



COUNCIL MEETING

AGENDA

Thursday 24 June 2021

at 4:00 PM

COPACC

95 - 97 Gellibrand Street, Colac

Next Council Meeting: 28 July 2021



COLAC OTWAY SHIRE COUNCIL MEETING

Thursday 24 June 2021

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COLAC OTWAY SHIRE COUNCIL MEETING

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

AGENDA

1 DECLARATION OF OPENING OF MEETING

OPENING PRAYER

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

AMEN

2 PRESENT

3 APOLOGIES AND LEAVES OF ABSENCE

4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

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

RECORDING AND PUBLICATION OF MEETINGS

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

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

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

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

5 QUESTION TIME

A maximum of 30 minutes is allowed for question time. To ensure that each member of the gallery has the opportunity to ask questions, it may be necessary to allow a maximum of two questions from each person in the first instance. You must ask a question; if you do not ask a question you will be asked to sit down and the next person will be invited to ask a question. Question time is not a forum for public debate or statements.

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

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

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

7 PETITIONS / JOINT LETTERS

Nil

8 DECLARATIONS OF INTEREST

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

9 CONFIRMATION OF MINUTES

- **Ordinary Council Meeting held on 24 May 2021.**
- **Special Council Meeting held on 16 June 2021.**

RECOMMENDATION

That Council confirm the minutes of the:

- ***Council Meeting held on 24 May 2021; and***
- ***Special Council Meeting held on 16 June 2021.***

Item: 10.1

Deliberative Community Engagement Panel Recommendations

OFFICER	Tamzin McLennan
GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services
ATTACHMENTS	Nil
PURPOSE	To brief Council on the deliberative community engagement panel's recommendations

1. EXECUTIVE SUMMARY

In line with the requirements of the *Local Government Act 2020*, during May 2021, Council undertook a deliberative community engagement process to inform the development of our Community Vision and Council Plan. The deliberative engagement process will also inform Council's Municipal Health and Wellbeing Plan (MHWBP), 10-year Asset Plan and 10-Year Financial Plan.

The deliberative community engagement took the form of a randomly-selected community panel of 24 people, which met three times in person and three times online to explore a range of key challenges faced by Council and produce recommendations.

Prior to the community panel being established, officers undertook a comprehensive community engagement process which involved:

- A Regional Roadshow of drop-in sessions at 12 locations across our shire including public halls, community markets, busy business centres and events/meetings.
- Two online drop-in sessions.
- A community survey which was available online and in hard copy. The survey attracted more than 600 responses.
- 18 stakeholder interviews with key community, business and agency partners.
- A youth summit involving 49 students representing local secondary schools.
- Focussed engagement with our health and community services sector to inform our MHWBP.

Panel participants reported that their involvement in the deliberative engagement process was an overwhelmingly positive experience which has helped them develop a deeper understanding of their Council and local community. Council officers worked closely with panel members to inform them in detail about Council's operations, and the panel worked diligently to understand Council's challenges and opportunities, pass a filter of community knowledge over the information and deliberate and debate to produce informed recommendations.

This paper provides the context to support a delegation of people from our community panel to present the panel's findings to the June 24 Ordinary Council Meeting.

2. RECOMMENDATION

That Council:

- 1. Receives the recommendations from the deliberative panel appointed to inform the development of the 2050 Community Vision, Council Plan, Municipal Health and Wellbeing Plan, 10-Year Asset Plan and 10-Year Financial Plan.***
- 2. Thanks all panellists for the time, expertise and dedication they brought to the task.***
- 3. Commits to considering the panel's advice and incorporating recommendations into the Community Vision, Council Plan and Municipal Health and Wellbeing Plan where possible.***

3. KEY INFORMATION

Why Council undertook deliberative engagement

The *Local Government Act 2020* included a new requirement to undertake deliberative community engagement to inform the development of a Community Vision, Council Plan, 10-year Asset Plan and 10-Year Financial Plan. Because Council has chosen to combine its Municipal Health and Wellbeing Plan (MHWBP) with the Council Plan, this too has been included in the deliberative engagement process.

The key qualities of deliberative community engagement are that a representative group of people are given adequate time, information and support to debate, weigh competing viewpoints, make trade-offs and generate recommendations to inform public decision making.

How the panel was recruited

The panel was recruited over the phone via an independent recruitment company, using Council's ratepayer database. Council set its stratification goals (i.e. the demographic makeup of the panel) as follows:

- 12 panel members from the Colac/Elliminyt geographic area of the Colac Otway Shire
- Three panel members from the rural north geographic area of the Colac Otway Shire
- Three panel members from the rural south geographic area of the Colac Otway Shire
- Six panel members from the coastal geographic area of the Colac Otway Shire.

In addition to the geographic spread, Council also aimed to achieve a representative sample according to the following demographic goals:

- Age range (18 up)

- Gender
- Education level
- Household type
- Job type/employment status
- Cultural background
- Disability
- Renters/homeowners/non-resident ratepayers.

Due to time constraints, Council's consultants had three weeks to recruit the panel and seek commitment from members to attend all meetings. The final panel went close to representing Council's adopted criteria and throughout the panel process, the group focussed on thinking broadly about the shire as a whole.

What our panel looked like

The panel was made up of people who brought a diverse range of life, career and community experiences to the table. There were stay-at-home mums, retirees, former military personnel, a builder, a full-time carer, local businesspeople, a taxi driver, farmers, cleaners, carers, and a range of professionals including an architect and land developer, financial planner, administrator and mortgage broker. Three panellists were born in countries other than Australia, one identified as Aboriginal and another identified as Torres Strait Islander. Several other panellists have parents who were born in other countries including Scotland, Hungary and the UK.

How the panel worked

The panel process began with online meetings that were dedicated to:

- Orientation and familiarising panel members with the deliberative process.
- Reviewing and discussing the feedback obtained during the broad participatory community engagement stage.
- Discussing and brainstorming priorities to include in a community vision.

The panel met for three consecutive Sundays in May, with most of that time dedicated to discussing and deliberating on the Council's proposed remit and three key questions, also known in deliberative engagement as 'dilemmas'. These are outlined below.

The panel's remit

All deliberative panel processes involve the consideration of a remit. The purpose of a remit is to represent the core of the issue at hand, and provide a strong, open platform for discussion about trade-offs involved in the recommendations a panel ultimately puts forward. This remit was developed in consultation with Councillors:

"Council Plans and Community Visions set direction for Council. The reality is that we can't do everything. We want to ensure our strategic planning reflects what is most important to the future of our community. What should Council focus on in the next four years and out to 2050?"

Key questions or 'dilemmas' for the panel to deliberate on

Council also proposed three specific questions to the panel, which related to some of the key emerging challenges for Council. These questions were informed by the feedback Council received during the broad participatory phase of engagement, and was developed in consultation with Councillors.

1. We value and respect our beautiful natural environment, and we also live in an area that is increasingly at threat of emergencies such as bushfires, coastal inundation, drought, heatwave and flooding. *What should Council's role and priorities look like in the climate action space?*
2. Council provides more than 100 different services to the community, and maintains assets and infrastructure worth more than \$400 million. However, we are not able to generate enough income to maintain services and assets at their current levels ongoing. *What are the most important assets and services that Council provides, and if changes have to be made to service levels, how can they be prioritised? Are there ways Council can lower the cost of managing assets and services?*
3. Demand for houses to buy and rent in the Colac Otway Shire has been increasing since the completion of the Princes Highway duplication, and the market has become even tighter since the COVID pandemic as city dwellers look to permanently relocate to regional Victoria. This has resulted in housing affordability issues, with low-income workers in particular struggling to find accommodation. Along the coast, this has been further exacerbated by the amount of holiday home owners who have chosen to make their seaside homes their permanent places of residence, or renting them out on the Air B&B platform. *What sort of options should Council explore to ensure housing is available and affordable to our community? How might our approach in Colac differ from our approach along the coast or in our small towns?*

The panel's recommendations

The community panel made five sets of recommendations, being:

- Broad principles.
- Over-arching recommendations.
- Housing recommendations (including recommendations for advocacy).
- Environment recommendations (including recommendations for advocacy).
- Assets and services recommendations. These recommendations included advice on a decision-making matrix that can assist Council with making complex decisions around asset and service provision.

Each individual recommendation was thoroughly workshopped and finessed then taken to a vote. The panel agreed at the start of the process that all recommendations must receive a minimum of 80 per cent support to be adopted. A majority of recommendations received 100 per cent support.

The panel has nominated a delegation to present its findings at Council's June 24 Ordinary Council Meeting. Below is a copy of the panel's recommendations. There will be opportunities at the June OCM for Councillors to ask questions of the panel delegation.

PANEL RECOMMENDATIONS

Broad principles

Economy

- Encourage investment and funding in the economy.
- Make the shire a destination, not a gateway.
- Leverage the tourist potential (incl indigenous and pioneer history).
- Encourage and reward a culture of innovation (business, farming, tourism). Make innovation easier.

Environment

- Consider impact on the environment and environmental sustainability in all decision making.
- Celebrate and promote our unique natural assets.

Community

- Provide a range of opportunities for young people so those that want to can stay, and those that leave for education, travel or work want to come back to the shire.
- Provide housing and land options to enable our community to grow.
- Maximise efficient use of community assets.
- Improve education, health and wellbeing outcomes.
- Ensure the safety and connectivity of our community is at the heart of decision-making.

Over-arching recommendations

1. Council to develop a Strategic Growth Plan for growth across the shire. This will consider all aspects of growth, including assets and services, infrastructure, housing, and environmental sustainability. In developing a Strategic Growth Plan the following needs to be considered/actioned:
 - Improve advocacy and leadership.
 - Working with other authorities and land use.
 - Drive improved education, health and wellbeing outcomes.
 - Less red tape: facilitate development and streamline planning processes.
 - More resources to enable planning, e.g. infrastructure analysis to ensure good quality.
 - Good management: need a can-do, progressive attitude and efficient procedures.
2. Council to invest in resources and skills in grant writing and lobbying to leverage additional funds.

Housing recommendations

1. Council to make the planning process more user-friendly, including educating the community about the different options available.
2. Council to re-zone more land for housing development and facilitate the development of existing residential zoned areas.
3. Explore a greater diversity of housing options, especially in Colac, Elliminyt and Apollo Bay, so that there is a range of higher density, smaller block size including community housing, multi-level, tiny houses, granny flats, etc options available.
4. Update the small town and coastal housing strategy 2011.

Housing advocacy recommendations

5. Council to advocate for innovative design approaches and principles, e.g. more sustainable housing options.
6. Council to advocate for more transport and accommodation options for workers:
 - a. so that people can live in one area and travel more easily to work in another area (e.g. along the coast). This may be provided by state government or collectives of local business.
 - b. Provide temporary housing for industry workers.

Environment recommendations

1. Council to lead by example, modelling innovation and best practice, e.g. zero emissions, electric vehicle fleet, waste management (recycling, use of recycled materials, waste to energy opportunities).

2. Educate and encourage the community and businesses to adopt sustainable living, environmentally friendly building, insulation, solar/alternative resources and water management.
3. Consult with indigenous people as appropriate i.e. historical land management.
4. Implement an active transport strategy that includes a bike path strategy.
5. Green the towns, e.g. by asking people to sponsor and plant trees (could have a plaque with their name on).
6. Ensure the emergency management strategy is responsive to the challenges of climate change.
7. Develop a strategy to maximise the efficient use of water and drought-proof the shire.

Environment advocacy recommendations

8. Advocate to state government for:
 - a. incentives/subsidies toward energy star rating for industry/business/domestic.
 - b. A masterplan for Lake Colac to clean up, improve and streamline control and management of lake.
 - c. Maintain the Great Ocean Road and protect coastal towns including Apollo Bay from sea level rise and coastal inundation.

Assets and services recommendations

Maximise community use of assets and services and if underutilised consider consolidation.

1. Consider assets and services decisions in line with the Strategic Growth Plan.
2. Consolidate and focus the COS assets and services responsibilities by assessing:
 - a. What value does the asset provide to health, education, economy, connectedness?
 - b. Who uses it, how often and cost to maintain?
 - c. Identify opportunities for co-location and consolidation.
 - d. Identify competitive advantage and model investment, identify missed opportunities e.g. what do we want our region to be known for?
 - e. Develop a caretaker model to support the community management and delivery of assets and services (e.g. hall, park, tennis court, play areas, maker space).

Maximise community use of assets and services and if underutilised consider consolidation.

3. Invest in a specialist data analyst/s to:
 - a. Support funding applications
 - b. Develop a decision matrix supported by data, which may include:
 - i. Usage data (prioritised based on demand)
 - ii. Demographic data
 - iii. Community input e.g. surveys
 - iv. Information from interest groups e.g. Chamber of Commerce
 - v. Environmental impacts
 - vi. Social impacts
 - vii. Value for money/cost benefit
4. Advocacy recommendations: to advocate for funding to enhance key community assets and services, e.g Lake Colac.

Next steps

When deliberative engagement is undertaken, Council remains the final decision maker, but commits at the outset of the process to fully considering the panel's advice, and incorporating recommendations into its decision making where possible.

Council can decide not to incorporate elements of the panel's recommendations if it disagrees with the panel's views. In this instance, it is important for a Council to clearly explain why it has decided not to adopt a particular piece of advice.

Feedback from Councillors and General Managers involved in the process is that the panel's recommendations have good alignment with Council's strategic directions. The panel also consciously tried to align its recommendations to the feedback received from our community during the broad participatory engagement process; albeit in more considered, prioritised and nuanced detail.

Panel feedback

Feedback received from people who participated in the panel process was overwhelmingly positive. Below is an extract of comments provided in a post-panel survey, which asked *"what value do you see in the use of community panels in government decision making?"*:

- "Absolutely wonderful process to ensure that the Colac Otway Shire is in touch with the needs of its residents".
- "Government can't make decisions on behalf of the community without the community participating and having a voice".
- "Extremely valuable for the panel and Council".
- "It is a democratic process of gathering representative views of the community. It is of significant value for local government bodies, as well as the relevant communities".
- "Allows for a true snapshot of the community's opinion. As well as giving a voice to the community to have a say!"

4. COMMUNITY CONSULTATION & ENGAGEMENT

Council has delivered a comprehensive community engagement process to support the development of our key strategic documents; and the panel's recommendations reach further towards providing Council guidance and a matrix to help guide decisions on changes to assets and service levels into the future.

Council's engagement activities are in line with the 'collaborate' level of engagement under the International Association of Public Participation (IAP2) spectrum, which is the second-highest level of engagement and in line with the Local Government Act's requirements. Our engagement program was designed to put Council in a strong position to develop strategic plans that balance the community's aspirations with our financial and resource capacity to deliver.

5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

Alignment to Council Plan 2017-2021:

Theme 3 - Our Community

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

Theme 4 - Our Leadership & Management

2. Openness and accountability in decision making.
4. Provide value for money services for our community.
5. Communicate regularly with our community and involve them in decision-making.

The community engagement process undertaken for the development of the Council Plan and MHWBP is in line with Council's Community Engagement Policy.

6. CONSIDERATIONS

ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

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

LEGAL & RISK

Under the *Local Government Act 2020*, all Victorian councils are required to adopt a Community Vision, Council Plan, 10-year Financial Plan and 10-year Asset Plan by 31 October, 2021. Further, the submission date for the MHWBP is 24 October 2021; however an exemption to combine the Council Plan and MHWBP is required to be obtained by 1 September 2021.

FINANCIAL & BUDGETARY

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

7. IMPLEMENTATION STRATEGY

COMMUNICATION

A media release has been prepared to inform the community that the panel process has concluded, and how Council will manage the panel's recommendations. A further media release will be prepared in association with this report, outlining the panel's recommendations in detail.

TIMELINE

Officers will continue to work with Council in preparing the new Council Plan, with the draft Council Plan to be presented to the July 2021 Council Meeting.

8. OFFICER DIRECT OR INDIRECT INTEREST

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

Item: 10.2

2021-2025 Revenue & Rating Plan for adoption

OFFICER	Paul Carmichael
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	1. Draft Revenue and Rating Plan For Exhibition [10.2.1 - 29 pages]
PURPOSE	To consider submissions to the draft Revenue & Rating Plan

1. EXECUTIVE SUMMARY

Council adopted a draft Revenue & Rating Plan 2021-2025 at its meeting on 28 April 2021. The draft plan was subsequently put on exhibition for public comment.

Submissions closed on 31 May 2021. Three written submissions were received and were considered by a submissions Committee of Council on 9 June 2021.

Having considered the submissions, it is recommended Council adopt the Revenue & Rating Plan with an undertaking to review the rating strategy part of the plan in time for 2022-23.

2. RECOMMENDATION

That Council:

- 1. Having considered submissions received, adopts the Revenue and Rating Plan 2021-2025 with an undertaking to review the rating strategy part of the plan in time for the 2022-23 financial year;*
- 2. Thanks the submitters for their submissions; and*
- 3. Advises the submitters of the reasons for this outcome.*

3. KEY INFORMATION

As part of considering its draft 2021-22 budget, Council on 28 April 2021 adopted a draft Revenue and Rating Plan 2021 – 2025. The draft Plan was prepared in accordance with the requirements of the *Local Government Act 2020*.

The Revenue & Rating Plan forms part of the overall draft Council budget.

Included in the resolution was an undertaking to review the Rating Strategy part of the plan for 2022-23 to 2024-25. A detailed review of Council's rating Strategy was not able to be done as Council was waiting for the outcomes of the State Government's review of the rating system to become known.

Having now considered submissions and the officer's comments below, it is recommended Council adopt the draft Revenue & Rating Plan and that the current rating structure, being the rating categories and differentials, remain unchanged for 2021-22.

4. COMMUNITY CONSULTATION & ENGAGEMENT

The draft Revenue & Rating Plan was advertised and placed on Council's website on 30 April 2021. People wishing to make submissions were able to lodge submissions up to 31 May 2021.

The following written submissions were received and considered by a committee of Council on 9 June 2021. Officers' responses to a summary of the three written submissions are provided below for consideration.

