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- AASB 7 Financial Instruments: Disclosures
- AASB 9 Financial Instruments
- AASB 13 Fair Value Measurement
- AASB 132 Financial Instruments: Presentation
- AASB 136 Impairment of Assets
- AASB 139 Financial Instruments Recognition and Measurement

Annual averages are to be calculated by using the weighted average of end of month balances.

8. Reports

A table will be included in the Quarterly Budget Report for Council, which provides an update on the investment portfolio performance against performance benchmark in section 10 of the policy.

9. Register of Investments

A register of investments will be maintained together with an investment file containing all letters of advice from financial institutions.

For audit purposes, certificates must be obtained from the banks/fund managers confirming the amounts of investment held on Council's behalf at 30th June each year.

10. Performance Benchmarks

Investment	Performance Benchmark
Overall Portfolio	Average Return will aim to equal or exceed the Reserve Bank cash rate plus 0.35% over the year.
Cash/Direct Investments	Average 90 day Bank Bill index

11. Prudent Person of Business

All investments are to be made exercising care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons. When acting under the provisions of this policy, Council staff should always maintain a professional balance of risk and return and act as a steward of Council funds.

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CM reference		Date of adoption	{ } May 2024
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12. Delegation of Authority

The Chief Executive Officer, the General Manager Corporate Services, the Manager Financial Services, and the Coordinator Financial Accounting have the delegated authority to invest surplus funds.

Authority to undertake any investment must be obtained from a minimum of two (2) authorised officers.

COMPLIANCE

The Coordinator Financial Accounting is responsible for ensuring the requirements of this policy are met.

Any breaches of this policy will be reported to the Audit Committee.

IMPLEMENTATION AND REVIEW

This policy will be implemented by Council and is subject to review every 4 years.

DOCUMENT CONTROL

Policy owner	Manager Financial Services	Division	Corporate Services
Adopted by council		Policy Number	16.3
File Number		Review date	22 April 2024

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CM reference		Date of adoption	{ } May 2024
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Item: 8.10

Audit and Risk Committee Meeting - Unconfirmed Minutes - 22 August 2024

OFFICER	Natasha Skurka
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. Unconfirmed Minutes - Audit and Risk Committee Meeting - 22 August 2024 [8.10.1 - 15 pages]

1. PURPOSE

To provide for information the Colac Otway Shire Audit and Risk Committee unconfirmed minutes, dated 22 August 2024.

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 22 August 2024 are presented at **Attachment 1**.

3. RECOMMENDATION

That Council receives for information the Colac Otway Shire Audit and Risk Committee unconfirmed minutes, dated 22 August 2024.

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 5 December 2024) 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 minutes 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 22 August 2024

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 22 August 2024

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

Thursday 22 August 2024

at 9:00 AM

COPACC

95 - 97 Gellibrand Street, Colac

COLAC OTWAY SHIRE AUDIT AND RISK COMMITTEE MEETING

Thursday 22 August 2024

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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
Thursday 22 August 2024 at 9:00 AM.

MINUTES

1 DECLARATION OF OPENING OF MEETING

2 PRESENT

Cr Margaret White (Mayor)
Cr Max Arnott
Melissa Field (Chair)
John Gavens
Richard Trigg (Online)
John Sutherland (Online)

Anne Howard, Chief Executive Officer
Christine Ferguson, State Appointed Monitor
Steven O'Dowd, Acting General Manager Corporate Services
Doug McNeill, General Manager Infrastructure and Operations
Natasha Skurka, Risk and Insurance Officer
Kanishka Gunasekara, Manager Assets and Engineering
Kendrea Pope, Senior Governance Advisor
Andrew Zavitsanos, Internal Auditor Crowe/Findex
Mark Cervantes, Internal Auditor, Crowe/Findex

3 APOLOGIES

Ian Seuren, General Manager Community and Economy
Nick Bell, RSD Audit

4 DECLARATIONS OF INTEREST

5 CONFIRMATION OF MINUTES

- Audit and Risk Committee Meeting held on 6 June 2024.

Recommendation

That the Audit and Risk Committee confirm the minutes from the Audit and Risk Committee Meeting held on 6 June 2024.

RESOLVED UNANIMOUSLY

6 BUSINESS ARISING FROM THE PREVIOUS MEETING

Nil



Item: 7.1

Chief Executive Officer Update

OFFICER	Anne Howard
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. SIGNED - Instrument of Appointment - Colac Otway Shire monitor - Bill amendments- CMI N-2-24-24020 [7.1.1 - 5 pages]

OUTCOME/ACTION

That the Audit and Risk Committee receives and notes the Chief Executive Officer's report, and acknowledges the results of the 6 month spot audit of the OPASS team where Council was compliant in all areas of the audit.

RESOLVED UNANIMOUSLY



Item: 7.2

Review Local Government Performance Reporting Framework (LGPRF) Changes for 2023-24

OFFICER	Janine Johnstone
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. LGPR F- Practice- Note-18- Changes-to-the-framework-for-2023-24 [7.2.1 - 5 pages]

OUTCOME/ACTION

That the Audit and Risk Committee notes the changes to the LGPRF and the impact of the changes on Council's performance indicators.