#	Submitter	Issues raised by submitter	Officer comment
1	J Judd, Colac	<p>Council should adopt a uniform rating structure rather than differential rating (<i>"so no ratepayers in an area pay rates on separate base rates"</i>)</p> <p>(NOTE: see additional comments below)</p>	<p>Whether Council adopts a uniform or differential rating structure is fundamental to its rating plan.</p> <p><i>A uniform structure would have the same rate in the dollar apply to all properties in the shire. As such the difference in the amount paid by a property in comparison to another property would be the result of the difference in valuation.</i></p> <p>Based on the 2021-22 budget, a uniform rate in the dollar would be 0.003288 cents. Properties in the "Farm" and "Residential – Balance of Shire" rating categories would therefore pay more under a uniform rating structure, with properties in the other rating categories (Commercial, Holiday Rental and Residential-Colac/Elliminyt) paying less.</p>

#	Submitter	Issues raised by submitter	Officer comment
2	T Cobb, Apollo Bay	The 2021-22 budget shows a reduced number of properties in the Holiday Rental rating category. Given the post COVID increase in domestic tourism, this represents a missed opportunity.	The 2021 –22 budget provides for 618 properties being included in the Holiday Rental rating category. This is a reduction of 50 properties from 2020-21. The reduction is due to property owners advising us they removed their property from the holiday rental market during COVID. Council officers will continue to identify properties that are listed for holiday rental. These properties would then be recategorized and have rates recalculated.
3	S Arundell, Bungador	<p>Objects to 1.5% increase in rates.</p> <p>Submitter pays rates equivalent of multiple average houses in Colac but:</p> <ul style="list-style-type: none"> - does not get multiple times the value, and - his income is not multiple times the average income of a Colac residential ratepayer. <p>Rating system is unfair on rural ratepayers – this is recognised by State government yet Council's do nothing to fix the situation.</p>	<p>The 1.5% increase is the increase allowable under the State government's 2021-22 rate cap. This follows four years of increases less than the rate cap.</p> <p>Rates are a tax based on land value. They are not levied on:</p> <ul style="list-style-type: none"> • a user pays basis, or • level of benefit received, or • personal income levels, or • comparative income of ratepayers. <p>It's clear from the legislation that the intention was/is properties with different valuations pay different total amounts of rates. The total amount levied was therefore not intended to be an indicator of "fairness".</p> <p>What is considered "<i>fair</i>" is subjective. That said, farm properties:</p> <ul style="list-style-type: none"> - have rates calculated at a rate that is 75% of the rate used for Colac residential properties & 54.5% of the rate used for Colac commercial properties. - are the only category that can receive a Municipal Charge exemption - Comprise of 28.2% of the total value of properties in the shire, yet pay 23% of the total rates

#	Submitter	Issues raised by submitter	Officer comment
			<ul style="list-style-type: none"> - Comprise 18.1% of the total number of rates assessments. <p>The rationale for farms being rated at a lower rate in the dollar is:</p> <ul style="list-style-type: none"> • recognition they must have more land resulting in higher valuations • They are generally further removed from the services provided by Council. <p>Whether this amounts to Council doing nothing to fix the situation is a matter of opinion.</p> <p>The State Government completed a review of the Victorian rating system in late 2020 and declared the system was not “broken”. It did agree to look at measures to assist farmers such as averaging valuations. Councils are therefore awaiting guidance from the State Government on this matter.</p>

Of the above 3 submitters, only Mr Judd wished to speak in support of his submission. Mr Judd pointed out his submission related to applying a uniform rate only in connection with the “Residential – Colac/Elliminyt” and “Commercial-Industrial – Colac/Elliminyt” rating categories. Mr Judd’s intention was to assist the development of business within Colac/Elliminyt by reducing the rates payable by the business sector.

Whilst this is a laudable ambition, applying the residential rate in the dollar to the “Commercial - Industrial” rating category would result in a reduction of \$832,179 in rates revenue from that category. Council would either have to re-coup this revenue from other rating categories, resulting in properties in those categories paying more rates or forgo that revenue and deal with its effects on services.

Making this change would also change the relativity of the “Commercial-Industrial – Colac/Elliminyt” rating category with the “Commercial-Industrial – Balance of Shire” rating category. At present the Balance of Shire category pays rates at a rate that is 15% lower than Colac/Elliminyt, but under this change, the Balance of Shire rate would be 40% *higher* than Colac/Elliminyt.

Council would therefore need to consider the implications of such a change.

Despite this, the submission does raise a fundamental rating structure issue. Council has committed to a full, detailed and consultative review of the Rating Plan to inform the 2022/23 budget. To that end, it is considered that Mr Judd’s issue should be considered as part of that review.

5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

Alignment to Council Plan 2017-2021:

Theme 4 - Our Leadership & Management

1. Effectively manage financial resources.
2. Openness and accountability in decision making.
4. Provide value for money services for our community.
5. Communicate regularly with our community and involve them in decision-making.

6. CONSIDERATIONS

ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

The Revenue & Rating Plan seeks to raise sufficient revenue to meet the objectives of the Council Plan. As rates and charges levied by Council have a direct impact on the members of the community, there can be a direct economic impact.

Programs and services funded by revenue raised under the Revenue and Rating Plan can have a direct social and cultural impact on the community.

LEGAL & RISK

In relation to the Revenue & Rating Plan, Council has specific obligations under the following legislative provisions:

- Section 93 of the *Local Government Act 2020*
- Sections 154 -181 of the *Local Government Act 1989*
- Ministerial Guidelines for *Differential Rating 2013*

Overall, Council is required to fairly and equitably apportion the rates burden across the community. There is no definition of “fair and equitable” in the relevant legislation. Council therefore has some discretion in determining this, but must be transparent in its decisions.

FINANCIAL & BUDGETARY

Revenue intended to be raised under the draft Revenue & Rating Plan is referred to in the 2021-22 budget document.

7. IMPLEMENTATION STRATEGY

Once adopted the Revenue & Rating Plan forms part of the overall 2021-22 budget.

Work will then commence on reviewing the Rating Strategy part of the plan in time for 2022-23.

COMMUNICATION

The release of the draft Revenue & Rating Plan and process for providing feedback was publicised in the local media and on Council’s website.

TIMELINE

The submission period was advertised and displayed on the website from 30 April and ran from 3 May 2021 to 31 May 2021.

31 May 2021 – Exhibition ended.

9 June 2021 – Submissions Committee to consider submissions.

8. OFFICER DIRECT OR INDIRECT INTEREST

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



Colac Otway

S H I R E

DRAFT

Colac Otway Shire Council

Revenue and Rating Plan

2021 - 2025

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1. PREAMBLE

As outlined in this Plan, Council is required to adopt a 4 year Revenue and Rating Plan by 30 June 2021.

Council's intention is to adopt a plan that reflects the existing rating structure, while it engages with the community during 2021 to develop its new Community Vision, Council Plan and Long Term Financial Plan.

Once these key strategic documents have been developed and adopted by Council the intention is for Council to conduct a review of the existing rating structure in 2021/22 to ensure it meets the objectives of Council. Therefore, Council is intending to review this plan prior to adopting the 2022/23 annual budget and make any amendments if required.

It must be noted that Council's Rating Strategy 2019-20 included a reduction in the differential rural farm rate from 75% to 73% of the base rate, commencing in the 2020/21 financial year. However, in May 2020, Council resolved to defer this reduction for 12 months due to the impacts COVID-19 was beginning to have on various sectors of our community and the economic climate at the time.

Council have decided to maintain the rural farm rate at 75% for the 2021/22 financial year, given the ongoing impacts COVID-19 is having on the economy and community. The newly elected Council is committed to undertaking a review of the existing rating structure during the 2021/22 financial year.

2. PURPOSE

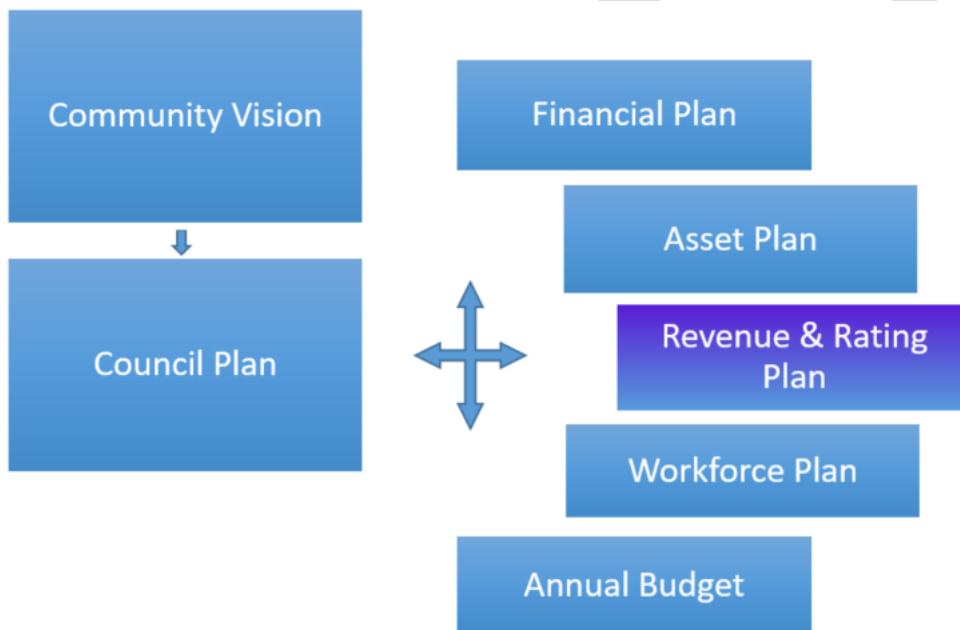
The *Local Government Act 2020* requires each council to prepare a Revenue and Rating Plan to cover a minimum period of four years following each Council election. The Revenue and Rating Plan establishes the revenue raising framework within which the Council proposes to work.

The purpose of the Revenue and Rating Plan is to determine the most appropriate and affordable revenue and rating approach for Colac Otway Shire Council which in conjunction with other income sources will adequately finance the objectives in the council plan.

This plan is an important part of Council's integrated planning framework, all of which is created to help Council achieve the Community Vision.

Strategies outlined in this plan also need to align with the objectives contained in the Council Plan and will feed into our budgeting and long-term financial planning documents, as well as other strategic planning documents under our Council's strategic planning framework.

At the time of preparing this plan Council were in the process of engaging with the Community to develop these key strategic documents. Once these have been developed and adopted by Council the intention is for Council to conduct a review of the existing rating structure in 2021/22 to ensure it meets the objectives of Council.



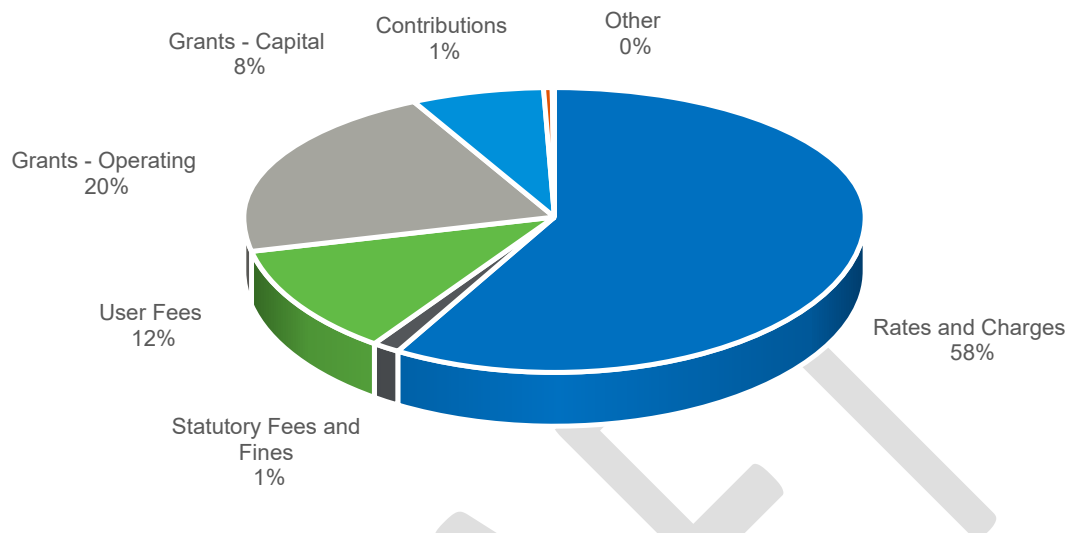
This plan will explain how Council calculates the revenue needed to fund its activities, and how the funding burden will be apportioned between ratepayers and other users of Council facilities and services.

In particular, this plan will set out decisions that Council has made in relation to rating options available to it under the *Local Government Act 2020* to ensure the fair and equitable distribution of rates across property owners. It will also set out principles that are used in decision making for other revenue sources such as fees and charges.

It is also important to note that this plan does not set revenue targets for Council, it outlines the strategic framework and decisions that inform how Council will go about calculating and collecting its revenue. To ensure financial sustainability revenue targets will be set as part of Council's 10 Year Financial Plan and annual budget process.

3. INTRODUCTION

Council provides a number of services and facilities to our local community, and in doing so, must collect revenue to cover the cost of providing these services and facilities. The following chart represents the revenue sources as proposed in the 2021/22 draft budget.



More broadly, Council's revenue sources include:

- Rates and Charges
- Annual Service (Waste Management) Charge
- Grants from other levels of Government
- Statutory Fees and Fines
- User Fees
- Cash and non-cash contributions from other parties (i.e. developers, community groups)
- Interest from investments
- Sale of Assets

Rates are the most significant revenue source for Council and make up roughly 55%-60% of its annual income.

The introduction of rate capping under the Victorian Government's Fair Go Rates System (FGRS) has brought a renewed focus to Council's long-term financial sustainability. The FGRS continues to restrict Council's ability to raise revenue above the rate cap unless application is made to the Essential Services Commission for a variation. Maintaining service delivery levels and investing in community assets remain key priorities for Council.

Council provides a wide range of services to the community, often for a fee or charge. The nature of these fees and charges generally depends on whether they relate to statutory or discretionary services. Some of these, such as statutory planning fees are set by State Government statute and are commonly known as regulatory fees. In these cases, councils usually have no control over service pricing. However, in relation to other services, Council has the ability to set a fee or charge and will set that fee based on the principles outlined in this Revenue and Rating Plan.

Council revenue can also be adversely affected by changes to funding from other levels of government. Some grants are tied to the delivery of council services, whilst many are tied directly to the delivery of new community assets, such as roads or sports pavilions. It is important for Council to be clear about what grants it intends to apply for, and the obligations that grants create in the delivery of services or infrastructure.

4. COMMUNITY ENGAGEMENT

The Revenue and Rating Plan outlines Council's decision-making process on how revenues are calculated and collected. The following public consultation process will be followed to ensure due consideration and feedback is received from relevant stakeholders.

Revenue and Rating Plan community engagement process:

- Draft Revenue and Rating Plan prepared by officers and endorsed by Council;
- Draft Revenue and Rating Plan placed on public exhibition following the April 2021 Council meeting for a period of no less than 28 days and inviting public submissions;
- Community engagement through local news outlets and social media;
- Hearing of public submissions (June); and
- Draft Revenue and Rating Plan (with any revisions) presented to June 2021 Council meeting for adoption.

5. RATES AND CHARGES

Rates are property taxes that allow Council to raise revenue to fund essential public services to cater to their municipal population. Importantly, it is a taxation system that includes flexibility for councils to utilise different tools in its rating structure to accommodate issues of equity and to ensure fairness in rating for all ratepayers.

Council has established a rating structure comprised of three key elements. These are:

- **General Rates** – Based on property values (using the Capital Improved Valuation methodology), which are indicative of capacity to pay and form the central basis of rating under the *Local Government Act 1989*;
- **Service Charges** - A ‘user pays’ component for council services to reflect benefits provided by Council to ratepayers who benefit from a service; and
- **Municipal Charge** - A ‘fixed rate’ portion per property to cover some of the administrative costs of Council.

Striking a proper balance between these elements will help to improve equity in the distribution of the rate burden across residents.

Council makes two further distinctions when applying general rates by applying rating differentials based on the purpose for which the property is used and its locality. That is:

- whether the property is used for residential, holiday rental, commercial/industrial, or farming purposes; and
- in the case of residential and commercial/industrial, whether the property is located in the major urban area of Colac.

This distinction is based on the concept that different property categories should pay a fair and equitable contribution, taking into account the benefits those properties derive from the local community.

The Colac Otway Shire Council rating structure comprises six differential rates. These rates are structured in accordance with the requirements of Section 161 ‘Differential Rates’ of the Local Government Act 1989, and the Ministerial Guidelines for Differential Rating 2013.

The differential rates are currently set as follows:

- | | |
|---|------|
| • Residential – Colac / Elliminyt | 100% |
| • Residential – Balance of Shire | 85% |
| • Holiday Rental | 100% |
| • Rural Farm | 75% |
| • Commercial / Industrial – Colac / Elliminyt | 165% |
| • Commercial / Industrial – Balance of Shire | 140% |

Council also levies a municipal charge. The municipal charge is a minimum rate per property and declared for the purpose of covering some of the administrative costs of Council. In applying the municipal charge, Council ensures that each ratable property in the municipality makes a contribution.

The formula for calculating General Rates, excluding any additional charges, arrears or additional supplementary rates is:

- **Valuation (Capital Improved Value) x Rate in the Dollar (Differential Rate Type)**

The rate in the dollar for each rating differential category is included in Council’s annual budget.

Rates and charges are an important source of revenue, accounting for over 50% of operating revenue received by Council. The collection of rates is an important factor in funding Council services.

Planning for future rate increases is therefore an essential component of the long-term financial planning process and plays a significant role in funding both additional service delivery and the increasing costs related to providing Council services.

Council is aware of the balance between rate revenue (as an important income source) and community sensitivity to rate increases. With the introduction of the State Government's Fair Go Rates System, all rate increases are capped to a rate declared by the Minister for Local Government, which is announced in December for the following financial year.

Council currently utilises an annual service charge to fully recover the cost of Council's waste services. The annual service charge is not capped under the Fair Go Rates System, and Council will continue to allocate funds generated from this charge towards the provision of managing waste.

5.1. Rating Legislation

The legislative framework set out in the *Local Government Act 1989* determines council's ability to develop a rating system. The framework provides significant flexibility for Council to tailor a system that suits its needs.

Section 155 of the *Local Government Act 1989* provides that a Council may declare the following rates and charges on rateable land:

- General rates under Section 158
- Municipal charges under Section 159
- Service rates and charges under Section 162
- Special rates and charges under Section 163

The recommended strategy in relation to municipal charges, service rates and charges and special rates and charges are discussed later in this document.

In raising Council rates, Council is required to primarily use the valuation of the rateable property to levy rates. Section 157 (1) of the *Local Government Act 1989* provides Council with three choices in terms of which valuation base to utilise. They are: Site Valuation, Capital Improved Valuation (CIV) and Net Annual Value (NAV).

The advantages and disadvantages of the respective valuation basis are discussed further in this document. Whilst this document outlines Council's strategy regarding rates revenue, rates data will be contained in the Council's Annual Budget as required by the *Local Government Act 2020*.