RESOLVED UNANIMOUSLY



Item: 7.3

Legislative Compliance Survey - 1 January 2024 to 30 June 2024

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

OUTCOME/ACTION

That the Audit and Risk Committee:

- 1. Receives the results of the January to June 2024 Legislative Compliance Survey.***
- 2. Notes the processes undertaken to ensure that feedback received is shared with senior management and is acted upon.***
- 3. Advises Council to develop a simple flowchart that outlines what happens with the survey results, including risk assessment, consolidation of actions and monitoring.***

RESOLVED UNANIMOUSLY



Item: 7.4

Land and Building Asset Revaluations 2023 - 2024

OFFICER	Kanishka Gunasekara
GENERAL MANAGER	Doug McNeill
DIVISION	Infrastructure and Operations
ATTACHMENTS	1. Land Asset Re- Valuation 2024 [7.4.1 - 11 pages] 2. Buildings Revaluation 2024 [7.4.2 - 23 pages]

OUTCOME/ACTION

That the Audit and Risk Committee receive and note the 2023/24 Land and Buildings Asset Revaluation reports.

RESOLVED UNANIMOUSLY



Item: 7.5

Risk Management - Review Council's risk management framework, risk profile, risk appetite - Operational Risk Register

OFFICER	Mike Summerell
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none">1. Draft - Operational Risk Register - Colac Otway Shire - Second 50% [7.5.1 - 89 pages]2. Revised Risk Matrices - Risk Management Framework [7.5.2 - 4 pages]

OUTCOME/ACTION

That the Audit and Risk Committee:

- 1. Reviews and provides feedback on the process for reviewing Operational Risks.***

RESOLVED UNANIMOUSLY



Item: 7.6

Risk Management: Update on Approach to Business Continuity Plans and Disaster Recovery Plans

OFFICER	Rhassel Mhasho
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. BCP Unit Sub-Plan Template [7.6.1 - 11 pages]

OUTCOME/ACTION

That the Audit and Risk Committee receives this report for information.

RESOLVED UNANIMOUSLY



Item: 7.7
Policy Architecture

OFFICER	Kendrea Pope
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Policy framework, Implementation Guide and Revised review schedule

OUTCOME/ACTION

That the Audit and Risk Committee:

- 1. Notes the policy framework and implementation guide*
- 2. Provide feedback on the implementation program in particular regarding the impact on the current policy review program*
- 3. Note Council will be advised of the proposed approach early in the new term in advance of the first round of policies for adoption, consolidation or revocation.*

RESOLVED UNANIMOUSLY



Item: 1.0 - Out of Session Approval
Recommendation of the Tender Evaluation Panel in regard to Contract 2425: Internal Audit Services

OFFICER	Mike Summerell
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Tender Evaluation Report

OUTCOME/ACTION

That the Audit and Risk Committee:

- 1. Recommends to Council that Findex (Aust) Pty Ltd (FINDEX) is appointed from 5 August 2024 to 4 August 2027 with the possibility of two one-year extensions at the sole discretion of the Council for the total tendered price of \$329,050 (ex GST)***

RESOLVED UNANIMOUSLY



Item: 7.9

Internal Audit Progress Update - Procurement, Workplace Health and Safety, Delegations and Authorisations, Property Management and Cyber Security

OFFICER	Steven O'Dowd
ACTING GENERAL MANAGER	Steve O'Dowd
DIVISION	Executive
ATTACHMENTS	1. COS Internal Audit Implementation Roadmap Tracking Register (1) [7.9.1 - 12 pages]

OUTCOME/ACTION

That the Audit and Risk Committee:

1. *Notes the progress of the Accounts Payable Audit and the recommendations from completed internal audits to date.*

RESOLVED UNANIMOUSLY



Item: 7.10

Meeting Schedule: Set Audit and Risk Committee meeting dates for remainder of 2024 and 2025

OFFICER	Natasha Skurka
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. Draft 2025 ARC Work Plan [7.10.1 - 1 page]

OUTCOME/ACTION

That the Audit and Risk Committee approves the schedule of Audit and Risk Committee meetings as detailed below:

- Thursday 5 December 2024
- Thursday 13 March 2025
- Thursday 5 June 2025
- Thursday 21 August 2025
- Thursday 11 September 2025.
- Changes the 12 September 2024 date to 9 September 2024.
- Incorporates a further date for September meeting to include 19 September.

RESOLVED UNANIMOUSLY



Item: 7.11

Meeting Schedule: Review Audit and Risk Committee 2024 Work Plan

OFFICER	Natasha Skurka
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none">1. 2024 ARC Work Plan [7.11.1 - 2 pages]2. 2024 ARC Work Plan - Schedule for 9 September 2024 meeting [7.11.2 - 2 pages]3. Draft 2025 ARC Work Plan - 5 December 2024 [7.11.3 - 2 pages]4. ARC Meeting Resolutions and Actions December 23 onwards - 22 August 2024 Meeting [7.11.4 - 2 pages]

OUTCOME/ACTION

That the Audit and Risk Committee:

- 1. Notes the updated 2024 Audit and Risk Committee Work Plan at Attachment 1.***
- 2. Notes the items listed in the 2024 Audit and Risk Committee Work Plan for the 9 September and 5 December 2024 meeting at Attachments 2 and 3.***
- 3. Notes the Audit and Risk Committee resolutions and actions since 6 December 2023 at Attachment 4.***

RESOLVED UNANIMOUSLY

The meeting was declared closed at 12.03pm

CONFIRMED AND SIGNED at the meeting held on 9 September 2024.