Section 94(2) of the *Local Government Act 2020* states that Council must adopt a budget by 30 June each year (or at another time fixed by the Minister) to include:

- a) the total amount that the Council intends to raise by rates and charges;
- b) a statement as to whether the rates will be raised by the application of a uniform rate or a differential rate;
- c) a description of any fixed component of the rates, if applicable;
- d) if the Council proposes to declare a uniform rate, the matters specified in section 160 of the *Local Government Act 1989*;
- e) if the Council proposes to declare a differential rate for any land, the matters specified in section 161(2) of the *Local Government Act 1989*;

Section 94(3) of the *Local Government Act 2020* also states that Council must ensure that, if applicable, the budget also contains a statement –

- a) that the Council intends to apply for a special order to increase the Council's average rate cap for the financial year or any other financial year; or
- b) that the Council has made an application to the ESC for a special order and is waiting for the outcome of the application; or
- c) that a special Order has been made in respect of the Council and specifying the average rate cap that applies for the financial year or any other financial year.

This plan outlines the principles and strategic framework that Council will utilise in calculating and distributing the rating burden to property owners, however, the quantum of rate revenue and rating differential amounts will be determined in the annual Colac Otway Shire Council budget.

In 2019 the Victorian State Government conducted a Local Government Rating System Review. The Local Government Rating System Review Panel presented their final report and list of recommendations to the Victorian Government in March 2020. The Victorian Government subsequently published a response to the recommendations of the Panel's report. However, at the time of publication the recommended changes have not yet been implemented, and timelines to make these changes have not been announced.

5.2. Rating Principles

Taxation Principles:

When developing a rating strategy, in particular with reference to differential rates, a Council should give consideration to the following good practice taxation principles:

- Wealth Tax
- Equity
- Efficiency
- Simplicity
- Benefit
- Capacity to Pay
- Diversity.

Wealth Tax

The “wealth tax” principle implies that the rates paid are dependent upon the value of a ratepayer’s real property and have no correlation to the individual ratepayer’s consumption of services or the perceived benefits derived by individual ratepayers from the expenditures funded from rates.

Equity

Horizontal equity – ratepayers in similar situations should pay similar amounts of rates (ensured mainly by accurate property valuations, undertaken in a consistent manner, their classification into homogenous property classes and the right of appeal against valuation).

Vertical equity – those who are better off should pay more rates than those worse off (the rationale applies for the use of progressive and proportional income taxation. It implies a “relativity” dimension to the fairness of the tax burden).

Efficiency

Economic efficiency is measured by the extent to which production and consumption decisions by people are affected by rates.

Simplicity

How easily a rates system can be understood by ratepayers and the practicality and ease of administration.

Benefit

The extent to which there is a nexus between consumption/benefit and the rate burden.

Capacity to Pay

The capacity of ratepayers or groups of ratepayers to pay rates.

Diversity

The capacity of ratepayers within a group to pay rates.

The rating challenge for Council therefore is to determine the appropriate balancing of competing considerations.

Rates and Charges Revenue Principles:

Property rates will:

- be reviewed annually;
- not change dramatically from one year to next; and
- be sufficient to fund current expenditure commitments and deliverables outlined in the Council Plan, Financial Plan and Asset Plan.

Differential rating should be applied as equitably as is practical and will comply with the [*Ministerial Guidelines for Differential Rating 2013*](#).

5.3. Valuation Base

Under the *Local Government Act 1989*, Council has three options as to the valuation base it elects to use. They are:

- **Capital Improved Value (CIV)** – Value of land and improvements upon the land.
- **Site Value (SV)** – Value of land only.
- **Net Annual Value (NAV)** – Rental valuation based on CIV.

For residential and farm properties, NAV is calculated at 5 per cent of the Capital Improved Value. For commercial and industrial properties, NAV is calculated as the greater of the estimated annual rental value or 5 per cent of the CIV.

Capital Improved Value (CIV)

Capital Improved Value is the most commonly used valuation base by local government with over 90% of Victorian councils applying this methodology. Based on the value of both land and all improvements on the land, it is generally easily understood by ratepayers as it equates to the market value of the property.

Section 161 of the *Local Government Act 1989* provides that a Council may raise any general rates by the application of a differential rate if –

- a) It uses the capital improved value system of valuing land; and
- b) It considers that a differential rate will contribute to the equitable and efficient carrying out of its functions.

Where a council does not utilise CIV, it may only apply limited differential rates in relation to farm land, urban farm land or residential use land.

Advantages of using Capital Improved Value (CIV)

- CIV includes all property improvements, and hence is often supported on the basis that it more closely reflects “capacity to pay”. The CIV rating method takes into account the full development value of the property, and hence better meets the equity criteria than Site Value and NAV.
- With the increased frequency of valuations (previously two year intervals, now annual intervals) the market values are more predictable and has reduced the level of objections resulting from valuations.
- The concept of the market value of property is more easily understood with CIV rather than NAV or SV.
- Most councils in Victoria have now adopted CIV which makes it easier to compare relative movements in rates and valuations across councils.
- The use of CIV allows council to apply differential rates which greatly adds to council’s ability to equitably distribute the rating burden based on ability to afford council rates. CIV allows council to apply higher rating differentials to the commercial and industrial sector that offset residential rates.

Disadvantages of using CIV

- The main disadvantage with CIV is the fact that rates are based on the total property value which may not necessarily reflect the income level of the property owner as with pensioners and low-income earners.

Site value (SV)

There are currently no Victorian councils that use this valuation base. With valuations based simply on the valuation of land and with only very limited ability to apply differential rates, the implementation of Site Value in a Colac Otway Shire Council context would cause a shift in rate burden from the industrial/commercial sectors onto the residential sector, and would hinder council's objective of a fair and equitable rating system.

There would be further rating movements away from modern townhouse style developments on relatively small land parcels to older established homes on quarter acre residential blocks. In many ways, it is difficult to see an equity argument being served by the implementation of site valuation in the Colac Otway Shire Council.

Advantages of Site Value

- There is a perception that under site value, a uniform rate would promote development of land, particularly commercial and industrial developments. There is, however, little evidence to prove that this is the case.
- Scope for possible concessions for urban farm-land and residential use land.

Disadvantages of using Site Value

- Under SV, there will be a significant shift from the industrial/commercial sector onto the residential sector of council. The percentage increases in many cases would be in the extreme range.
- SV is a major burden on property owners that have large areas of land. Some of these owners may have much smaller/older dwellings compared to those who have smaller land areas but well developed dwellings - but will pay more in rates. A typical example is flats, units, or townhouses which will all pay low rates compared to traditional housing styles.
- The use of SV can place pressure on council to give concessions to categories of landowners on whom the rating burden is seen to fall disproportionately (e.g. Farm land and residential use properties). Large landowners, such as farmers for example, are disadvantaged by the use of site value.
- SV will reduce Council's rating flexibility and options to deal with any rating inequities due to the removal of the ability to levy differential rates.
- The community may have greater difficulty in understanding the SV valuation on their rate notices, as indicated by many inquiries from ratepayers on this issue handled by council's customer service and property revenue staff each year.

Net annual value (NAV)

NAV, in concept, represents the annual rental value of a property. However, in practice, NAV is loosely linked to capital improved value for residential and farm properties. Valuers derive the NAV directly as 5 per cent of CIV.

In contrast to the treatment of residential and farm properties, NAV for commercial and industrial properties are assessed with regard to actual market rental. This differing treatment of commercial versus residential and farm properties has led to some suggestions that all properties should be valued on a rental basis.

Overall, the use of NAV is not largely supported. For residential and farm ratepayers, actual rental values pose some problems. The artificial rental estimate used may not represent actual market value, and means the base is the same as CIV but is harder to understand.

Recommended valuation base

In choosing a valuation base, councils must decide on whether they wish to adopt a differential rating system (different rates in the dollar for different property categories) or a uniform rating system (same rate in the dollar). If a council was to choose the former, under the *Local Government Act 1989* it must adopt either of the CIV or NAV methods of rating.

Colac Otway Shire Council applies Capital Improved Value (CIV) to all properties within the municipality to take into account the fully developed value of the property. This basis of valuation takes into account the total market value of the land plus buildings and other improvements.

Differential rating allows (under the CIV method) council to shift part of the rate burden from some groups of ratepayers to others, through different “rates in the dollar” for each class of property.

Section 161(1) of the *Local Government Act 1989* outlines the requirements relating to differential rates, which include:

- a) A Council may raise any general rates by the application of a differential rate, if Council considers that the differential rate will contribute to the equitable and efficient carrying out of its functions.
- b) If a Council declares a differential rate for any land, the Council must specify the objectives of the differential rate, which must be consistent with the equitable and efficient carrying out of the Councils functions and must include the following:
 - i. A definition of the types or classes of land which are subject to the rate and a statement of the reasons for the use and level of that rate.
 - ii. An identification of the type or classes of land which are subject to the rate in respect of the uses, geographic location (other than location on the basis of whether or not the land is within a specific ward in Council’s district).
 - iii. Specify the characteristics of the land, which are the criteria for declaring the differential rate.

Once the Council has declared a differential rate for any land, the Council must:

- a) Specify the objectives of the differential rates;
- b) Specify the characteristics of the land which are the criteria for declaring the differential rate.

The purpose is to ensure that Council has a sound basis on which to develop the various charging features when determining its revenue strategies and ensure that these are consistent with the provisions of the *Local Government Act 1989*.

The general objectives of each of the differential rates are to ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council. There is no limit on the number or types of differential rates that can be levied, but the highest differential rate can be no more than four times the lowest differential rate.

Property Valuations

The *Valuation of Land Act 1960* is the principle legislation in determining property valuations. Under the *Valuation of Land Act 1960*, the Victorian Valuer-General conducts property valuations on an annual basis. Colac Otway Shire Council applies a Capital Improved Value (CIV) to all properties within the municipality to take into account the full development value of the property. This basis of valuation takes into account the total market value of the land including buildings and other improvements.

The value of land is always derived by the principal of valuing land for its highest and best use at the relevant time of valuation.

Council needs to be mindful of the impacts of revaluations on the various property types in implementing the differential rating strategy outlined in the previous section to ensure that rises and falls in council rates remain affordable and that rating 'shocks' are mitigated to some degree.

Supplementary Valuations

Supplementary valuations are carried out for a variety of reasons including rezoning, subdivisions, amalgamations, renovations, new constructions, extensions, occupancy changes and corrections. The Victorian Valuer-General is tasked with undertaking supplementary valuations and advises council on a monthly basis of valuation and Australian Valuation Property Classification Code (AVPCC) changes.

Supplementary valuations bring the value of the affected property into line with the general valuation of other properties within the municipality. Objections to supplementary valuations can be lodged in accordance with Part 3 of the *Valuation of Land Act 1960*. Any objections must be lodged with Council within two months of the issue of the supplementary rate notice.

Objections to property valuations

Part 3 of the *Valuation of Land Act 1960* provides that a property owner may lodge an objection against the valuation of a property or the Australian Valuation Property Classification Code (AVPCC) within two months of the issue of the original or amended (supplementary) Rates and Valuation Charges Notice (Rates Notice), or within four months if the notice was not originally issued to the occupier of the land.

A property owner must lodge their objection to the valuation or the AVPCC in writing to the Colac Otway Shire Council. Property owners also have the ability to object to the site valuations on receipt of their Land Tax Assessment. Property owners can appeal their land valuation within two months of receipt of their Council Rate Notice (via Council) or within two months of receipt of their Land Tax Assessment (via the State Revenue Office).

5.4. Rating Differentials

Council believes each differential rate will contribute to the equitable and efficient carrying out of council functions. Details of the objectives of each differential rate, the classes of land which are subject to each differential rate and the uses of each differential rate are set out below.

Residential – Colac/Elliminyt

Definition:

Any land, whether vacant or built upon, which is located in Colac, Colac East, Colac West and Elliminyt that is not zoned for commercial or industrial use and which does not have the characteristics of:

- a) Rural Farm Land;
- b) Holiday Rental Land; or
- c) Commercial/Industrial Land – Colac, Colac East, Colac West or Elliminyt.

and whose highest and best use is deemed to be as residential land.

Objectives:

To ensure that Council has adequate funding to undertake its strategic, statutory, service provision and community services obligations and to ensure that the differential rate in the dollar declared for defined general rate land properties is fair and equitable, having regard to the cost and the level of benefits derived from provision of Council services.

Characteristics:

The characteristics of the planning scheme zoning are applicable to the determination of vacant land which will be subject to the rate of residential land. The vacant land affected by this rate is that which is zoned residential under the Colac Otway Shire Council Planning Scheme. The classification of the land will be determined by the occupation of that land for its best use and have reference to the planning scheme zoning.

Types and Classes:

Rateable land having the relevant characteristics described below:

- a) used primarily for residential purposes,
- b) highest and best use is deemed to be as residential,
- c) any land that is not defined as Holiday rental land, Farm Land or Commercial/Industrial Land.

Use of Rate:

The differential rate will be used to fund items of expenditure described in the Budget adopted by Council. The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Level of Rate:

100% of the base rate. This rating category is deemed to be the “base rate” due to it containing the majority of assessments.

Use of Land:

Any use permitted under the Colac Otway Shire Council Planning Scheme to be used for residential purposes.

Geographic Location:

In the localities of Colac, Colac East, Colac West and Elliminyt.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Colac Otway Shire Council Planning Scheme.

Types of Buildings:

All buildings which are already constructed on the land or which are constructed prior to the end of the financial year.

Residential – Balance of Shire

Definition:

Any land, whether vacant or built upon, which is located in localities other than Colac, Colac East, Colac West and Elliminyt that is not zoned for commercial or industrial use and which does not have the characteristics of:

- a) Rural Farm Land;
- b) Holiday Rental Land; or
- c) Commercial/Industrial Land – Colac, Colac East, Colac West or Elliminyt.

and whose highest and best use is deemed to be as residential land.

Objectives:

To ensure that Council has adequate funding to undertake its strategic, statutory, service provision and community services obligations and to ensure that the differential rate in the dollar declared for defined general rate land properties is fair and equitable, having regard to the cost and the level of benefits derived from provision of Council services.

Characteristics:

The characteristics of the planning scheme zoning are applicable to the determination of vacant land which will be subject to the rate of residential land. The vacant land affected by this rate is that which is zoned residential under the Colac Otway Shire Council Planning Scheme. The classification of the land will be determined by the occupation of that land for its best use and have reference to the planning scheme zoning.

Types and Classes:

Rateable land having the relevant characteristics described below:

- a) used primarily for residential purposes,
- b) highest and best use is deemed to be as residential,
- c) any land that is not defined as Holiday rental land, Farm Land or Commercial/Industrial Land.

Use of Rate:

The differential rate will be used to fund items of expenditure described in the Budget adopted by Council. The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Level of Rate:

85% of the base rate. The justification for this category to be rated at a lesser rate than the base rate is that properties in this category are:

- generally in smaller townships or rural areas;
- have less access to the full suite of services and amenities provided by Council; and
- due to small populations are generally less likely to attract expenditure by Council.

A lesser rate in the dollar is therefore considered to be fair and equitable.

Use of Land:

Any use permitted under the Colac Otway Shire Council Planning Scheme to be used for residential purposes.

Geographic Location:

In the localities of the shire other than Colac, Colac East, Colac West and Elliminyt.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Colac Otway Shire Council Planning Scheme.

Types of Buildings:

All buildings which are already constructed on the land or which are constructed prior to the end of the financial year.

Holiday Rental

Definition:

Any land that contains a dwelling, cabin or house or part of a house that:

- a) Is used for the provision of holiday accommodation for the purpose of generating income; or
- b) Is made generally available for holiday accommodation and is a secondary or supplemental source of income for the owner.

Note: Typically, the category will include absentee owned holiday houses publically made available for short term accommodation for a tariff, owner occupied "Bed and Breakfast" establishments, farm properties with accommodation cabins, holiday farms and the like.

The category will not include:

- absentee owned holiday houses that are *not* publically made available for hire but are used by family/friends of the owner for short term holiday accommodation, and
- land used to provide tourist/holiday accommodation on an overtly commercial scale and basis where the provision of accommodation is an integral part of the use of the property.

The types of properties excluded from this category would therefore include motels, resorts, hotels with accommodation, caravan parks, centrally managed and promoted multi-unit developments and the like.

Objectives:

To ensure that Council has adequate funding to undertake its strategic, statutory, service provision and community services obligations and to ensure that the differential rate in the dollar declared for defined general rate land properties is fair and equitable, having regard to the cost and the level of benefits derived from provision of Council services.

Characteristics:

Properties included in this rating category will be characterised by their use and/or availability for short term holiday accommodation for a tariff. The proportion of the year for which they are used for this purpose is not relevant.

The extent to which a property is let out for short term holiday accommodation will vary from property to property and will depend on a variety of factors.

A common factor however is the most property owners have the property set up as a business for taxation purposes.

Types and Classes:

Rateable land having the relevant characteristics described below:

- a) used for the provision of holiday accommodation for the purpose of generating income,
- b) Is made generally available for holiday accommodation and is a secondary or supplemental source of income for the owner.

Use of Rate:

The differential rate will be used to fund items of expenditure described in the Budget adopted by Council. The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Level of Rate:

100% of the base rate. The justification for this category to be rated at the base rate is that

- the provision of short term holiday accommodation is generally conducted as a semi commercial activity, so rating these properties at the Commercial rate in the dollar would be unfair;
- There is also a wide variation as to the extent to which these properties are used for this purpose, so rating these properties at the Commercial rate in the dollar would be unfair and may force reluctant property owners to make the property available more often, possibly saturating the market and reducing returns able to be generated by many
- Use of these properties for this purpose tends to be seasonal

It is recognised however that:

- these properties are in direct competition with other holiday accommodation property types that are included in the Commercial rating category;
- owners of these properties benefit from using the property in this manner and that customers to these properties use facilities and infrastructure provided by the shire; and
- rates paid for properties in this category are generally a tax deductible expense.

It is therefore considered fair and equitable that these properties pay a rate in the dollar higher than the "Residential - Balance of Shire" rate in the dollar, but less than the Commercial rate in the dollar.

It is noted this means the Holiday rental properties in Colac/Elliminyt pay no more than the “Residential – Colac/Elliminyt” rate. Historically, there have been few properties in Colac/Elliminyt used for short term holiday accommodation, however with the rise of AirBnB, etc, this is an issue that will be monitored.

Use of Land:

Any use permitted under the Colac Otway Shire Council Planning Scheme that allows use of the property to provide short term holiday accommodation.

Geographic Location:

In all the localities of the Colac Otway Shire.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Colac Otway Shire Council Planning Scheme.

Types of Buildings:

All buildings which are already constructed on the land or which are constructed prior to the end of the financial year.

Rural Farm

Definition:

Any land located within the shire which is “Farm Land” within the meaning of section 2 of the Valuation of Land Act 1960 and is zoned to allow land to be used for rural and/or farming purposes.

Any land which is “Farm Land” within the meaning of Section 2(1) of the *Valuation of Land Act 1960*.

- a) Farm Land means any rateable land that is 2 or more hectares in area;
- b) used primarily for primary producing purposes from its activities on the land; used primarily for grazing (including agistment), dairying, pig-farming, poultry farming, fish farming, tree farming, bee keeping, viticulture, horticulture, fruit growing or the growing of crops of any kind or for any combination of those activities; and

That is used by a business –

- That has a significant and substantial commercial purpose of character;
- That seeks to make a profit on a continuous or repetitive basis from its activities on the land; and
- That is making a profit from its activities on the land, or that has a reasonable prospect of making a profit from its activities on the land if it continues to operate in the way that it is operating.

Typically, these properties may contain buildings used as a residence and for farm purposes and will also contain land with no buildings located upon it.

In addition, it may include small parcels of undeveloped land that do not meet the meaning of “Farm Land” prescribed in of section 2 of the Valuation of Land Act 1960, but are also deemed unlikely to be granted a town planning permit for a dwelling to be located on the property.

Typically these properties will be:

- a) up to 5 hectares in area;
- b) be zoned to allow the land to be used for rural and/or farming purposes;
- c) been deemed unviable for the purposes of carrying on a business of primary production by Council; and
- d) been deemed unsuitable to allow the construction of a dwelling.

Objectives:

To ensure that Council has adequate funding to undertake its strategic, statutory, service provision and community services obligations and to ensure that the differential rate in the dollar declared for defined Farm Rate land properties is fair and equitable, having regard to the cost and the level of benefits derived from provision of Council services with considerations to maintain agriculture as a major industry in the

municipal district, to facilitate the longevity of the farm sector and achieve a balance between providing for municipal growth and retaining the important agricultural economic base.

Characteristics:

The characteristics of the Rural Farm planning scheme zoning are applicable to the determination of whether land is included in the Rural Farm rating category.

Types and Classes:

Farm Land having the relevant characteristics described above that is:

- a) used primarily for primary production purposes; or
- b) any land that is not defined as Residential, Holiday Rental or Commercial/Industrial Land.

Use of Rate:

The differential rate will be used to fund items of expenditure described in the Budget adopted by Council. The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Level of Rate:

75% of the base rate. The justification for this category to be rated at a lesser rate than the base rate is that properties in this category are:

- in rural areas;
- have less access to the full suite of services and amenities provided by Council;
- are generally less likely to attract expenditure by Council;
- due to the land area required to operate, these properties have higher valuations (and therefore higher rates) than residential properties; and
- tend to operate in an environment that is subject to the vagaries of weather and external factors beyond the farmer's control.

It is therefore deemed fair and equitable that properties in this category pay rates at a lesser rate in the dollar than the base rate.

Use of Land:

Any use permitted under the Colac Otway Shire Council Planning Scheme.

Geographic Location:

In all the localities of the Colac Otway Shire that contain land zoned in the Colac Otway Planning Scheme as Rural Farm.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Colac Otway Shire Council Planning Scheme.

Types of Buildings:

All buildings which are already constructed on the land or which are constructed prior to the end of the financial year.

Commercial/Industrial – Colac/Elliminyt

Definition:

Any land which is located in Colac, Colac East, Colac West or Elliminyt which does not have the characteristics of:

- a) Rural Farm Land;
- b) Residential Land – Colac, Colac East, Colac West or Elliminyt; or
- c) Holiday Rental Land; and;

Is used primarily for:

- a. The sale of goods or services;
- b. Other commercial purposes; or
- c. Industrial purposes, or

is land which is vacant but zoned for commercial or industrial use.

Objectives:

To ensure that Council has adequate funding to undertake its strategic, statutory, service provision and community services obligations and to ensure that the differential rate in the dollar declared for defined Commercial/Industrial Rate land properties is fair and equitable, having regard to the cost and the level of benefits derived from provision of Council services.

The commercial businesses of Colac Otway Shire Council benefit from ongoing significant investment by Council in services and infrastructure. Council also notes the tax deductibility of Council rates for commercial properties which is not available to the residential sector, and also the income generating capability of commercial based properties.

The Commercial differential rate is applied to promote the economic development objectives for the Colac Otway Shire Council as outlined in the Council Plan. These objectives include an ongoing significant investment to create a vibrant economy and includes the maintenance and improvement of tourism infrastructure. Construction and maintenance of public infrastructure, development and provision of health and community services and the general provision of support services and promotion of business in the municipality.

Characteristics:

The characteristics of the planning scheme zoning are applicable to the determination of vacant land which will be subject to the rate applicable to Commercial/Industrial Land. The classification of the land will be determined by the occupation of that land for its best use and have reference to the planning scheme zoning.

Types and Classes:

Commercial/Industrial having the relevant characteristics described below:

- a) used primarily for commercial or industrial purposes; or
- b) any land that is not defined as Residential, Holiday Rental or Farm Land.

Use of Rate:

The differential rate will be used to fund items of expenditure described in the Budget adopted by Council. The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Level of Rate:

165% of the base rate. The rationale for this category to be rated at a rate above the base rate is that:

- businesses conducted at these properties benefit from the services and facilities provided by Council;
- services and facilities provided by the shire help to attract residents to the shire, which can provide businesses with both a source of labour and customers; and
- businesses generally have a capacity pay, which is complimented by rates being a tax deductible expense.

It is therefore deemed fair and equitable that properties in this category pay rates at a higher rate in the dollar than the base rate.

Use of Land:

Any use permitted under the Colac Otway Shire Council Planning Scheme.

Geographic Location:

In the localities of Colac, Colac East, Colac West and Elliminyt.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Colac Otway Shire Council Shire Planning Scheme.

Types of Buildings:

All buildings which are already constructed on the land or which are constructed prior to the end of the financial year.

Commercial/Industrial – Balance of Shire

Definition:

Any land which is located in localities other than Colac, Colac East, Colac West or Elliminyt which does not have the characteristics of:

- a) Rural Farm Land;
- b) Residential Land – Colac, Colac East, Colac West or Elliminyt; or
- c) Holiday Rental Land; and;

is used primarily for:

- a. The sale of goods or services;
- b. Other commercial purposes; or
- c. Industrial purposes, or

is land which is vacant but zoned for commercial or industrial use.

Objectives:

To ensure that Council has adequate funding to undertake its strategic, statutory, service provision and community services obligations and to ensure that the differential rate in the dollar declared for defined Commercial/Industrial Rate land properties is fair and equitable, having regard to the cost and the level of benefits derived from provision of Council services.

The commercial businesses of Colac Otway Shire Council benefit from ongoing significant investment by Council in services and infrastructure. Council also notes the tax deductibility of Council rates for commercial properties which is not available to the residential sector, and also the income generating capability of commercial based properties.

The Commercial differential rate is applied to promote the economic development objectives for the Colac Otway Shire Council as outlined in the Council Plan. These objectives include an ongoing significant investment to create a vibrant economy and includes the maintenance and improvement of tourism infrastructure. Construction and maintenance of public infrastructure, development and provision of health and community services and the general provision of support services and promotion of business in the municipality.

Characteristics:

The characteristics of the planning scheme zoning are applicable to the determination of vacant land which will be subject to the rate applicable to Commercial/Industrial Land. The classification of the land will be determined by the occupation of that land for its best use and have reference to the planning scheme zoning.

Types and Classes:

Commercial/Industrial having the relevant characteristics described below:

- a) used primarily for commercial or industrial purposes; or
- b) any land that is not defined as Residential, Holiday Rental or Farm Land.

Use of Rate:

The differential rate will be used to fund items of expenditure described in the Budget adopted by Council. The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Level of Rate:

140% of the base rate. The rationale for this category to be rated at a rate above the base rate is that:

- businesses conducted at these properties benefit from the services and facilities provided by Council;
- services and facilities provided by the shire help to attract residents to the shire, which can provide businesses with both a source of labor and customers; and
- businesses generally have a capacity pay, which is complimented by rates being a tax deductible expense.

However, as properties in this category are generally located in smaller townships, there can be less opportunity to generate revenue. This can vary depending on the type of business.

It is therefore deemed fair and equitable that properties in this category pay rates at a higher rate in the dollar than the base rate but less than the rate in the dollar for "Commercial/Industrial - Colac/Elliminyt"

Use of Land:

Any use permitted under the Colac Otway Shire Council Planning Scheme.

Geographic Location:

In all the localities of the Colac Otway Shire other than Colac, Colac East, Colac West and Elliminyt.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Colac Otway Shire Council Shire Planning Scheme.

Types of Buildings:

All buildings which are already constructed on the land or which are constructed prior to the end of the financial year.

Advantages of a differential rating system

The advantages of utilising a differential rating system summarised below are:

- There is greater flexibility to distribute the rate burden between all classes of property, and therefore link rates with the ability to pay and reflecting the tax deductibility of rates for commercial and industrial premises.
- Differential rating allows Council to better reflect the investment required by Council to establish infrastructure to meet the needs of the commercial and industrial sector.
- Allows Council to reflect the unique circumstances of some rating categories where the application of a uniform rate may create an inequitable outcome (e.g. Farming enterprises).
- Allows Council discretion in the imposition of rates to facilitate and encourage appropriate development of its municipal district in the best interest of the community. (i.e. Vacant Commercial properties still attract the commercial differential rate)

Disadvantages of a differential rating system

The disadvantages in applying differential rating summarised below are:

- The justification of the differential rate can at times be difficult for the various groups to accept giving rise to queries and complaints where the differentials may seem to be excessive.

- Differential rates can be confusing to ratepayers, as they may have difficulty understanding the system. Some rating categories may feel they are unfavourably treated because they are paying rates at a higher level than other ratepayer groups.
- Differential rating involves a degree of administrative complexity as properties can shift from one rating category to another (e.g. Holiday Rental to Residential) requiring Council to update its records. Ensuring the accuracy/integrity of Council's data base is critical to ensure that properties are correctly classified into their right category.
- Council may not achieve the objectives it aims for through differential rating. For example, Council may set its differential rate objectives to levy a higher rate on land not developed, however it may be difficult to prove whether the rate achieves those objectives.

5.5. Municipal Charge

Another principle rating option available to Councils is the application of a Municipal Charge. Under Section 159 of the *Local Government Act 1989*, Council may declare a municipal charge to cover some of the administrative costs of the Council. The legislation is not definitive on what comprises administrative costs and does not require Council to specify what is covered by the charge.

The application of a municipal charge represents a choice to raise a portion of the rates by a flat fee for all properties, rather than sole use of the CIV valuation method.

Under the *Local Government Act 1989*, a council's total revenue from a municipal charge in a financial year must not exceed 20 per cent of the combined sum total of the Council's total revenue from the municipal charge and the revenue from general rates (total rates).

The municipal charge applies equally to all properties and is based upon the recovery of a fixed cost of providing administrative services irrespective of valuation. The same contribution amount per assessment to cover a portion of council's administrative costs can be seen as an equitable method of recovering these costs.

Being a set charge, the Municipal Charge has a more pronounced effect on lower valued properties as it represents a greater proportion of the total rates bill for these properties than it does for higher valued properties.

Evidence suggests that lower valued properties are more likely to be owned by people with lower incomes, so the Municipal Charge can be viewed as penalising the poorer members of the community.

5.6. Annual Service (Waste Management) Charge

An annual service charge for the weekly and fortnightly domestic kerbside collection service is also levied. The aim of the charge is to apportion the total cost of managing the collection, transportation and disposal of domestic waste, to the owners of all properties that derive a benefit from having the service available for use.

The charge is therefore levied on all developed assessments used primarily for residential or commercial purposes that are located on the designated collection routes.

The charge is not levied on vacant land properties. Commercial/Industrial properties may apply for an exemption from the charge if they produce non domestic types of waste and provide proof they have engaged a contractor to collect and dispose of their waste.

As such this charge is akin to a "user pays" charge rather than a tax.

5.7. Fire Services Property Levy (FSPL)

Rates notices also contain two charges that make up the Fire Services Property Levy (FSPL). The FSPL is a State government levy that Council is required to collect for the State government and remit to the State government on a quarterly basis. Council derives no revenue from this action.

The State government used the revenue from the FSPL to fund the operation of the Country Fire Authority throughout Victoria.

There are two parts to the FSPL, namely:

- a Fixed charge
- a variable levy based on the Capital Improved Valuation of the property.

The State government sets the fixed charge and the rates in the dollar that apply to the variable component. Similar to Council's differential rating structure, the State government applies different fixed charges and rates in the dollar to different categories of properties.

More detailed information regarding the FSPL is available at: www.sro.vic.gov.au

5.8. Special Charge Schemes

The *Local Government Act 1989* recognises that councils need help to provide improved infrastructure for their local communities. Legislation allows councils to pass on the cost of capital infrastructure to the owner of a property that generally receives a unique benefit from the construction works. The technical explanation of a Special Charge comes from legislation (under the *Local Government Act 1989*) that allows councils to recover the cost of works from property owners who will gain special benefit from that work.

The purposes for which special rates and special charges may be used include road construction, kerb and channelling, footpath provision, drainage, and other capital improvement projects.

The special rate or special charges may be declared on the basis of any criteria specified by the council in the rate (Section 163 (2)). In accordance with Section 163 (3), council must specify:

- a. the wards, groups, uses or areas for which the special rate or charge is declared; and
- b. the land in relation to which the special rate or special charge is declared;
- c. the manner in which the special rate or special charge will be assessed and levied; and
- d. details of the period for which the special rate or special charge remains in force.

The special rates and charges provisions are flexible and can be used to achieve a wide range of community objectives. The fundamental principle of special rates and charges is that "special benefit" applies to those being levied. For example, they could be used to fund co-operative fire prevention schemes. This would ensure that there were no 'free-riders' reaping the benefits but not contributing to fire prevention.

Landscaping and environmental improvement programs that benefit small or localised areas could also be funded using special rates or charges.

Colac Otway Shire Council utilise Special Charges on a case-by-case basis, except for the application of the Tirrengower Special (Drainage) Scheme. This is an ongoing scheme where landholders who benefit from the infrastructure contribute an annual amount equal to \$2.50 per hectare.

5.9. Service Rates and Charges

Section 162 of the *Local Government Act 1989* provides council with the opportunity to raise service rates and charges for any of the following services:

- a. The provision of a water supply;
- b. The collection and disposal of refuse;
- c. The provision of sewage services;
- d. Any other prescribed service.

As mentioned in 1.4.6, Council applies an Annual Service (Waste Management) Charge to fully recover the cost of managing the collection, transportation and disposal of domestic waste.

It is recommended that council retain the existing waste service charge – should council elect not to have a waste service charge, this same amount would be required to be raised by way of an increased general rate – meaning that residents in higher valued properties would substantially pay for the waste service of lower valued properties.

Whilst this same principle applies for rates in general, the mix of having a single fixed charge combined with valuation driven rates for the remainder of the rate notice provides a balanced and equitable outcome.

5.10. Collection and Administration of Rates and Charges

The purpose of this section is to outline the rate payment options, processes, and the support provided to ratepayers facing financial hardship.

Payment options

In accordance with section 167(1) of the *Local Government Act 1989* ratepayers have the option of paying rates and charges by way of four instalments. Payments are due on the prescribed dates below:

- 1st Instalment: 30 September
- 2nd Instalment: 30 November
- 3rd Instalment: 28 February
- 4th Instalment: 31 May

Council offers a range of payment options including:

- in person at Council offices (cheques, money orders, EFTPOS, credit/debit cards and cash),
- online via Council's ratepayer portal, direct debit (on prescribed instalment due dates or monthly),
- BPAY,
- Australia Post (over the counter, over the phone via credit card and on the internet),
- by mail (cheques and money orders only).

Interest on arrears and overdue rates

Interest is charged on all overdue rates in accordance with Section 172 of the *Local Government Act 1989*. The interest rate applied is fixed under Section 2 of the *Penalty Interest Rates Act 1983*, which is determined by the Minister and published by notice in the Government Gazette.

Pensioner rebates

Holders of a Centrelink or Veteran Affairs Pension Concession card or a Veteran Affairs Gold card which stipulates TPI or War Widow may claim a rebate on their sole or principal place of residence. Upon initial application, ongoing eligibility is maintained, unless rejected by Centrelink or the Department of Veteran Affairs during the annual verification procedure. Upon confirmation of an eligible pensioner concession status, the pensioner rebate is deducted from the rate account before payment is required by the ratepayer.

With regards to new applicants, after being granted a Pensioner Concession Card (PCC), pensioners can then apply for the rebate at any time throughout the rating year. Retrospective claims up to a maximum of one previous financial year can be approved by Council on verification of eligibility criteria, for periods prior to this claims may be approved by the relevant government department.

Deferred payments

Under Section 170 of the *Local Government Act 1989*, Council may defer the payment of any rate or charge for an eligible ratepayer whose property is their sole place of residency, allowing ratepayers an extended period of time to make payments or alternatively to forestall payments on an indefinite basis until the ratepayer ceases to own or occupy the land in respect of which rates and charges are to be levied.

Deferral of rates and charges are available to all ratepayers who satisfy the eligibility criteria and have proven financial difficulties. Where Council approves an application for deferral of rates or charges, interest will continue to be levied on the outstanding balance of rates and charges but at an interest rate fixed annually by Council. This deferred interest rate will typically be well under the penalty interest rate levied by Council on unpaid rates and charges.

Ratepayers seeking to apply for such provision will be required to submit a Rates Deferment Application form which is available at the council offices, on the Council website or which can be posted upon request.

Rates Debtors in Financial Hardship Policy

It is acknowledged at the outset that various ratepayers may experience financial hardship for a whole range of issues and that meeting rate obligations constitutes just one element of a number of difficulties

that may be faced. The purpose of the Rates debtors in Financial Hardship Policy is to provide assistance to ratepayers experiencing ongoing financial hardship.

The policy only applies to rates debts connected to the applicant's principal place of residence. It does not apply to investment properties or business properties.

The policy provides for Council to waive accrued interest and put a moratorium on future interest to allow the ratepayer to catch up with the debt. Waiving accrued interest immediately reduces the amount of the debt and not charging interest into the future allows payments made to be applied to paying off the debt rather than being applied towards paying interest in the first instance.