.....CHAIR

Item: 8.11

Appointment of Audit and Risk Committee Chair and Re-appointment of Independent Member

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

1. PURPOSE

To consider the appointment of the Audit and Risk Committee Chairperson and the reappointment of an Independent Audit and Risk Committee member.

2. EXECUTIVE SUMMARY

The Audit and Risk Committee (ARC) recommends to Council that Melissa Field be re-appointed to the role of Chairperson for the period 1 October 2024 to 30 September 2025.

Further, Independent Member Melissa Field's three-year term is due to expire on 30 November 2024. Melissa advised the Chief Executive Officer and the ARC that she wishes to continue as an Independent Member for a further three years.

3. RECOMMENDATION

That Council:

- 1. Appoints Melissa Field as the Chairperson of the Audit and Risk Committee for a period of twelve months, commencing on 1 October 2024.***
- 2. Reappoints Melissa Field as an Independent Audit and Risk Committee member for a further three years, commencing on 1 December 2024.***

4. KEY INFORMATION

Appointment of Chairperson

In accordance with Council's Audit and Risk Committee Charter:

- The Chair will be appointed by Council resolution.
- In accordance with section 53(4) of the *Local Government Act 2020*, the Chair must be an independent member of the Committee as it must not be a Councillor.
- The Committee will make a recommendation to Council about the appointment of the Chair.
- The Chair must not exceed any two-year continuous period.

Melissa Field, current ARC Chair, has been nominated by the Audit and Risk Committee to continue as Chair for a further one-year period, noting that this further year constitutes her second consecutive year.

Reappointment of Independent Member

Clauses 3.4, 3.21 and 3.26 of Council's Audit and Risk Committee Charter state:

3.4 Independent members will be appointed for an initial period not exceeding three years. Members may be re-appointed for a further period. Members will not be appointed for more than three consecutive terms.

3.21 At the completion of each term of an independent member the position will be made vacant. An outgoing independent member will be eligible to re-nominate for the position, subject to the maximum allowable term.

3.26 The Council will appoint Committee members. In appointing members to the Committee, the Council will consider gender balance.

Melissa Field's initial appointment to the Colac Otway Shire ARC commenced on 1 December 2021. Melissa has re-nominated for a second term of three years, which if approved by Council, will become her second consecutive term.

5. CONSIDERATIONS

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

Audit and Risk Committee meetings relate to the following overarching governance principles:

- 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)

Local Government Act 2020

Colac Otway Shire Audit and Risk Committee Charter.

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. In accordance with the *Local Government Act 2020* and the Audit and Risk Committee Charter, the ARC is required to recommend appointment of the Chairperson to Council.

Public Transparency (s58 LGA 2020)

Both the appointment of the Chairperson and reappointment of Independent Members to the Audit and Risk Committee is by resolution of Council at an 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

Objective 4: We support and invest in our people

Financial Management (s101 Local Government Act 2020)

Not applicable.

Service Performance (s106 Local Government Act 2020)

Not applicable.

Risk Assessment

Not applicable.

Communication/Implementation

Council's decision will be communicated to the Independent Members of the Audit and Risk Committee and auditors.

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 the appointment of Melissa Field as the Chairperson of the Audit and Risk Committee for a period of twelve months, commencing on 1 October 2024 and the reappointment of Melissa Field as an independent Audit and Committee member for a further period of three years, commencing on 1 December 2024

This option is recommended by officers as:

- The Audit and Risk Committee made a recommendation to Council to appoint Melissa Field to the role of Chairperson for the period 1 October 2024 to 30 September 2025, at its meeting held on 9 September 2024.

- Melissa Field is a valued member of the ARC and has provided exceptional service to the Committee. Reappointing Melissa will ensure continuity of knowledge of Council's business.

Option 2 – Does not approve the appointment of Melissa Field as the Chairperson of the Audit and Risk Committee for a period of twelve months, commencing on 1 October 2024 and reappointment of Melissa Field as an independent ARC member for a further three years.

This option is not recommended by officers as this would leave the Audit and Risk Committee without a Chairperson and create the need to recruit an additional Independent Member.

Item: 8.12

Instrument of Appointment and Authorisation - Planning and Environment Act 1987 - Chris (Qiong) Hu

OFFICER	Belinda Rocka
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. S 11 A Instrument of Appointment and Authorisation - Planning and Environment Act 1987 - Chris (Qio [8.12.1 - 1 page]

1. PURPOSE

The purpose of this report is for Council to appoint Chris (Qiong) Hu, Statutory Planner, as an authorised officer under section 147(4) of the *Planning and Environment Act 1987*.

2. EXECUTIVE SUMMARY

The *Planning and Environment Act 1987* (the Act) establishes a framework for planning the use, development, and protection of land in Victoria in the present and long-term interests of all Victorians. Officers are required to undertake assessments, give advice, or investigate various issues in relation to the Act. In order to do this, authorisation under the Act is required.