It is pointed out there is an expectation the debtor is trying to pay the debt and will use the assistance to catch up. Any assistance provided is effectively being provided by all other ratepayers.

Ratepayers seeking assistance under this policy required to submit an Application form and submit detailed personal information to verify they are legitimately in financial hardship. The application form which is available at the council offices, website or can be posted upon request.

All applications are treated confidentially.

Council also recognises financial hardship will usually result in a person having other debts in addition to a rates debt. Council is therefore a participant in the Geelong region Financial Inclusion Action Plan (FIAP), which seeks to address poverty within the region. As part of this, Council can help connect hardship assistance applicants with other organisations in the region that they may have debts with to see if beneficial outcomes may be achieved.

Debt recovery

Council makes every effort to contact ratepayers at their correct address but it is the ratepayers' responsibility to properly advise Council of their contact details. The *Local Government Act 1989* Section 230 and 231 requires both the vendor and buyer of property, or their agents (e.g. solicitors and or conveyancers), to notify Council by way of notice of disposition or acquisition of an interest in land.

Council issues a Final Notice in March for unpaid lump sum payment option accounts.

As Instalment payment option payers received quarterly instalment notices in November, February and May, a Final Notice for these is not required. Council does however send a letter in June/July to these ratepayers who have not paid in full. These ratepayers then receive the next annual notice in August, which shows any unpaid rates as arrears.

Council makes every effort to make ratepayers aware of their responsibilities and relevant due dates. In recent years, Council has used SMS and email messages to remind ratepayers of due dates and impending action. Whilst Council prefers not to take legal action, in some cases it is necessary. Any account that is referred to debt collection is only referred after *at least* an annual notice and Final Notice have been sent to the recorded address of the ratepayer,

All fees and court costs incurred will be recoverable from the ratepayer and remain a charge against the property until they are paid.

If an amount payable by way of rates in respect to land has been in arrears for three years or more, Council may take action to sell the property in accordance with the *Local Government Act 1989* Section 181.

6. OTHER REVENUE ITEMS

6.1. User Fees and Charges

User fees and charges are those that Council will charge for the delivery of services and use of community infrastructure.

Examples of user fees and charges include:

- Kindergarten and Childcare fees
- Leisure Centre, Gym, and Pool visitation and membership fees
- Transfer Station and Waste Disposal fees
- Aged and Health Care service fees
- Leases and facility hire fees

The provision of infrastructure and services form a key part of council's role in supporting the local community. In providing these, council must consider a range of 'Best Value' principles including service cost and quality standards, value-for-money, and community expectations and values. Council must also balance the affordability and accessibility of infrastructure and services with its financial capacity and in the interests of long-term financial sustainability.

Councils must also comply with the government's Competitive Neutrality Policy for significant business activities they provide and adjust their service prices to neutralise any competitive advantages when competing with the private sector.

In providing services to the community, council must determine the extent of cost recovery for particular services consistent with the level of both individual and collective benefit that the services provide and in line with the community's expectations.

Services are provided on the basis of one of the following pricing methods:

- a. **Market Price**
- b. **Full Cost Recovery Price**
- c. **Subsidised Price**

Market pricing (A) is where council sets prices based on the benchmarked competitive prices of alternate suppliers. In general market price represents full cost recovery plus an allowance for profit. Market prices will be used when other providers exist in the given market, and council needs to meet its obligations under the government's Competitive Neutrality Policy.

It should be noted that if a market price is lower than council's full cost price, then the market price would represent council subsidising that service. If this situation exists, and there are other suppliers existing in the market at the same price, this may mean that council is not the most efficient supplier in the marketplace. In this situation, council will consider whether there is a community service obligation and whether council should be providing this service at all.

Full cost recovery price (B) aims to recover all direct and indirect costs incurred by council. This pricing should be used in particular where a service provided by council benefits individual customers specifically, rather than the community as a whole. In principle, fees and charges should be set at a level that recovers the full cost of providing the services unless there is an overriding policy or imperative in favour of subsidisation.

Subsidised pricing (C) is where council subsidises a service by not passing the full cost of that service onto the customer. Subsidies may range from full subsidies (i.e. council provides the service free of charge) to partial subsidies, where council provides the service to the user with a discount. The subsidy can be funded from council's rate revenue or other sources such as Commonwealth and state funding programs. Full council subsidy pricing and partial cost pricing should always be based on knowledge of the full cost of providing a service.

As per the Victorian Auditor General's Office report "*Fees and charges – cost recovery by local government*" recommendations, council has developed a user fee pricing policy to help guide the fair and equitable setting of prices. The policy outlines the process for setting fee prices and includes such principles as:

- Both direct and indirect costs to be taken into account when setting prices;
- Accessibility, affordability and efficient delivery of services must be taken into account; and
- Competitive neutrality with commercial providers.

Council will develop a table of fees and charges as part of its annual budget each year. Proposed pricing changes will be included in this table and will be communicated to stakeholders before the budget is adopted, giving them the chance to review and provide valuable feedback before the fees are locked in.

6.2. Statutory Fees and Charges

Statutory fees and fines are those which council collects under the direction of legislation or other government directives. The rates used for statutory fees and fines are generally advised by the state government department responsible for the corresponding services or legislation, and generally councils will have limited discretion in applying these fees.

Examples of statutory fees and fines include:

- Planning and subdivision fees
- Building and Inspection fees
- Infringements and fines
- Land Information Certificate fees

Penalty and fee units are used in Victoria's Acts and Regulations to describe the amount of a fine or a fee.

Penalty units

Penalty units are used to define the amount payable for fines for many offences. For example, the fine for selling a tobacco product to a person aged under 18 is four penalty units.

One penalty unit is currently \$165.22, from 1 July 2020 to 30 June 2021.

The rate for penalty units is indexed each financial year so that it is raised in line with inflation. Any change to the value of a penalty unit will happen on 1 July each year.

Fee units

Fee units are used to calculate the cost of a certificate, registration or licence that is set out in an Act or Regulation. For example, the cost of depositing a Will with the Supreme Court registrar of probates is 1.6 fee units.

The value of one fee unit is currently \$14.81. This value may increase at the beginning of a financial year, at the same time as penalty units.

The cost of fees and penalties is calculated by multiplying the number of units by the current value of the fee or unit. The exact cost may be rounded up or down.

6.3. Grants

Grant revenue represents income usually received from other levels of government. Some grants are singular and attached to the delivery of specific projects, whilst others can be of a recurrent nature and may or may not be linked to the delivery of projects.

Council will pro-actively advocate to other levels of government for grant funding support to deliver important infrastructure and service outcomes for the community. Council may use its own funds to leverage higher grant funding and maximise external funding opportunities.

When preparing its financial plan, council considers its project proposal pipeline, advocacy priorities, upcoming grant program opportunities, and co-funding options to determine what grants to apply for. Council will only apply for and accept external funding if it is consistent with the Community Vision and does not lead to the distortion of Council Plan priorities.

Grant assumptions are then clearly detailed in council's budget document. No project that is reliant on grant funding will proceed until a signed funding agreement is in place.

6.4. Contributions

Contributions represent funds received by council, usually from non-government sources, and are usually linked to projects. Contributions can be made to council in the form of either cash payments or asset hand-overs.

Examples of contributions include:

- Monies collected from developers under planning and development agreements
- Monies collected under developer contribution plans and infrastructure contribution plans
- Contributions from user groups towards upgrade of facilities
- Assets handed over to council from developers at the completion of a subdivision, such as roads, drainage, and streetlights.

Contributions should always be linked to a planning or funding agreement. Council will not undertake any work on a contribution-funded project until a signed agreement outlining the contribution details is in place.

Contributions linked to developments can be received well before any council expenditure occurs. In this situation, the funds will be identified and held separately for the specific works identified in the agreements.

6.5. Interest on Investments

Council receives interest on funds managed as part of its investment portfolio, where funds are held in advance of expenditure, or for special purposes. The investment portfolio is managed per council's investment policy, which seeks to earn the best return on funds, whilst minimising risk.

6.6. Borrowings

Whilst not a source of income, borrowings can be an important cash management tool in appropriate circumstances. All borrowings must be undertaken in accordance with Council's Borrowing Policy 16.8.

Item: 10.3

Adoption of 2021/22 Budget

OFFICER	Toni Uphill
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	1. 2021 - 2022 Colac Otway Shire Budget Document (PDF - To Adopt) [10.3.1 - 59 pages]
PURPOSE	To present the 2021/22 Annual Budget for Council's consideration and adoption.

1. EXECUTIVE SUMMARY

In 2021, Council is required to prepare and adopt an annual budget by 30 June in accordance with the *Local Government Act 2020*. It is also important for the budget to be adopted as early as practicable to enable the organisation to be ready to commit delivery of Council's services to the community from 1 July. This report forms part of the statutory process for the adoption of the 2021/22 Budget and Strategic Resource Plan (Attachment 1), which includes amendments to the version placed on public exhibition. These amendments are explained in this report.

Council's 2021/22 Draft Budget has been developed in accordance with the assumptions contained in the Council Plan, Strategic Resource Plan and those presented to Council on a regular basis during the budget development process.

Average Rate Increase

The level of required rates and charges has been considered in the context of developing a Revenue and Rating Plan that outlines how Council will generate income to deliver the Council Plan, program and services and capital works commitments over a four-year period. The level of required rates and charges has been considered in this context, with reference to Council's other sources of income and planned expenditure on services and works to be undertaken for the community.

To achieve these objectives while maintaining service levels and a strong capital expenditure program, the average general rate and the municipal charge will increase by 1.5% in line with the State rate cap.

Public Submissions

A total of 20 written submissions were received following the public exhibition period for submissions, which closed on 31 May 2021. The Submissions Committee heard from submitters who requested to speak in support of their submission at the Submissions Committee Meeting held on 9 June 2021.

The Submissions Committee resolved:

That the Submission Committee:

1. *Acknowledges the written submissions received.*
2. *Acknowledges and notes the verbal comments made in support of written submissions.*
3. *Thanks the submitters for their submissions.*
4. *Having heard all the submissions, recommends that Council consider the submissions at the Council meeting to be held on Thursday 24 June 2021, and adopt the 2021/22 Budget with no amendments.*

Subsequent to the Submissions Committee Meeting, Council officers are giving further consideration to the proposed Bluewater crèche fees. Due to limited time for production of the budget report, a separate report on the crèche fees will be presented to Council in July 2021. Further information regarding power points around the lake foreshore and Memorial Park will also be provided to Council as it becomes available.

Amendments to the 2022/22 Draft Budget

Council officers recommend amendments to the wording of Section 4.1.1(n) Differential Rates in the 2021/22 Draft Budget to ensure compliance with new legislative requirements in the *Local Government Act 2020*. These requirements were overlooked in preparation of the Draft 2021/22 Budget.

The proposed changes to wording are explained in this report, provide additional information only, and are consistent with information included in the Draft 2021-2025 Revenue and Rating Plan.

Summary

The budget is framed to be flexible and to allow Council to make critical decisions in the future.

All operating budgets, initiatives and business cases have been reviewed to ensure the services identified within the Council Plan are being delivered, within a balanced budget.

The key financial outcomes from the attached budget include:

- Net Surplus - \$3.27m
- Adjusted Underlying surplus - \$160k
- Closing Cash Balance - \$13.3m
- Closing Working Capital Surplus of \$5.1m
- Reserves balance of \$13.0m
- \$13.7m Capital Works Program.
- \$8.6m capital renewal, which equates to 94% of depreciation.

2. RECOMMENDATION

That Council:

1. **Having considered all submissions received, adopts the 2021/22 Budget, and subsequent three (3) financial years (subject to adopting Council's 10 Year Financial Plan in 2021/22), annexed to this resolution as Attachment 1 in accordance with Section 94 and 96 of the Local Government Act 2020 (the Act).**
2. **Authorises the Chief Executive to:**
 - a. **Give public notice of Council's decision to adopt the 2021/22 Budget, and subsequent three (3) financial years (subject to adopting Council's 10 Year Financial Plan in 2021/22);**
 - b. **Make available a copy of the adopted Budget at the Rae Street Office and the Apollo Bay Customer Service Centre for public inspection in accordance with Council's Public Transparency Policy;**
 - c. **Thank persons making submissions to the 2021/22 Budget and advise them of the outcome of the budget decision by writing to each person who made a submission; and**

3. **Intends to raise the following amount:**

An amount of \$32,308,219 (or such other amount as is lawfully raised as a consequence of this resolution) be declared as the amount that Council intends to raise by general rates (described later in this resolution), municipal charge and service rates and charges (Waste Management and Tirrengower Drainage Scheme), which is calculated as follows:

Category	Income
General Rates	\$26,193,065
Municipal Charge	\$2,879,955
Annual Service (Waste Management Charges)	\$3,212,699
Tirrengower Drainage Scheme Special Charge	\$22,500
TOTAL	\$32,308,219

4. **Declares a general rate in respect of the 2021/22 Financial Year.**
 - a. **It be further declared that, consistent with Council's Revenue and Rating Plan and having regard to the considerations outlined in the Budget for the 2021/22 financial year, the general rate be raised by the application of differential rates.**
 - b. **A differential rate be respectively declared for rateable land having the respective characteristics specified below, which characteristics will form the criteria for each differential rate so declared:**
 - i. **Residential – Colac/Elliminyt**

Any land whether vacant or built upon, which is located in Colac, Colac East, Colac West and Elliminyt that is not zoned for commercial or industrial use and which does not have the characteristics of:

 - a. **Rural Farm Land;**
 - b. **Holiday Rental Land; or**
 - c. **Commercial/Industrial Land – Colac, Colac East, Colac West or Elliminyt and whose highest and best use is deemed to be as residential land.**

ii. Residential - Balance of Shire

Any land whether vacant or built upon which is not located in Colac, Colac East, Colac West and Elliminyt that is not zoned for commercial or industrial use and which does not have the characteristics of:

- a. Rural Farm Land;*
- b. Holiday Rental Land;*
- c. Commercial/Industrial Land – Colac, Colac East, Colac West or Elliminyt and whose highest and best use is deemed to be as residential land.*

iii. Holiday Rental

Any land that contains a dwelling, cabin or house or part of a house that:

- a. is used for the provision of holiday accommodation for the purpose of generating income; or*
- b. is made generally available for holiday accommodation and is a secondary or supplemental source of income for the owner.*

Note: Typically, the category will include absentee owned holiday houses publicly made available for short term accommodation for a tariff, owner occupied “Bed and Breakfast” establishments, farm properties with accommodation cabins, holiday farms and the like.

The category will not include:

- absentee owned holiday houses that are not publicly made available for hire but are used by family/friends of the owner for short term holiday accommodation; and*
- land used to provide tourist/holiday accommodation on an overtly commercial scale and basis where the provision of accommodation is an integral part of the use of the property.*

The types of properties excluded from this category would include motels, resorts, hotels with accommodation, caravan parks, centrally managed and promoted multi-unit developments and the like.

iv. Rural Farm

Any land within the shire which is “Farm Land” within the meaning of Section 2 of the Valuation of Land Act 1960 and is zoned to allow land to be used for rural and/or farming purposes.

In addition, it may include small parcels of undeveloped land that do not meet the meaning of “Farm Land” prescribed in of Section 2 of the Valuation of Land Act 1960, but are also deemed unlikely to be granted a town planning permit for a dwelling to be located on the property.

Typically these properties will be:

- a. up to 5 hectares in area;*
- b. be zoned to allow the land to be used for rural and/or farming purposes;*
- c. been deemed unviable for the purposes of carrying on a business of primary production by Council; and*
- d. been deemed unsuitable to allow the construction of a dwelling.*

v. Commercial/Industrial – Colac/Elliminyt

Any land which is located in Colac, Colac East, Colac West or Elliminyt which does not have the characteristics of:

- a. Rural Farm Land;*

- b. Residential Land – Colac, Colac East, Colac West or Elliminyt; or*
- c. Holiday Rental Land; and*
- d. is used primarily for:*
 - i. the sale of goods or services;*
 - ii. other commercial purposes; or*
 - iii. industrial purposes, or*

is vacant which is vacant but zoned for commercial or industrial use.

vi. Commercial/Industrial - Balance of Shire

Any land which is located in localities other than Colac, Colac East, Colac West or Elliminyt which does not have the characteristics of:

- a. Rural Farm Land;*
- b. Residential Land – Balance of Shire; or*
- c. Holiday Rental Land; and*
- is used primarily for:*
 - i. the sale of goods or services;*
 - ii. other commercial purposes; or*
 - iii. industrial purposes; or*

is land which is vacant but zoned for commercial or industrial use.

- c. Each differential rate will be determined by multiplying the Capital Improved Value of each piece of rateable land (categorised by the characteristics described in Clause 5(b) of this Resolution) by the relevant rate in the dollar indicated in the following table:*

<i>Rating Category</i>	<i>Rate in the dollar of CIV</i>
<i>Residential – Colac/Elliminyt</i>	<i>0.003580</i>
<i>Residential - Balance Of Shire</i>	<i>0.003043</i>
<i>Holiday Rental</i>	<i>0.003580</i>
<i>Rural Farm</i>	<i>0.002685</i>
<i>Commercial/Industrial – Colac/Elliminyt</i>	<i>0.005907</i>
<i>Commercial/Industrial - Balance Of Shire</i>	<i>0.005012</i>

- d. It be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that:*
 - i. the respective:*
 - a. objectives;*
 - b. types or classes of land;*
 - c. use of rate;*
 - d. level of rate;*
 - e. uses of land;*
 - f. geographical locations;*
 - g. Planning Scheme zoning; and*
 - h. types of buildings*

of each differential rate be those specified in Section 4.1.1(n) of the 2021/22 Budget;

5. *Declares a Municipal Charge for the 2021/22 Financial Year to cover some of the administrative costs of the Council in the amount of \$195 per annum for each rateable property in respect of which a municipal charge can be levied.*
6. *Declares the following Annual Service (Waste Management) Charges for the 2021/22 financial year:*
 - a. *An Annual Service (Waste Management) Charge of \$308 per annum for the weekly kerbside collection and disposal service for all land used primarily for residential or commercial purposes that are located on the designated collection routes.*
 - b. *An Annual Service (Waste Management) Charge of \$245 per annum for the fortnightly kerbside collection and disposal service for all developed land used primarily for residential or commercial purposes that are located on the designated collection routes.*
7. *Declares a Special Charge for the Tirrengower drainage works to be calculated at \$2.50 per hectare for the 2021/22 financial year in respect of all land previously declared by Council in its resolution on 24 January 2018 and listed in the Schedule attached to the 24 January 2018 resolution.*
8. *Allows the general rates, Municipal Charge and Annual Service (Waste Management) Charges to be paid in accordance with Section 167 of the Local Government Act 1989 by four instalments due on or before:*
 - a. *30 September 2021;*
 - b. *30 November 2021;*
 - c. *28 February 2022; and*
 - d. *31 May 2022.*
9. *Requires any person to pay interest (only to be calculated from 1 January 2022) at the maximum rate calculated in accordance with Section 172(2) of the Local Government Act 1989 on any amounts of rates and charges which:*
 - a. *that person is liable to pay; and*
 - b. *have not been paid by the date specified for their payment.*
10. *Authorises the General Manager Corporate Services, Manager Financial Services and the Revenue Co-ordinator to levy and recover the General Rates, Municipal Charge, Annual Service (Waste Management) Charges and Tirrengower Drainage Scheme Special Charge in accordance with Section 11 of the Local Government Act 2020.*

3. KEY INFORMATION

Council's 2021/22 Draft Budget has been developed in accordance with the assumptions contained in the Council Plan, Financial Plan and those presented to Council on a regular basis during the budget development process.