3. RECOMMENDATION

That Council:

1. ***Appoints Chris (Qiong) Hu as an Authorised Officer pursuant to section 147(4) of the Planning and Environment Act 1987 (refer Attachment 1).***
2. ***Authorises the use of the common seal in accordance with Colac Otway Shire Council's Governance Local Law No 4 – 2020.***

3. *Notes that the Instrument of Appointment and Authorisation comes into force immediately the common seal of Council is affixed to the instrument and remains in force until Council determines to vary or revoke them.*
4. *That the common seal is affixed to the Instrument of Appointment and Authorisation when Chris (Qiong) Hu commences employment with Council.*

4. KEY INFORMATION

The Act sets out procedures for preparing and amending the Victoria Planning Provisions and planning schemes. It also sets out the process for obtaining permits under schemes, settling disputes, enforcing compliance with planning schemes and permits, and other administrative procedures.

Various staff members within Council's Planning and Strategic Focus team are required to undertake assessments, give advice, or investigate various issues in relation to the Act. In order to undertake these assessments legally, particularly during issues of noncompliance, authorisation under the Act is required.

The officer nominated to be appointed as an Authorised Officer under the Planning and Environment Act 1987 has been employed to fulfil specific roles and responsibilities as documented in their position description. Their experience and capabilities that enable them to fulfil their duties have been assessed through the recruitment process, and accordingly they are deemed to be suitable for appointment as an Authorised Officer.

Legal advice recommends authorised officers be appointed by Council using an instrument to address specific authorisation provisions of s 147(4) of the Act versus the broader authorisations of section 224 of the Local Government Act 1989.

Chris (Qiong) Hu is scheduled to commence employment at Council on 16 September 2024. Due to the upcoming Election Period it was necessary to seek a resolution for this Instrument at this meeting. Delaying until the next Council meeting in the new term would impact on Chris being able to effectively perform his role as a Statutory Planner without this authorisation.

5. CONSIDERATIONS

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

The overarching governance principles are: a) Council decisions are to be made and actions taken in accordance with the relevant law. b) the municipal community is to be engaged in strategic planning and strategic decision making. c) innovation and continuous improvement is to be pursued. d) regional, state, and national plans and policies are to be taken into account in strategic planning and decision making. e) the transparency of Council decisions, actions and information is to be ensured.

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

Planning and Environment Act 1987.

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

Financial Management (s101 Local Government Act 2020)

Not applicable.

Service Performance (s106 Local Government Act 2020)

Not applicable.

Risk Assessment

Not applicable.

Communication/Implementation

The attached Instruments of Appointment and Authorisation (Planning and Environment Act 1987) come into force immediately upon execution.

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 – Appoint the Officer as an Authorised Officer This option is recommended by officers as various staff members within the Planning and Strategic Focus team are required to undertake assessments, give advice, or investigate various issues in relation to the Act. In order to undertake these assessments legally, particularly during issues of non-compliance, authorisation under the Act is required.



Colac Otway Shire Council

Instrument of Appointment and Authorisation

(Planning and Environment Act 1987 only)

In this instrument "**officer**" means -

Chris (Qiong) Hu

By this instrument of appointment and authorisation Colac Otway Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and

It is declared that this instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the Colac Otway Shire Council on 11 September 2024

The COMMON SEAL of Colac Otway Shire)
Council was hereunto affixed in accordance)
with Local Law 4)

Anne Howard

Chief Executive Officer

Date:

Item: 8.13

Report of Informal Meeting of Councillors

OFFICER	Council Business
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none"> 1. Informal Meeting of Councilors - Pre Council Meeting 24 July 2024 [8.13.1 - 3 pages] 2. Informal Meeting of Councillors Record - Colac Regional Saleyards Advisory Committee Meeting 26 07 2 [8.13.2 - 1 page] 3. Informal Meeting of Councillors Record - Colac Municipal Aerodrome Advisory Committee Meeting 29 Jul [8.13.3 - 1 page] 4. Informal Meeting of Councillors Record - Site Visit - 173 Hart Street - 6 Aug 2024 [8.13.4 - 1 page] 5. Informal Meeting of Councilors - 7 August 2024 Councillor Briefing [8.13.5 - 2 pages] 6. Informal Meeting of Councillors Record - CEOEMAC Meeting - 7 August 2024 [8.13.6 - 2 pages] 7. Informal Meeting of Council - Councillor Briefing Meeting 14 August 2024 [8.13.7 - 2 pages] 8. Informal Meeting of Councilors - Unscheduled Council Meeting Prep 14 August 2024 [8.13.8 - 2 pages] 9. Informal Meeting of Councilors - 21 August 2024 [8.13.9 - 3 pages]

This item was deferred by Council at the 28 August 2024 Council meeting to be considered at the Unscheduled Council meeting 11 September 2024.

1. PURPOSE

To report the Informal Meetings of Councillors.

2. EXECUTIVE SUMMARY

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*
- 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.

3. REPORTING

The Informal Meetings of Councillors reported are:

1. Council Meeting Preparation	24 July 2024
2. Colac Regional Saleyards Advisory Committee Meeting	26 July 2024
3. Colac Municipal Aerodrome Advisory Committee Meeting	29 July 2024
4. Councillor Site Visit – 173 Hart Street	6 August 2024
5. Councillor Briefing	7 August 2024
6. CEO Employment Matters	7 August 2024
7. Councillor Briefing	14 August 2024
8. Unscheduled Council Meeting Preparation	14 August 2024
9. Councillor Briefing	21 August 2024

4. KEY INFORMATION

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

1. Council Meeting Preparation	24 July 2024
2. Colac Regional Saleyards Advisory Committee Meeting	26 July 2024
3. Colac Municipal Aerodrome Advisory Committee Meeting	29 July 2024
4. Councillor Site Visit – 173 Hart Street	6 August 2024
5. Councillor Briefing	7 August 2024
6. CEO Employment Matters	7 August 2024
7. Councillor Briefing	14 August 2024
8. Unscheduled Council Meeting Preparation	14 August 2024
9. Councillor Briefing	21 August 2024

5. OFFICER GENERAL OR MATERIAL INTEREST

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



Informal Meeting of Councillors Record

Pre-Council Meeting Preparation

Date: 24 July 2024

Time: 2.00pm

Meeting Location: Meeting Rooms 1 and 2, COPACC

Invitees:
Cr Max Arnott, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Anne Howard, Steve O'Dowd, Doug McNeill, Ian Seuren, Mike Summerall, Kendrea Pope, Christine Ferguson
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, Steve O'Dowd, Ian Seuren, Mike Summerall, Kendrea Pope, Micha Nuske, Dylan Lane, Christine Ferguson, Helen Evans, Darren Rudd, Cameron Duthie
External attendees:
Nil
Apologies:
Doug O'Neill
Absent:
Nil

Meeting Commenced at: 2.06pm

Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Anne Howard	General	Item No 9.5 Request to Discontinue Road Reserve and consolidate into 80a Hart Street Colac & Notice of intention to dispose of the consolidated land.	Close proximity to own place of residence
Cr Kate Hanson	General	Item No 9.13 Award of Contract 2425 – Provision of Internal Audit Services	Former employee – still friends with people that work there



Pre-Council Meeting Preparation 24 July 2024 (continued)		
Time	Item	Attendees
2.06pm -	Item No 9.1 - Community Asset Committees - New members and Proposed Renaming of Apollo Bay Senior Citizens Centre	
2.14pm	Item No 9.2 - Designation of an Apollo Bay Bushfire Place of Last Resort	
2.19pm	Item No 9.3 - Consideration of Submissions - Proposed Kennett River Speed Limit Changes	
2.50pm & 3.25pm	Item No 9.4 - Use and Development of a Special Class Broiler Farm, Use and Development of 4 Dwellings and associated works at 320 Mooleric Road Birregurra PP159/2023-1	Helen Evans Darren Rudd
3.01pm	Item No 9.5 - Request to Discontinue Road Reserve and consolidate into 80aHart Street Colac & Notice of intention to dispose of the consolidated land.	
2.33pm	Item No 9.6 - Safer Local Roads & Streets Program - Potential Projects	
2.34pm	Item No 9.7 - Elliminyt Recreation Reserve Pavilion Redevelopment - proposed funding application to Housing Support Program	
2.36pm	Item No 9.8 - Donaldson Street Park Redevelopment - proposed funding application to VicHealth's Growing Healthy Communities Grant Program	
2.37pm	Item No 9.9 - Adoption of Revised Governance Rules	
3.09pm	Item No 9.10 - Adoption of Revised Procurement Policy	
3.10pm	Item No 9.11 - Adoption of Revised Complaints Policy	
3.11pm	Item No 9.12 - Award of Contract 2304 - Cleaning Services Cr Kate Hanson attend meeting – 3.17pm	
3.46pm	Item No 9.13 - Award of Contract 2425 - Provision of Internal Audit Services	
3.46pm	Item No 9.14 - Local Government Liability Insurance Renewal	



3.46pm	Item No 9.15- Proposed amendment to SES lease, Wilson Street Colac	
3.46pm	Item No 9.16 - Lake Colac Advisory Committee - Terms of Reference	
3.46pm	Item No 9.17 - Geelong Regional Library Corporation Alternate Business Enterprise Model	
3.47pm	Item No 9.18 - Mayoral Election Meeting 2024	
3.47pm	Item No 9.19 - Revocation of Waterway Manager Instrument of Delegation	
3.47pm	Item No 9.20 - Revocation of Port Manager Instrument of Delegation	
3.48pm	Item No 9.21 - Audit and Risk Committee Meeting - Unconfirmed Minutes - 6 June 2024	
3.48pm	Item No 9.22 - Report of Informal Meeting of Councillors	
3.49pm	Item No 9.23 - Rate Revenue by Geographic Area 2023-24 and 2024-25	
3.50pm	Meeting Closed	

Informal Meeting of Councillors Record

This form must be completed by the attending Council Officer and the completed form must be provided to governance@colacotway.vic.gov.au 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: Colac Regional Saleyards Advisory Committee Meeting

Date: 26/07/2024 **Time:** 9 am

Meeting Location: Colac Regional Saleyards Canteen

Matter/s Discussed: Camperdown Saleyards, Draft Terms of Reference, Round Bale Fees, OH&S, General Business.

In Attendance:

Councillors:

Cr Tosh-Jake Finnigan

Officers:

James Myatt – Manager Business Enterprise & Improvement
Glenn Fraser – Saleyard Operations Coordinator
Laurie Sharp – Saleyard Maintenance Officer

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	Choose an item.	am / pm	am / pm

Completed by: James Myatt – Manager Business Enterprise & Improvement

Informal Meetings of Councillors Records

An Informal Meetings of Councillors record must be completed for the following meetings:

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: Colac Municipal Aerodrome Advisory Committee Meeting

Date: 29/07/2024 **Time:** 9:30 am

Meeting Location: Colac Municipal Aerodrome

Matter/s Discussed: Nomination of Chair, Runway Lighting Project Update, New Hangar Development EOI, Fire Season Preparation, OH&S, Maintenance.