All operating budgets, initiatives and business cases have been reviewed to ensure the services identified within the Council Plan are being delivered, within a balanced budget.

In preparing the Budget, Council considered the long term financial planning principles which include:

- Ensuring long term financial sustainability;
- Delivering services in a cost effective and efficient manner;

- Ensuring operating revenues are sustainable and consider community wide and individual benefits (rates versus user charges);
- Maintaining cash reserves and operating surpluses at appropriate levels;
- Identifying and quantifying long term liabilities;
- Meeting social equity objectives through specific programs;
- Managing the Shire's capital assets to maximise long term community benefit; and
- Recognising that funding from State and Federal Government is a crucial element of financial sustainability.

Meeting these principles has been more challenging over recent years given Council is now operating within an environment where revenue is restricted due to rate capping imposed by the Victorian Government, and Federal Assistance Grants were frozen for a three-year period between 2015 and 2018, creating a permanent impact on Council's reserves.

As has been the case for many years, Council faces substantial challenges associated with the provision and renewal of roads, paths, and community and recreation facilities.

In February 2014, The Victorian Auditor-General's Office tabled a report in Parliament highlighting its concerns over this exact challenge that councils face in meeting the growing demand of asset maintenance and renewal. The Auditor-General, Mr John Doyle, states in the report:

'They also have legislative obligations to manage financial risks prudently and to ensure that their asset management decisions take into account economic circumstances and their financial effects on future generations. This is especially important in the current economic climate and in an environment where reliance on sources of revenue such as government grants cannot be assured'.

This challenge has been further exacerbated by the introduction of rate capping. History shows that the cost of maintaining and constructing such assets greatly exceeds CPI and the rate cap. The Draft Budget provides for an average annual rate increase of 1.5%. The table below provides a summary of the calculation for the 2021/22 Draft Budget, according to the formula prescribed by the Victorian Government.

Forecast Annualised Rate Revenue at 30 June 2021	\$28,646,750
Forecast Number of Assessments at 30 June 2021	15,637
Forecast Base Average Rate 2020/21 per assessment	\$1,832
Budget Rate Revenue 2021/22	\$29,073,020
Capped Average Rate 2021/22 per assessment	\$1,859
Average Capped Increase	1.5%

It is important to note that this is only an average increase and actual increases will vary depending on the relative value of individual properties. As required by legislation, the rate burden must be distributed based upon the value of a property, which will result in higher valued properties increasing by more than 1.5% and lower valued properties increasing by less than 1.5%.

AMENDMENTS TO THE 2021/22 DRAFT BUDGET

Amendment is required to the wording of Section 4.1.1(n) Differential Rates of the 2021/22 Draft Budget to ensure compliance with changes to the *Local Government Act 2020*.

Council's four year Revenue and Rating Plan explains the differential rating structure and is developed in accordance with the requirements of Section 161 'Differential Rates' of the *Local Government Act 1989*. Council must specify the following information for each differential rate declared:

- the objectives of the differential rate, which must be consistent with the equitable and efficient carrying out of the Council's functions and includes:
 - A definition of the types or classes of land which are subject to the rate and a statement of the reasons for the use and level of that rate;
 - An identification of the type or classes of land which are subject to the rate in respect of the uses, geographic location (other than location on the basis of whether or not the land is within a specific ward in Council's district); and
 - Specify the characteristics of the land, which are the criteria for declaring the differential rate.

Prior to the application of the *Local Government Act 2020*, the differential rating objectives were specified in Council's Rating Strategy. The new legislation more explicitly requires Council to specify the differential rating objectives in the Annual Budget document.

Council officers have updated Section 4.1.1(n) of the attached Draft Budget to include the above information, which is sourced from the Draft 2021-2025 Revenue and Rating Plan.

The proposed additional information:

- provides clarification in the Budget of Council's rating differential objectives;
- ensures compliance with new legislative requirements in the *Local Government Act 2020*; and
- enhances public transparency about Council's differential rating system.

MAJOR INITIATIVES

As per Section 94 of the *Local Government Act 2020*, the following six initiatives have been identified by Council as priorities to be undertaken during the 2021/22 financial year:

1. Facilitate the process of making additional residential land available

Colac has a significant lack of development ready land, which is constraining the town's residential and economic growth. With the completion of the Princes Highway duplication and high quality social, education and recreation facilities, Colac has an enhanced reputation as an attractive place to live and work.

The Colac 2050 Growth Plan was adopted by the Victorian Government in late 2020 and paves the way for the future growth of the town. Further planning work is now required to unlock the potential for growth in key areas of Colac and ensure land is ready for residential development. Council will work with landowners, developers and key authorities to fast-track the availability of land for residential growth. Council will progress key rezoning applications as well prepare an Outline Development Plan for the Deans Creek Growth Corridor. This work will establish locations for key infrastructure such as public open space, main road and path connections, drainage and the like. Council is funding this work in part over 2021/22 and 2022/23, and is seeking Victorian Government funding to assist.

Council will also facilitate the sale of Council owned residential land at 36-52 Bruce Street Colac with a view to achieving affordable housing outcomes as part of a future development process.

2. Implementation of the transition from Corangamite to Geelong Regional Library Corporation

On 1 July 2021 Council will officially transition to the Geelong Regional Library Corporation. The new corporation will offer a range of enhanced services to our community, including a large collection of more than 400,000 items and specialist programs for children and adults.

3. Implementation of additional glass recycling kerbside collection

In February 2020, the Victorian Government announced significant reforms to household recycling to ensure Victoria is well placed to transition to a circular economy. The first stage of the reform requires councils to separate glass from the yellow co-mingled recycling bin. Councils are to transition into a four bin model. This means a separate glass bin with a purple lid will be rolled out for the collection of glass for all kerbside tenements and a separate glass disposal at the transfer stations and drop off facilities.

4. Development of Asset Management Plan's

As a requirement of the *Local Government Act 2020*, Council is preparing a suite of Asset Plans for adoption prior to July 2022. These plans will include an Asset Management Strategy and Asset Management Plans for our six major asset classes: bridges, roads, footpaths, stormwater/drainage, open space and buildings. Preparation of the plans involves collection of up to date condition data, a preliminary review of service levels and demand, and community consultation. The Asset Management Plans will inform the long-term financial plan.

5. Service review of Colac Regional Saleyards

The saleyards industry has changed substantially in recent years including a move from some farmers to sell directly to abattoir and online sales. Colac Regional Saleyards has seen a decline in throughput in recent years, largely due to an overall decrease in local stock volumes. A full service review is required to ensure that Council is managing the asset and its operations in line with current best practice, with consideration of future strategic priorities.

6. Construction of Apollo Bay Early Years Hub

In late 2021, the Apollo Bay Preschool will move into the new Apollo Bay Early Years Hub on the Apollo Bay P-12 College site. This new facility will include a dedicated space for Maternal and Child Health consultations. The new two-room, 66-place kindergarten has been funded by the Victorian Government under its Kindergartens on School Sites program, with Council contributing up to \$500,000 towards the MCH consulting spaces.

Council's Budget also contains an allocation to get the building ready to take children, which will include the addition of fixtures and fittings such as window coverings, and the costs associated with getting the building licenced for operation.

FINANCIAL PERFORMANCE AND SUSTAINABILITY

The key financial outcomes from the 2021/22 Draft Budget include:

- Net Surplus - \$3.27m
- Adjusted Underlying surplus - \$160k
- Closing Cash Balance - \$13.3m
- Closing Working Capital Surplus of \$5.1m
- Reserves balance of \$13.0m

- \$13.7m Capital Works Program.
- \$8.6m capital renewal, which equates to 94% of depreciation.

The Financial Performance Indicators are detailed in Section 5 of the 2021-22 Draft Budget document.

Adjusted Underlying Surplus

The regulations prescribe the method for calculating the 'Adjusted Underlying Result'. The purpose for calculating the Adjusted Underlying Result is to remove the effect on the budget of one-off revenue items that may otherwise overstate Council's 'normal' performance. Under the regulations, the 2021/22 surplus of \$160k is calculated as follows:

	\$'000
Total Comprehensive Result	3,271
Non-recurrent grants used to fund capital expenditure	(2,991)
Non-monetary asset contributions	
Other contributions to fund capital expenditure	(120)
Adjusted Underlying Deficit	160

Revenue

The following key points relate to budgeted revenue of \$56.4m, which is budgeted to decrease from the 2020/21 forecast of \$61.3m by \$4.9m.

- Rates and charges total \$32.8m. This increase is the result of a 1.5% average increase in rates, compounded by supplementary valuations.
 - o The average increase of 1.5% includes a Municipal Charge of \$195.
 - o Compounding effect of supplementary valuations, including the transition of 230 newly identified holiday rental properties from 2019/20; and
 - o The annual kerbside collection charge is budgeted to increase, with the weekly waste charge increasing by \$8 from \$300 to \$308 and the fortnightly waste charge by \$40 from \$205 to \$245.
- User Fees and Charges have increased by \$1.3m to \$6.5m. This increase is due to the 2020/21 forecast impacted by the closure of Bluewater due to COVID-19, which is expected to remain open for 2021/22. It is also expected that increased income will be earned by the increased delivery of funded Home Care packages.
- Operating grants have decreased by \$6.8m to \$10.7m. This is primarily due to the 2020/21 forecast, including \$4.6m of City Deal funding and \$1m of funding received for Working For Victoria, which is not included in the 2021/22 Budget. It has been assumed that Federal Assistance Grants do not increase over the next three years.
- Capital grants has decreased by \$0.2m to \$4.7m. The 2021/22 Budget includes \$2.3m Local Sports Infrastructure stimulus funding for lighting upgrades and \$1.7m Roads to Recovery recurrent funding.
- Other income is budgeted to decrease by \$423k to \$367k. The 2020/21 forecast includes a one-off insurance reimbursement of \$284k.

Expenditure

The following key points relate to budgeted expenditure of \$53.1m, which has decreased by \$7.6m compared to the 2020/21 forecast of \$60.7m.

- Employee costs have increased by \$580k, or 2.7%, to \$21.7m.

- o The 2020/21 forecast includes expenditure relating to Working for Victoria (WV) \$680k, resulting in employee costs, excluding WV, have increased by \$1.26m in 2021/22.
- o The 2021/22 budget includes the Enterprise Bargaining Agreement increase of 2.25% (\$450k).
- o The 2021/22 budget assumes services will be open for the full year, unlike 2020/21 where various services were closed due to COVID. This will result in employee costs in Bluewater Leisure Centre (\$350k), COPACC (\$80k) and the Visitor Information Centres (\$60k) returning to normal levels.
- o Additional employee costs are required to deliver an increased number of fully-funded Home Care Packages (\$290k)
- o FTE is budgeted to increase by 10, from 228 to 238. This increased FTE is partially due to the impacts of COVID, with an additional 5 FTE required to return to full-service levels. There is also additional fully-funded employees required to deliver increased Home Care Packages
- o The Workcover Premium is expected to increase by \$100k.
- Materials and services are budgeted to decrease by \$5.7m, or 22%, to \$20.7m.
 - o 2020/21 forecast includes \$4.6m relating to fully-funded City Deals Projects and \$300k for expenses related to the fully-funded WV.
 - o Agency staff budgeted to decrease by \$151k.
 - o Contractor costs budgeted to decrease by \$5.9m.
 - o Expenditure on consultants budgeted to decrease by \$179k.
 - o Legal expenditure budgeted to decrease by \$27k to \$146k.
 - o Training costs budgeted to increase by \$45k to \$432k.
- Depreciation expense will decrease by \$1.7m to \$9.1m. This reduction is due to a reduction in depreciation rates as a result of a depreciation review conducted in 2020/21, which concluded that depreciation rates were too high.
- Borrowing costs will decrease by \$14k to \$39k. This reduction is due to the reduced level of debt in 2021/22.

Balance Sheet

The key points to note are:

- Council's working capital will decrease by \$1.5m, from \$6.6m to \$5.1m.
- Council's net worth (equity) will increase by \$3.3m to \$359m
- Property, infrastructure, plant and equipment comprise 95% of Council's total assets.
- Working capital is in surplus \$5.1m. Current assets will be 1.5 times current liabilities at the end of the financial year, down from 1.6 in 2020/21.
- Employee provisions are budgeted to remain steady at \$13.4m.
- \$142k in borrowings is scheduled to be repaid.

Cash Flow

The closing cash balance is budgeted to be \$13.3m at 30 June 2022.

The cash balance at 30 June 2022 is budgeted to include \$7.0m of Federal Assistance Grants received in advance.

Capital Works

The key points to note are:

- The capital works program for 2021/22 totals \$13.7m, \$0.6m less than the 2020/21 forecast of \$14.3m.
- The program is divided between capital renewal (62%), capital upgrade (37%) and new assets (1%).
- The capital works budget is funded from a mix of external and internal sources. 35% is funded by grants and contributions, 65% by operations.

Following is a summary of the major items of capital expenditure funded in the budget:

- Local sports lighting infrastructure \$2.7m
- Sealed road reconstruction program \$2.6m
- Unsealed road reconstruction program \$1.4m
- Heavy plant replacement \$1.3m
- Seal road resealing program \$1.2m
- Bridge upgrade programme \$900K
- Light fleet replacement \$760K
- Bridge rehabilitation program \$540K
- Building upgrade program \$522K
- Stormwater Program \$350K
- Road slip rehabilitation program \$270K
- Footpath renewal \$127K
- Footpath extension \$105K
- Building renewal programme \$100K

Sale of Land

It is noted that this draft budget does not include any income from sale of land. Should there be a Council decision to sell any land during the 2021/22 financial year, it is anticipated that Council officers would propose the Council also make a decision on how any surplus would be treated.

4. COMMUNITY CONSULTATION & ENGAGEMENT

As part of preparation of the Annual Budget there has been an online survey inviting the community to provide feedback and comment. This activity was publicised in local media and on social media. The community was invited to submit Business Cases relating to the 2021/22 financial year and beyond. Stakeholders were able to submit their ideas and Business Cases via an online survey. In accordance with section 96 of the Act and Council's Community Engagement Policy, the 2021/22 Draft Budget was made available for public submissions for a period of 31 days. The proposed schedule of Fees and Charges was also made available for public submissions.

5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

Alignment to Council Plan 2017-2021:

Theme 4 - Our Leadership & Management

1. Effectively manage financial resources.
2. Openness and accountability in decision making.
3. Organisational development and legislative compliance.
4. Provide value for money services for our community.
5. Communicate regularly with our community and involve them in decision-making.

6. CONSIDERATIONS

ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

The Annual Budget must reflect the objectives of the adopted Council Plan. Therefore, the resources allocated to environmental, social, cultural and economic issues must be considered as part of the process.

LEGAL & RISK

The 2021/21 Draft Budget is to be prepared under the *Local Government Act 2020*. The provisions of the amended Act require Council to develop the budget in accordance with:

- (a) the financial management principles; and
- (b) its community engagement policy.

Understanding the impact of, and agreeing to, financial planning principles that reflect the adopted Council Plan is considered a critical aspect of sound financial management.

Council's Draft 2021-2025 Revenue & Rating Plan aligns with the financial management principles and seeks to provide stability and predictability about the financial impact of rating decisions on our community. Declaration of Council rates and charges forms a key component of the Annual Budget process and this process remains prescribed by the *Local Government Act 1989*.

Section 94 of the Act requires Council to ensure the budget gives effect to the Council Plan and contains the following information:

- financial statements in a prescribed form for Local Government;
- a general description of the services and initiatives to be funded in the budget;
- major initiatives identified by the Council as priorities in the Council Plan;
- prescribed indicators and measures of service performance that are reported against;
- the total amount that the Council intends to raise by rates and charges;
- a statement as to whether the rates will be raised by the application of a uniform rate or a differential rate; and
- prescribed information about each differential rate.

FINANCIAL & BUDGETARY

Refer to the draft budget document.

7. IMPLEMENTATION STRATEGY

Once the final budget is adopted for 2021/22 its implementation will commence immediately.

COMMUNICATION

The adoption of the final 2021/22 Budget will be widely publicised in the local media and on the Council's website.

TIMELINE

Once adopted, the 2021/22 Budget will be made available to the public as soon as possible.

8. OFFICER DIRECT OR INDIRECT INTEREST

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



**COLAC OTWAY SHIRE
DRAFT BUDGET 2021/22**

This Budget Report has been prepared with reference to Local Government Victoria (LGV) Local Government Model Financial Report (LGMFR) 2021/22.

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Mayor's Summary

On behalf of Colac Otway Shire Council, I am pleased to present the 2021-22 Budget, which aims to provide a strong, strategic base for our community's future growth and pandemic recovery.

Following considerable consultation and review, Councillors have worked together with the support of management and staff, to create a budget which enables the delivery of important Council services and meets community expectations, with a focus on sustainability and infrastructure.

The 2021-22 Budget includes a proposed 1.5% average rate increase. Council is aware of the ongoing impacts of the pandemic, particularly on tourism, hospitality and exports, and as we focus on our community's recovery, we encourage ratepayers who are struggling to make contact to discuss how we can help.

The 2021-22 Budget will allow Council to deliver \$13.7 million in capital works projects including almost \$7 million for roads and bridges.

The Budget allocates \$500,000 for major changes to Colac Otway Shire's kerbside recycling service including the introduction of a fourth bin for households to separate glass from other recyclable material and associated upgrades at transfer stations.

Funding for development of the Deans Creek Precinct Structure Plan will be a key project to support Colac's residential growth, while improved library services through the transition to Geelong Regional Library Corporation, and improved sports infrastructure are also highlights of the Budget.

Key projects in the 2021-22 Budget include:

- Fourth bin for kerbside collection to accommodate glass - \$450k
- Transition to Geelong Regional Library \$200k
- Deans Creek Precinct Structure Plan \$225k
- Future Project Design and Scoping program \$210k
- Waste Transfer Station Upgrades for Glass Separation \$150k
- Closed Landfill aftercare management plan \$135k
- Cyber security managed service \$115k

Executive Summary

Council's 2021/22 budget has been developed according to the assumptions contained in the Council Plan, Financial Plan and those presented to Council on a regular basis during the budget development process.

All operating budgets, initiatives and business cases have been reviewed to ensure the services identified within the Council Plan are being delivered, within a balanced budget.

In preparing the Budget, Council considered the long term financial planning principles which include:

- Ensuring long term financial sustainability;
- Delivering services in a cost effective and efficient manner;
- Ensuring operating revenues are sustainable and consider community wide and individual benefits (rates versus user charges);
- Maintaining cash reserves and operating surpluses at appropriate levels;
- Identifying and quantifying long term liabilities;
- Meeting social equity objectives through specific programs;
- Managing the Shire's capital assets to maximise long term community benefit; and
- Recognising that funding from State and Federal Government is a crucial element of financial sustainability.

Meeting these principles has been more challenging over recent years given Council is now operating within an environment where revenue is restricted due to rate capping imposed by the State Government and Federal Assistance Grants were frozen for a three-year period between 2015 and 2018, creating a permanent impact on Council's reserves.

Furthermore, Council has implemented the financial management principles as required under Section 101 of the Local Government Act 2020 (the Act):

- revenue, expenses, assets, liabilities, investments and financial transactions must be managed in accordance with a Council's financial policies and strategic plans
- financial risks must be monitored and managed prudently having regard to economic circumstances
- financial policies and strategic plans, including the Revenue and Rating Plan, must seek to provide stability and predictability in the financial impact on the municipal community
- accounts and records that explain the financial operations and financial position of the Council must be kept

As has been the case for many years, Colac Otway faces substantial challenges associated with the provision and renewal of roads, paths, and community and recreation facilities

In February 2014, The Victorian Auditor-General's Office tabled a report in Parliament highlighting its concerns over this exact challenge that councils face in meeting the growing demand of asset maintenance and renewal. The Auditor-General, Mr John Doyle, states in the report:

'They also have legislative obligations to manage financial risks prudently and to ensure that their asset management decisions take into account economic circumstances and their financial effects on future generations. This is especially important in the current economic climate and in an environment where reliance on sources of revenue such as government grants cannot be assured'.

This challenge is further exacerbated with the introduction of rate capping. History shows that the cost of maintaining and constructing such assets greatly exceeds CPI and the rate cap.

The budget provides for an average annual rate increase of 1.5%. The table below provides a summary of the calculation, according to the formula prescribed by the State Government.

Forecast Annualised Rate Revenue at 30 June 2021	\$28,646,750
Forecast Number of Assessments at 30 June 2021	15,637
Forecast Base Average Rate 2020/21 per assessment	\$1,832
Budget Rate Revenue 2021/22	\$29,073,020
Capped Average Rate 2021/22 per assessment	\$1,859
Average Capped Increase	1.5%

It is important to note that this is only an average increase and actual increases will vary depending on the relative value of individual properties. As required by legislation, the rate burden must be distributed based upon the value of a property which will result in higher valued properties increasing by more than 1.5% and lower valued properties increasing by less than 1.5%.

MAJOR INITIATIVES

As per section 94 of the Act, the following six initiatives have been identified by Council as priorities to be undertaken during the 2021/22 financial year:

1. Facilitate the process of making additional residential land available

Colac has a significant lack of development ready land which is constraining the town's residential and economic growth. With the completion of the Princes Highway duplication and high quality social, education and recreation facilities, Colac has an enhanced reputation as an attractive place to live and work.

The Colac 2050 Growth Plan was adopted by the Victorian Government in late 2020 and paves the way for the future growth of the town. Further planning work is now required to unlock the potential for growth in key areas of Colac and ensure land is ready for residential development. Council will work with landowners, developers and key authorities to fast-track the availability of land for residential growth. Council will progress key rezoning applications as well prepare an Outline Development Plan for the Deans Creek Growth Corridor. This work will establish locations for key infrastructure such as public open space, main road and path connections, drainage and the like. Council is funding this work in part over 2021/22 and 2022/23, and is seeking Victorian Government funding to assist.

Council will also facilitate the sale of Council owned residential land at 36-52 Bruce Street Colac with a view to achieving affordable housing outcomes as part of a future development process.

2. Implementation of the transition from Corangamite to Geelong Regional Library Corporation

On July 1, 2021 Council will officially transition to the Geelong Regional Library Corporation. The new corporation will offer a range of enhanced services to our community including a large collection of more than 400,000 items and specialist programs for children and adults.

3. Implementation of additional glass recycling kerbside collection

In February 2020 the Victorian Government announced significant reforms to household recycling to ensure Victoria is well placed to transition to a circular economy. The First stage of the reform requires Councils to separate glass from yellow co-mingled recycling bin. Councils are to transition into a four bin model. This means a separate glass bin with a purple lid will be rolled out for the collection of glass for all kerbside tenements and a separate glass disposal at the transfer stations and drop off facilities.

4. Development of Asset Management Plan's

As a requirement of the Local Government Act 2020, Council is preparing a suite of Asset Plans for adoption prior to July 2022. These plans will include an Asset Management Strategy and Asset Management Plans for our six major asset classes: bridges, roads, footpaths, stormwater/drainage, open space and buildings. Preparation of the plans involves collection of up to date condition data, a preliminary review of service levels and demand, and community consultation. The Asset Management Plans will inform the long-term financial plan.

5. Service review of Colac Regional Saleyards

The Saleyards industry has changed substantially in recent years including a move from some farmers to sell directly to abattoir and online sales. Colac Regional Saleyards has seen a decline in throughput in recent years, largely due to an overall decrease in local stock volumes. A full service review is required to ensure that Council is managing the asset and its operations in line with current best practice, with consideration of future strategic priorities.

6. Construction of Apollo Bay Early Years Hub

In late 2021, the Apollo Bay Preschool will move into the new Apollo Bay Early Years Hub on the Apollo Bay P-12 College site. This new facility will include a dedicated space for Maternal and Child Health consultations. The new two-room, 66-place kindergarten has been funded by the Victorian Government under its Kindergartens on School Sites program, with Council contributing up to \$500,000 towards the MCH consulting spaces.

Council's budget also contains an allocation to get the building ready to take children, which will include the addition of fixtures and fittings such as window coverings, and the costs associated with getting the building licenced for operation.

FINANCIAL PERFORMANCE AND SUSTAINABILITY

The key financial outcomes from the attached budget include:

- Net Surplus - \$3.27m
- Adjusted Underlying surplus - \$160k
- Closing Cash Balance - \$13.3m
- Closing Working Capital Surplus of \$5.1m
- Reserves balance of \$13.0m
- \$13.7m Capital Works Program.
- \$8.6m capital renewal, which equates to 94% of depreciation.

The Financial Performance Indicators are detailed in Section 5 on this document.

Adjusted Underlying Surplus

The regulations prescribe the method for calculating the 'Adjusted Underlying Result'. The purpose for calculating the Adjusted Underlying Result is to remove the effect on the budget of one-off revenue items that may otherwise overstate Council's 'normal' performance. Under the regulations the 2021/22 surplus of \$160k is calculated as follows:

	\$'000
Total Comprehensive Result	3,271
Non-recurrent grants used to fund capital expenditure	(2,991)
Non-monetary asset contributions	-
Other contributions to fund capital expenditure	(120)
Adjusted Underlying Surplus	160

Revenue

The following key points relate to the budgeted revenue of \$56.4m which is budgeted to decrease from the 2020/21 forecast of \$61.3m.

- Rates and charges total \$32.8m. This increase is the result of a 1.5% average increase in rates, compounded by supplementary valuations.
 - The average increase of 1.5% includes a Municipal Charge of \$195.
 - Compounding effect of supplementary valuations, including the transition of 230 newly identified holiday rental properties from 2019/20; and
 - The annual kerbside collection charge is budgeted to increase, with the weekly waste charge increasing by \$8 from \$300 to \$308 and the fortnightly waste charge by \$40 from \$205 to \$245.
- User Fees and Charges have increased by \$1.3m to \$6.5m. This increase is due to the 2020/21 forecast being impacted by the closure of Bluewater due to COVID-19, which is expected to remain open for 2021/22. It is also expected that increased income will be earned by the increased delivery of funded Home Care packages.
- Operating grants have decreased by \$6.8m to \$10.7m. This is primarily due to the 2020/21 forecast including \$4.6m of City Deal funding and \$1m of funding received for Working For Victoria, which is not included in the 2021/22 Budget. It has been assumed that Federal Assistance Grants do not increase over the next three years.
- Capital grants has decreased by \$0.2m to \$4.7m. The 2021/22 Budget includes \$2.3m Local Sports Infrastructure stimulus funding for lighting upgrades and \$1.7m Roads to Recovery recurrent funding.
- Other income is budgeted to decrease by \$423k to \$367k. The 2020/21 Forecast includes a one-off insurance reimbursement of \$284k.

Expenditure

The following key points relate to the budgeted expenditure of \$53.1m which has decreased by \$7.6m compared to the 2020/21 forecast.

- Employee costs have increased by \$58k, or 2.7%, to \$21.7m.
 - The 2020/21 Forecast includes expenditure relating to Working for Victoria \$680k. Therefore employee costs, excluding WFV, have increased by \$1.26m in 2021/22.
 - The 2021/22 Budget includes the EBA increase of 2.25% (\$450k).
 - The 2021/22 Budget assumes services will be open for the full year, unlike 2020/21 where various services were closed due to COVID. This will result in employee costs in Bluewater Leisure Centre (\$350k), COPACC (\$80k) and the Visitor Information Centres (\$60k) returning to normal levels.
 - Additional employee costs are required to deliver an increased number of fully-funded Home Care Packages (\$290k)
 - FTE is budgeted to increase by 10, from 228 to 238. This increased FTE is partially due to the impacts of COVID, with an additional 5 FTE required to return to full-service levels. There is also additional fully-funded employees required to deliver increased Home Care Packages.
 - The Workcover Premium is expected to increase by \$100k.
- Materials and services are budgeted to decrease by \$5.7m, or 22%, to \$20.7m.
 - 2020/21 Forecast includes \$4.6m relating to fully-funded City Deals Projects and \$300k for expenses related to the fully-funded Working for Victoria.
 - Agency staff are budgeted to decrease by \$151k.
 - Contractor costs are budgeted to decrease by \$5.9m.
 - Expenditure on consultants is budgeted to decrease by \$179k.
 - Legal expenditure is budgeted to decrease by \$27k to \$146k.
 - Training costs are budgeted to increase by \$45k to \$432k.
- Depreciation expense will decrease by \$1.7m to \$9.1m. This reduction is due to a reduction in depreciation rates as a result of a depreciation review conducted in 2020/21, which concluded that depreciation rates were too high.
- Borrowing costs will decrease by \$14k to \$39k. This reduction is due to the reduced level of debt in 2021/22.

Balance Sheet

The key points to note are:

- Council's working capital will decrease by \$1.5m, from \$6.6m to \$5.1m.
- Council's net worth will increase by \$3.3m to \$359m.
- Property, infrastructure, plant and equipment comprise 95% of Council's total assets.
- Working capital is in surplus \$5.1m. Current assets will be 1.5 times current liabilities at the end of the financial year, down from 1.6 in 2020/21.
- Employee provisions are budgeted to remain steady at \$13.4m.
- \$142k in borrowings will be repaid.

Cash Flow

The closing cash balance is budgeted to be \$13.3m at 30 June 2022.

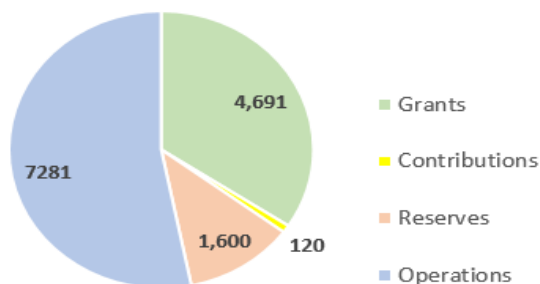
The cash balance at 30 June 2022 is budgeted to include \$3.5m of Federal Assistance Grants received in advance.

Capital Works

The key points to note are:

- The capital works program for 2021/22 totals \$13.7m, \$0.6m less than the 2020/21 forecast of \$14.3m.
- The program is divided between capital renewal (62%), capital upgrade (37%) and new assets (1%).
- The capital works budget is funded from a mix of external and internal sources. 35% is funded by grants and contributions, 65% by operations.

Chart 1 – Capital Works funding sources



Following is a summary of the major items of capital expenditure funded in the budget:

- Local Sports Lighting Infrastructure \$2.7m
- Sealed road reconstruction program \$2.6m
- Unsealed road reconstruction program \$1.4m
- Heavy Plant replacement \$1.3m
- Sealed road resealing program \$1.2m
- Bridge Upgrade programme \$900k
- Light Fleet Replacement \$760k
- Bridge rehabilitation programme \$540k
- Building upgrade programme \$522k
- Stormwater Programme \$350k
- Road Slip Rehabilitation Programme \$270k
- Footpath renewal \$127k
- Footpath extension \$105k
- Building renewal programme \$100k

Sale of Land

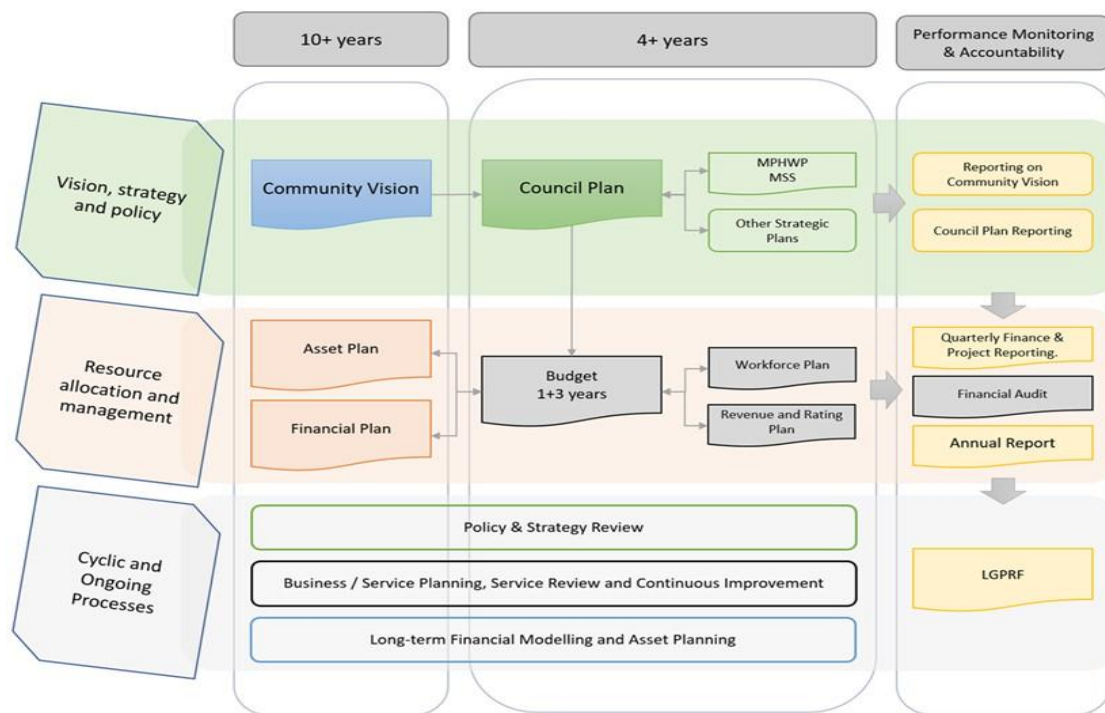
It must be noted that this budget does not include any income from sale of land. Should there be a Council decision to sell any land during the 2021/22 financial year it would be proposed that Council also make a decision on how any surplus would be treated. Given the one-off capital nature of such revenue it would be prudent to utilise it to fund a capital project or hold it in reserve for future projects that may require matching capital funding.

1. Link to the Strategic Integrated Planning and Reporting Framework

This section describes how the Budget links to the achievement of the Community Vision and Council Plan within an overall integrated planning and reporting framework. This framework guides the Council in identifying community needs and aspirations over the long term (Community Vision and Financial Plan), medium term (Council Plan, Workforce Plan, and Revenue and Rating Plan) and short term (Budget) and then holding itself accountable (Annual Report).

1.1 Legislative Planning and accountability framework

The Budget is a rolling four-year plan that outlines the financial and non-financial resources that Council requires to achieve the strategic objectives described in the Council Plan. The diagram below depicts the integrated planning and reporting framework that applies to local government in Victoria. At each stage of the integrated planning and reporting framework there are opportunities for community and stakeholder input. This is important to ensure transparency and accountability to both residents and ratepayers.



Source: Department of Jobs, Precincts and Regions

The timing of each component of the planning framework is critical to the successful achievement of the planned outcomes.

1.1.2 Key planning considerations

Service level planning

Although councils have a legal obligation to provide some services— such as animal management, local roads, food safety and statutory planning—most council services are not legally mandated, including some services closely associated with councils, such as libraries, building permits and sporting facilities. Further, over time, the needs and expectations of communities can change. Therefore councils need to have robust processes for service planning and review to ensure all services continue to provide value for money and are in line with community expectations. In doing so, councils should engage with communities to determine how to prioritise resources and balance service provision against other responsibilities such as asset maintenance and capital works. Community consultation needs to be in line with a Council's adopted Community Engagement Policy and Public Transparency Policy.

1.2 Our purpose

Our Vision "Towards a prosperous future"

The Councillors at Colac Otway Shire commit to plan for growth in business and employment for our town and settlements; The delivery of high quality services that meet community needs and demonstrate values for money; and to be leaders and work together as a team with the community and the organisation to achieve our goals for the shire.

Our values

- **Respect** – Be open and consistent in our dealings with people and respect their views.
- **Integrity** – We will work in an open and transparent way, ensuring our processes, decisions and actions are ethical, responsible and honest.
- **Goodwill** – We will have an attitude of kindness and friendliness and build a good relationship with our customers and community.
- **Honesty** – We will be consistent, keep our promises, admit our mistakes and clearly communicate our decisions.
- **Trust** – We will act honestly, openly and fairly to build levels of trust.