In Attendance:

Councillors:
Cr Chris Potter
Officers:
James Myatt – Manager Business Enterprise and Improvement

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	Choose an item.	am / pm	am / pm

Completed by: James Myatt – Manager Business Enterprise and Improvement

Informal Meetings of Councillors Records

An Informal Meetings of Councillors record must be completed for the following meetings:

- An internal advisory committee meeting where the minutes are not reported to a Council meeting (Central Reserve Advisory Committee, Colac Regional Saleyards Advisory Committee, Friends of the Colac Botanic Gardens Advisory Committee, Colac Municipal Aerodrome Advisory Committee and Lake Colac Co-ordinating Committee)

D20/214663 (form template updated 24 October 2020)

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: Councillor site visit _____

Date: 6/08/2024 **Time:** 3.15 _____ am / pm

Meeting Location: 173 Hart Street, Colac and 80a Hart Street _____

(eg. COPACC; Colac Otway Shire Offices – 2-6 Rae Street, Colac; Shire Offices – Nelson Street, Apollo Bay)

Matter/s Discussed: Planning application PP139/2023-1 and 80a Hart Street _____

Note: during the scheduled site visit to 173 Hart Street, Cr Hart asked if I could also look at 80a Hart Street with him and Cr Potter. His particular interest was in the small rear section of the dog-leg shaped lot. (Cr Arnott did not go to 80a Hart Street.)

(eg. Discussions with property owners and/or residents; Planning Permit Application No. xxxx re proposed development at No. xx Pascoe Street, Apollo Bay; Council Plan steering committee with Councillors and officers.)

In Attendance:

Councillors:
Cr. Potter Cr. Hart Cr. Arnott
Officers:
Bláithín Butler Vikram Kumar Suk Gurung

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
	Choose an item.	am / pm	am / pm
	Choose an item.	am / pm	am / pm
	Choose an item.	am / pm	am / pm

Completed by: Bláithín Butler _____



Informal Meeting of Councillors Record

Councillor Briefing

Date: 7 August 2024

Time: 2.00pm

Meeting Location: Meeting Rooms 1 and 2, COPACC

Invitees:

Cr Max Arnott, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Anne Howard, Steven O'Dowd, Doug McNeill, Ian Seuren, Mike Summerell

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, Doug McNeill, Ian Seuren, Rikk Price, Mike Summerell, Rowan Mackenzie, James Myatt, Fiona Maw

External attendees:

Nil

Apologies:

Steve O'Dowd

Absent:

Meeting Commenced at: 2.01pm

Declarations of Interest:

Name	Type of Disclosure	Item	Reason
NIL			



Council Briefing Meeting – 7 August 2024 (continued)		
Time	Item	Attendees
2.01pm – 2.25pm	Item No 9.1 - Meredith Park Management Options	Rowan McKenzie
2.25pm – 2.46pm	Item No 9.2 - Tirrengower Drainage Scheme - Review of Committee	
2.46pm – 3.09pm	Item No 9.3 - Lake Colac Holiday Park Lease	James Myatt
3.09pm – 3.47pm	Colac Visitor Servicing Options Cr Finnigan left the meeting at 3.37pm and returned to the meeting at 3.45pm Cr Hart left the meeting at 3.44pm and returned to the meeting at 3.49pm	James Myatt Fiona Maw
3.47pm – 3.53pm	General Business Story in The Age Newspaper about land and houses on Pound Rd. Councillors asked about Fenced area Pound Rd – Dog Park? Councillors asked about Irrewillipe Recreation Reserve Ground and project expenditure for the Pavilion.	
FIO	Item No 9.4 - Irrewillipe Recreation Reserve Pavilion Design	
3.53pm	Meeting Closed	



Informal Meeting of Councillors Record

Other (CEOEMAC)

Date: 7 August 2024

Time: 4.00pm

Meeting Location: Meeting Rooms 1, COPACC

Invitees:
Cr Max Arnott, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Anne Howard (part of meeting), Mike Summerell. Bill Millard (Chair)
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, Mike Summerell. Bill Millard (Chair)
External attendees:
Bill Millard (Independent Chair)
Apologies:
Nil
Absent:

Meeting Commenced at: 4.10pm

Declarations of Interest:

Name	Type of Disclosure	Item	Reason
NONE			



CEOEMAC Meeting – 7 August 2024 (continued)		
Time	Item	Attendees
4:10pm	Opening of Meeting	All (apart from Anne Howard)
4.11pm	Acknowledgement of Traditional Owners	All (apart from Anne Howard)
4.12 pm	Attendance	All (apart from Anne Howard)
4.12 pm	Confirmation of Minutes	All (apart from Anne Howard)
4.13pm	Priority Tasks	All (apart from Anne Howard)
4.15 pm	CEO Presentation	All
5.20 pm	Councillor and Council Assessment of CEO Performance	All (apart from Anne Howard)
6.15 pm	Review of CEO Remuneration	All (apart from Anne Howard)
6.30 pm	Next Steps	All (apart from Anne Howard)
	Meeting Closed	6.35pm



Informal Meeting of Councillors Record

Councillor Briefing

Date: 14 August 2024

Time: 12.30pm

Meeting Location: Meeting Rooms 1 and 2, COPACC

Invitees:

Cr Max Arnott, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Anne Howard, Steven O'Dowd, Doug McNeill, Ian Seuren, Mike Summerell

Attendees:

Cr Graham Costin, Cr Stephen Hart, Cr Chris Potter, Cr Max Arnott, Anne Howard, Doug McNeill, Ian Seuren, Steve O'Dowd, Mike Summerell, Kendrea Pope, Andrew Tenni (Video Conference) Cameron Duthie, Daniel Roberts, Dora Novak, Lauren Hester, James Myatt

External attendees:

Nil

Apologies:

Cr Margaret White (Mayor)

Absent:

Cr Kate Hanson, Cr Tosh Jake-Finnigan

Meeting Commenced at: 12.40pm

Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Ian Seuren	General	Item 1.4 Aged Care Review - Confirming Service Offering	Family member receives services



Council Briefing Meeting – 14 August 2024 (continued)		
Time	Item	Attendees
12.40pm – 12.57pm	Item No 1.1 - Saleyards Service Review and Committee ToR	James Myatt
12.57pm – 1.16pm	Item No 1.2 - Consideration of Submissions - Draft Botanic Gardens Master Plan	Cameron Duthie Daniel Roberts
1.16pm – 1.42pm	Item No 1.3 - Consideration of Submissions - Draft Nature Strip Policy and Guidelines Cr Hart left the room at 1.28pm and returned to the meeting at 1.31pm	Dora Novak
1.42pm – 2.09pm	Item No 1.4 - Aged Care Review - Confirming Service Offering	Lauren Hester Andrew Tenni (Videoconference)
2.09pm – 2.30pm	Councillor only time	
2.30pm	Meeting Closed	



Informal Meeting of Councillors Record

Unscheduled Council Meeting Preparation

Date: 14 August 2024

Time: 2.30pm

Meeting Location: Meeting Rooms 1 and 2, COPACC

Invitees:
Cr Max Arnott, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Anne Howard, Steven O'Dowd, Doug McNeill, Ian Seuren, Mike Summerell
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, Doug McNeill, Ian Seuren, Steve O'Dowd, Mike Summerell, Kendrea Pope
External attendees:
Nil
Apologies:
Cr Margaret White (Mayor)
Absent:
Nil

Meeting Commenced at: 2.39pm

Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Cr Hart	General	Item 7.6 – Advocacy & Priority Projects	Residential Amenity



Unscheduled Council Meeting Preparation – 14 August 2024 (continued)		
Time	Item	Attendees
2.39pm	Item No 7.1 - PP139/2023-1 – 173 Hart Street COLAC – Use and Development of a Childcare Centre (Note – This item was moved to the 28 August Council Meeting)	
	Item No 7.2 - Project Budget Adjustments and Cash Reserve Transfers - for end June 2023-24	
	Item No 7.3 - Draft Lake Colac Path Feasibility Study	
	Item No 7.4 - Colac Visitor Servicing Review	
	Item No 7.5 - Lake Colac Holiday Park Lease	
	Item No 7.6 - Advocacy and Priority Projects	
	Item No 7.7 - Award of Contract 2426 - Strachan Street Reconstruction	
	Item No 7.8 - Award of Contract 2418 - Landslip Rehabilitation Works	
	Item No 7.9 - Instrument of Appointment and Authorisation - Planning and Environment Act 1987 - Thomas Milverton	
3.00pm	Meeting Closed	



Informal Meeting of Councillors Record

Councillor Briefing

Date: 21 August 2024

Time: 12.30pm

Meeting Location: Meeting Rooms 1 and 2, COPACC

Invitees:

Cr Max Arnott, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Anne Howard, Steven O'Dowd, Doug McNeill, Ian Seuren, Christine Ferguson

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, Doug McNeill, Ian Seuren, Steven O'Dowd, Rhassel Mhasho, Simon Clarke, Darren Rudd, James Myatt, Cameron Duthie, Daniel Roberts, Kanishka Gunasekara, Nicole Frampton, Lyndal McLean, Richard Russell, Christine Ferguson

External attendees:

Dr Rob Van der Ree, Technical Executive Ecology

Apologies:

Absent:

Nil.

Meeting Commenced at: 12.38pm

Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Nil			



Council Briefing Meeting – 21 August 2024 (continued)		
Time	Item	Attendees
12.38pm – 1.10pm	Item No 1.1 Landfill Rehabilitation Obligations Cr Potter left the meeting at 1.01pm	Rhassel Mhasho Richard Russell
1.10pm – 1.15pm	Item 1.2 Purchase of part of the Lake Colac School site for road reserve to implement the Colac West Development Plan	Simon Clarke Darren Rudd
1.15pm – 1.19pm	Item 1.3 Review of Investment Policy	
1.19pm – 2.03pm	Item 1.4 Saleyards Review and Committee ToR Cr Hanson attended the meeting at 1.24pm	James Myatt
2.07pm – 2.32pm	Councillor Only Time	
2.32pm – 3.20pm	Item 1.5 Grey Headed Flying Fox Management Plan Update Cr Finnigan left the meeting at 2.51pm, returned at 2.58pm Cr Potter returned to the meeting at 3pm Cr Hanson left the meeting at 3.07pm, returned at 3.14pm	Cameron Duthie Daniel Roberts
3.20pm – 4.03pm	Item 1.6 McMinns Bridge - Access Issues	Kanishka Gunasekara
4.03pm – 4.08pm	Item 1.7 Lake Colac Advisory Committee - appointment of community representatives	
4.08pm – 4.25pm	Item 1.8 Irrewillipe Recreation Reserve Pavilion Design Cr Hanson left the meeting at 4.21pm and did not return	Nicole Frampton Lyndal McLean
4.25pm – 4.38pm	Item 1.9 Connected Communities - Funding Opportunities Cr Arnott left the meeting at 4.28pm and did not return	Nicole Frampton Lyndal McLean
4.38pm – 4.52pm	General Business Planning Scheme Review – will not be presented to a briefing. Proceed to Council Meeting on 28 August 2024.	



Council Briefing Meeting – 21 August 2024 (continued)

	Kennett River Action Group – Requesting a meeting with councillors.	
FIO	Item 1.10 Forrest Wastewater Project	
FIO	Item 1.11 Electric vehicle Charging Station Licence Request - NRMA	
4.52pm	Meeting Closed	

Item: 9.1

G21 Canberra Delegation - Cr Margaret White (Mayor)

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

1. PURPOSE

To report to Council on the Mayor's attendance at the G21 Canberra Delegation 2024

2. REPORT FROM DELEGATE

The Mayor attended the G21 Delegation to the Federal Government at Parliament House on Thursday 27 June 2024. This is an annual advocacy event which Colac Otway Shire Council supports as a member of the G21 Geelong Region Alliance. A series of meetings were held with Ministers, Shadow Ministers and Senior Advisors throughout the day. Discussions were held on regional issues relevant to G21 including Infrastructure in the region, Tourism, Housing Initiatives, funding needs relevant to Regional Projects and Future Growth.

Feedback provided to the G21 Alliance was productive and positive – noting that G21 is '*pioneer of council grouping – looked upon as the best model anywhere in Australia*' (Per G21 Summary Notes – attributed to Hon Richard Marles, Deputy Prime Minister and Minister for Defence).

Further actions to arise from the meetings – included requests for further information from the G21 group - around tourism numbers in the regions, housing development projections, priority project plans, Avalon airport developments and water management volumes.

Three priorities were raised by G21 Mayors and CEO's - in the meeting with Hon Richard Marles & Libby Coker – a dedicated housing strategy for the region to meet demand; Avalon employment, freight and tourism precinct; and Barwon Water's Alternative Water Grid. Noting that these priorities are to be discussed with G21 Board and other advocacy groups to secure approval.

Of the 15 scheduled meetings, 13 discussions were held with the Delegation. Several Ministers are keen to visit the region following on from the meetings – including the Hon. Kristy McBain, (Minister for Regional Development, Local Government), Hon Michael Sukkar, (Shadow Minister for Social Services, NDIS, Housing and Homelessness), Hon. Darren Chester, (Shadow Minister for Regional Development, Local Government and Territories) and Perin Davey, (Shadow Minister for Water, Emergency Management).

Summary of the Ministers and Advisors who met with the G21 Delegates

1	Hon. Kristy McBain, Minister for Regional Development, Local Government
2	Tom Zed, Senior Advisor to Hon. Don Farrell, Minister for Trade and Tourism
3	Hon Michael Sukkar, Shadow Minister for Social Services, NDIS, Housing and Homelessness
4	Hon. Catherine King, Minister for Infrastructure, Transport, Regional Development and Local Government Member for Ballarat
5	Hon. Sussan Ley, Deputy Leader of the Opposition, Shadow Minister for Industry, Skills and Training, Hon. Dan Tehan Shadow Minister for Immigration and Citizenship - Member for Wannon, Hon. Sarah Henderson, Senator for Victoria
6	Hon. Jonathon Duniam, Shadow Minister for Environment, Fisheries and Forestry. (Note: meeting not held)
7	Tom Skladzien, Senior Adviser to Hon. Chris Bowen, Minister for Climate Change and Energy
8	Hon. Darren Chester, Shadow Minister for Regional Development, Local Government and Territories
9	Kylie Jensen, Senior Adviser, The Hon Brendan O'Connor
10	Perin Davey, Shadow Minister for Water, Emergency Management
11	Simone McDonnell, Senior Adviser to Hon. Murray Watt, Minister for Emergency Management, Agriculture, Fisheries and Forestry
12	Hon. Richard Marles, Deputy Prime Minister and Minister for Defence. Member for Corio
13	Libby Coker, Member for Corangamite
14	Hon. Kevin Hogan, Shadow Minister for Trade and Tourism (Note: This meeting cancelled as prior meeting went over time)
15	Bella Fountain, Senior Adviser Hon. Julie Collins, Minister for Housing, Homelessness and Small Business

CLOSED SESSION

RECOMMENDATION

That pursuant to the provisions of Section 66 of the Local Government Act 2020, the meeting be closed to the public and Council move into Closed Session in order to deal with:

SUBJECT	REASON	SECTION OF ACT
<i>Minutes of the Closed Session Council Meeting held on 24 July 2024</i>	This matter deals with confidential meeting information, being records of meetings closed to the public under section 66(2)(a).	Section 3(1)(h)
<i>Formal Consideration of 2024/25 CEO Performance Plan</i>	This matter deals with personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.	Section 3(1)(f)
<i>Best Value Review of Aged and Disability Services – Final Report</i>	This matter deals with Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Section (1)(a)