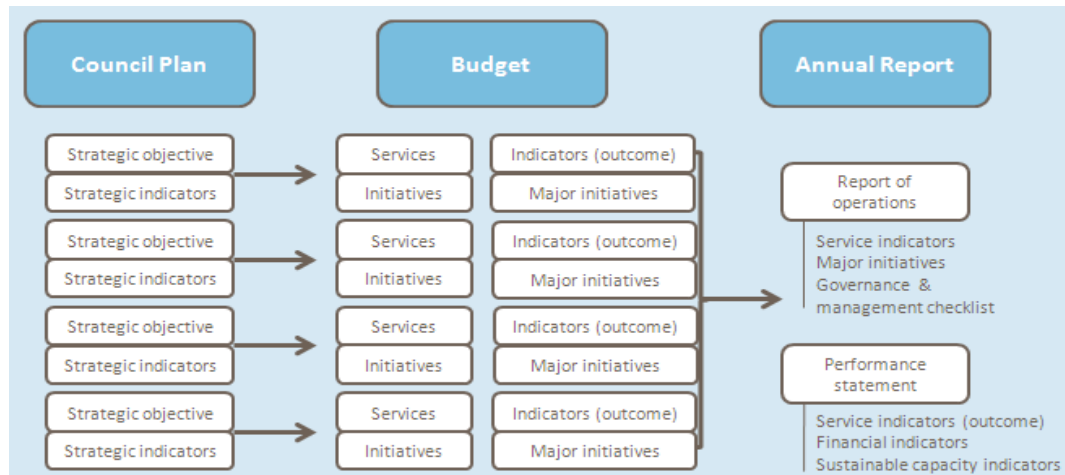
1.3 Strategic objectives

Council delivers activities and initiatives under major service categories. Each contributes to the achievement of one of the four Strategic Objectives as set out in the 2017-2021 Council Plan. The following table lists the four Strategies Objectives as described in the Council Plan.

Strategic Theme	Description
1. Our Prosperity	We work together to improve the prosperity of our people, businesses and community partners by working to promote our beautiful shire as an attractive place to invest, live and work.
2. Our Places	Our places are well-planned. We work with local and government partners to plan health, safe environments which promote community life and enhance well-being. Our infrastructure assets are managed so that they are sustainable for long term.
3. Our Community	We work to know our community and to understand their needs and aspirations. We plan our assets and services to meet community need and to foster a culture of good service and partnership with others.
4. Our Leadership & Management	We will work together with our community to create a sustainable future. We will deliver value for money for ratepayers in everything we do and we will achieve long term sustainability and transparent community leadership.

2. Services and service performance indicators

This section provides a description of the services and initiatives to be funded in the Budget for the 2021/22 year and how these will contribute to achieving the strategic objectives outlined in the Council Plan. It also describes several initiatives and service performance outcome indicators for key areas of Council's operations. Council is required by legislation to identify major initiatives, initiatives and service performance outcome indicators in the Budget and report against them in their Annual Report to support transparency and accountability. The relationship between these accountability requirements in the Council Plan, the Budget and the Annual Report is shown below



Source: Department of Jobs, Precincts and Regions

2.1 Strategic Theme 1: Our Prosperity

We work together to improve the prosperity of our people, businesses and community partners by working to promote our beautiful shire as an attractive place to invest, live and work.

Services

Service area	Description of services provided		2019/20 Actual \$'000	2020/21 Forecast \$'000	2021/22 Budget \$'000
Building Control	This service provides for planned building developments to meet present and future community requirements.	<i>Exp</i>	1,266	1,250	1,330
		<i>Rev</i>	(106)	(107)	(113)
		NET	1,160	1,143	1,216
Events	This service provides for active community involvement in the provisioning of management and support for community entertainment and events.	<i>Exp</i>	114	152	134
		<i>Rev</i>	(4)	(25)	(4)
		NET	110	127	130
Economic Development	This service facilitates a healthy and resilient economy by providing effective leadership, advocacy, and partnership, by working with government business and the community.	<i>Exp</i>	1,056	2,446	1,615
		<i>Rev</i>	(155)	(831)	(340)
		NET	900	1,616	1,276
Tourism	This service provides economic benefit by promoting the Shire as a location for visitors to enjoy, explore and return to. Visitor information is provided via Council's two Visitor Information Centres and via media.	<i>Exp</i>	843	680	768
		<i>Rev</i>	(238)	(202)	(265)
		NET	605	478	502
Apollo Bay Harbour	This service manages and maintains the Apollo Bay Harbour for the enjoyment of the community.	<i>Exp</i>	2,693	1,027	1,041
		<i>Rev</i>	(1,350)	(1,120)	(1,041)
		NET	1,343	(93)	-
Colac Livestock Selling Centre	This service provides a vital link in our rural infrastructure by providing a marketplace for buying and selling livestock.	<i>Exp</i>	378	387	354
		<i>Rev</i>	(462)	(417)	(445)
		NET	(84)	(30)	(90)
Statutory Planning	This service fulfils Council's statutory obligations in being the responsible authority for the management and regulation of land use and development, with the aim of achieving sustainable outcomes in the interests of current and future generations.	<i>Exp</i>	1,409	1,551	1,342
		<i>Rev</i>	(392)	(413)	(323)
		NET	1,017	1,139	1,019
Strategic Planning	This service ensures that land use planning is undertaken to meet the sustainable long term needs of current and future generations.	<i>Exp</i>	787	714	774
		<i>Rev</i>	(63)	(89)	(175)
		NET	724	624	599

Service Performance Outcome Indicators

Service	Indicator	Performance Measure	Computation
Statutory planning	Decision making	Council planning decisions upheld at VCAT. (Percentage of planning application decisions subject to review by VCAT and that were not set aside)	[Number of VCAT decisions that did not set aside Council's decision in relation to a planning application / Number of VCAT decisions in relation to planning applications] x100

2.2 Strategic Theme 2: Our Places

Our places are well-planned. We work with local and government partners to plan health, safe environments which promote community life and enhance well-being. Our infrastructure assets are managed so that they are sustainable for long term.

Services

Service area	Description of services provided		2019/20 Actual \$'000	2020/21 Forecast \$'000	2021/22 Budget \$'000
Emergency Management	This service provides for the necessary support for the community in the case of an emergency event occurring.	Exp	581	1,542	347
		Rev	(592)	(90)	(14)
		NET	(11)	1,452	333
Environment	This service provides for management of our natural environment to the betterment and enjoyment of all members of our community.	Exp	1,070	615	623
		Rev	(88)	-	(1)
		NET	981	615	622
Infrastructure Services	This service provides for the physical assets required by the community to maintain a happy, healthy and sustainable lifestyle.	Exp	9,436	11,069	6,655
		Rev	(731)	(5,464)	(766)
		NET	8,705	5,605	5,889
Parks, Gardens and Reserves	This service provides for the maintenance of open space for the enjoyment of all community members.	Exp	1,404	2,389	2,260
		Rev	(11)	-	-
		NET	1,393	2,389	2,260
Waste Management	This service provides for the efficient and effective control of waste products produced by our community. It includes the provision of waste collection services as well as for disposal to landfill.	Exp	4,067	4,109	5,537
		Rev	(3,455)	(3,337)	(3,414)
		NET	611	772	2,123

Major Initiatives

Facilitate the process of making additional residential land available

Colac has a significant lack of development ready land which is constraining the town's residential and economic growth. With the completion of the Princes Highway duplication and high quality social, education and recreation facilities, Colac has an enhanced reputation as an attractive place to live and work.

The Colac 2050 Growth Plan was adopted by the Victorian Government in late 2020 and paves the way for the future growth of the town. Further planning work is now required to unlock the potential for growth in key areas of Colac and ensure land is ready for residential development. Council will work with landowners, developers and key authorities to fast-track the availability of land for residential growth. Council will progress key rezoning applications as well prepare an Outline Development Plan for the Deans Creek Growth Corridor. This work will establish locations for key infrastructure such as public open space, main road and path connections, drainage and the like. Council is funding this work in part over 2021/22 and 2022/23, and is seeking Victorian Government funding to assist.

Council will also facilitate the sale of Council owned residential land at 36-52 Bruce Street Colac with a view to achieving affordable housing outcomes as part of a future development process.

Implantation of additional glass recycling kerbside collection

In February 2020 the Victorian Government announced significant reforms to household recycling to ensure Victoria is well placed to transition to a circular economy. The First stage of the reform requires Councils to separate glass from the yellow co-mingled recycling bin. Councils are to transition into a four bin model. This means a separate glass bin with a purple lid will be rolled out for the collection of glass for all kerbside tenements and a separate glass disposal at the transfer stations and drop off facilities.

Service Performance Outcome Indicators

Service	Indicator	Performance Measure	Computation
Roads	Satisfaction	Satisfaction with sealed local roads. (Community satisfaction rating out of 100 with how Council has performed on the condition of sealed local roads)	Community satisfaction rating out of 100 with how Council has performed on the condition of sealed local roads.
Waste collection	Waste diversion	Kerbside collection waste diverted from landfill. (Percentage of garbage, recyclables and green organics collected from kerbside bins that is diverted from landfill)	[Weight of recyclables and green organics collected from kerbside bins / Weight of garbage, recyclables and green organics collected from kerbside bins] x100

2.3 Strategic Theme 3: Our Community

We work to know our community and to understand their needs and aspirations. We plan our assets and services to meet community need and to foster a culture of good service and partnership with others.

Services

Service area	Description of services provided		2019/20 Actual \$'000	2020/21 Forecast \$'000	2021/22 Budget \$'000
Arts & Culture	This service is responsible for the management and provision of arts and cultural services to the community. This service is responsible for the running of the Colac Otway Performing Arts & Cultural Centre.	Exp	1,093	816	933
		Rev	(480)	(202)	(440)
		NET	613	614	493
Leisure Centres	This service actively promotes a healthy lifestyle for our community by directly providing swimming and gymnasium facilities.	Exp	2,137	1,328	2,143
		Rev	(1,118)	(426)	(1,387)
		NET	1,019	903	756
Children and Family Services	This service provides support to our children, families and youth to encourage and nurture their growth and development.	Exp	1,230	1,792	1,264
		Rev	(991)	(1,630)	(987)
		NET	239	162	278
Library Services	The library service provides resources and oversight to the Corangamite Regional Library Corporation for the provision of information, education, recreation and enrichment for the community.	Exp	704	752	857
		Rev	(1)	(11)	(1)
		NET	703	741	856
Local Laws	This service provides for community safety and health by providing for a framework for behaviours which affect our community well-being.	Exp	810	706	818
		Rev	(395)	(144)	(316)
		NET	415	562	502
Older Persons & Disability Services	This service provides support to older and disabled members of our community in order to sustain quality of life for all our residents.	Exp	3,661	4,734	5,063
		Rev	(3,604)	(4,613)	(4,709)
		NET	57	121	354
Public Health	This service promotes a healthy and safe lifestyle by actively promoting and policing public health issues.	Exp	598	602	525
		Rev	(269)	(98)	(279)
		NET	330	503	246
Recreation	This service provides for active community involvement and the promotion of healthy lifestyles by providing for suitable sporting and recreational facilities.	Exp	222	290	369
		Rev	(0)	-	(3)
		NET	222	290	366

Major Initiatives

Implementation of the transition from Corangamite to Geelong Regional Library Corporation

On July 1, 2021 Council will officially transition to the Geelong Regional Library Corporation. The new corporation will offer a range of enhanced services to our community including a large collection of more than 400,000 items and specialist programs for children and adults.

Service Performance Outcome Indicators

Service	Indicator	Performance Measure	Computation
Libraries	Participation	Active library members. (Percentage of the municipal population that are active library members)	[Number of active library members / municipal population] x100
Maternal and Child Health	Participation	Participation in the MCH service. (Percentage of children enrolled who participate in the MCH service)	[Number of children who attend the MCH service at least once (in the year) / Number of children enrolled in the MCH service] x100
		Participation in MCH service by Aboriginal children. (Percentage of Aboriginal children enrolled who participate in the MCH service)	[Number of Aboriginal children who attend the MCH service at least once (in the year) / Number of Aboriginal children enrolled in the MCH service] x100
Animal Management	Health and safety	Animal management prosecutions. (Number of successful animal management prosecutions)	Number of successful animal management prosecutions
Food safety	Health and safety	Critical and major non-compliance notifications. (Percentage of critical and major non-compliance notifications that are followed up by Council)	[Number of critical non-compliance notifications and major non-compliance notifications about a food premises followed up / Number of critical non-compliance notifications and major non-compliance notifications about food premises] x100
Aquatic Facilities	Utilisation	Utilisation of aquatic facilities. (Number of visits to aquatic facilities per head of municipal population)	Number of visits to aquatic facilities / Municipal population

2.4 Strategic Theme 4: Our Leadership & Management

We will work together with our community to create a sustainable future. We will deliver value for money for ratepayers in everything we do and we will achieve long term sustainability and transparent community leadership.

Services

Service area	Description of services provided		2019/20 Actual \$'000	2020/21 Forecast \$'000	2021/22 Budget \$'000
Councillors and Chief Executive	This area of governance includes the Mayor, Councillors, Chief Executive Officer, Business Improvement Officer and Public Relations Team and associated support which cannot be easily attributed to the direct service provision areas.	Exp	1,569	2,036	1,958
		Rev	(6)	(30)	(5)
		NET	1,563	2,006	1,953
Finance, Property and Rates	This service has the responsibility to generate revenue for Council via rate, levies and charges and to provide sustainable and accountable financial management of Council's resources.	Exp	1,630	1,730	1,890
		Rev	(8,055)	(7,318)	(7,290)
		NET	(6,425)	(5,588)	(5,400)
Customer Service	This service has the responsibility to provide the first point of contact between Council and the public through Council's Customer Service Centres. The service provides overall corporate customer service to the wider community and assists all areas of Council with the provision of corporate responsibility.	Exp	415	463	481
		Rev	7	-	-
		NET	422	463	481
Corporate Services Management	This service has the responsibility to maintain strong governance and administrative systems and to ensure that these systems are responsive, accountable and transparent to internal users and community needs.	Exp	506	1,451	610
		Rev	(866)	(1,010)	(15)
		NET	(361)	441	595
Contract Management	This service provides oversight and governance on contractual and procurement services undertaken by Council	Exp	248	259	269
		Rev	-	-	-
		NET	248	259	269
Information Services	This services provides management and governance of information flows, storage and retrieval within the organisation in accordance with appropriate legislation and standards.	Exp	2,328	2,938	2,616
		Rev	-	-	-
		NET	2,328	2,938	2,616
People, Performance & Culture	This service provides and develops a cultural of high performance, productivity and accountability across the organisation.	Exp	726	713	722
		Rev	-	-	-
		NET	726	713	722
Risk Management Services	This service has the responsibility to identify, record and manage all business risk associated with Council's activities. This service manages Council's insurance portfolio.	Exp	926	861	854
		Rev	(97)	(407)	(115)
		NET	829	454	739

Major Initiatives

Construction of Apollo Bay Early Years Hub

In late 2021, the Apollo Bay Preschool will move into the new Apollo Bay Early Years Hub on the Apollo Bay P-12 College site. This new facility will include a dedicated space for Maternal and Child Health consultations. The new two-room, 66-place kindergarten has been funded by the Victorian Government under its Kindergartens on School Sites program, with Council contributing up to \$500,000 towards the MCH consulting spaces.

Council's budget also contains an allocation to get the building ready to take children, which will include the addition of fixtures and fittings such as window coverings, and the costs associated with getting the building licenced for operation.

Service review of Colac Regional Saleyards

The Saleyards industry has changed substantially in recent years including a move from some farmers to sell directly to abattoir and online sales. Colac Regional Saleyards has seen a decline in throughput in recent years, largely due to an overall decrease in local stock volumes. A full service review is required to ensure that Council is managing the asset and its operations in line with current best practice, with consideration of future strategic priorities.

Development of Asset Management Plans

As a requirement of the Local Government Act 2020, Council is preparing a suite of Asset Plans for adoption prior to July 2022. These plans will include an Asset Management Strategy and Asset Management Plans for our six major asset classes: bridges, roads, footpaths, stormwater/drainage, open space and buildings. Preparation of the plans involves collection of up to date condition data, a preliminary review of service levels and demand, and community consultation. The Asset Management Plans will inform the long-term financial plan.

Service Performance Outcome Indicators

Service	Indicator	Performance Measure	Computation
Governance	Satisfaction	Satisfaction with Council decisions. (Community satisfaction rating out of 100 with how Council has performed in making decisions in the interests of the community)	Community satisfaction rating out of 100 with how Council has performed in making decisions in the interests of the community

2.5 Reconciliation with budgeted operating result

	Net Cost (Revenue)	Expenditure	Revenue
	\$'000	\$'000	\$'000
Our Prosperity	4,652	7,358	(2,706)
Our Places	11,227	15,422	(4,195)
Our Community	3,850	11,972	(8,122)
Our Leadership & Management	1,976	9,400	(7,424)
Total	21,705	44,152	(22,447)
<i>Expenses added in:</i>			
Depreciation	8,990		
Amortisation - right of use assets	110		
Finance costs	178		
<i>Deficit before funding sources</i>	30,983		
<i>Funding sources added in:</i>			
Rates and charges revenue (excluding Waste)	(29,563)		
Capital grants	(4,691)		
<i>Total funding sources</i>	(34,254)		
<i>Operating (surplus)/deficit for the year</i>	(3,271)		

3. Financial Statements

This section presents information in regard to the Financial Statements and Statement of Human Resources. The budget information for the year 2021/22 has been supplemented with projections to 2024/25.

This section includes the following financial statements prepared in accordance with the Local Government Act 2020 and the Local Government (Planning and Reporting) Regulations 2020.

Comprehensive Income Statement
Balance Sheet
Statement of Changes in Equity
Statement of Cash Flows
Statement of Capital Works
Statement of Human Resources

3.1 Comprehensive Income Statement

For the four years ending 30 June 2025

		Forecast	Budget	Projections		
		2020/21	2021/22	2022/23	2023/24	2024/25
	NOTES	\$'000	\$'000	\$'000	\$'000	\$'000
Income						
Rates and charges	4.1.1	31,847	32,775	33,159	33,689	34,226
Statutory fees and fines	4.1.2	594	826	878	897	920
User fees	4.1.3	5,296	6,548	6,877	7,215	7,561
Grants - Operating	4.1.4	17,463	10,690	10,311	10,362	10,414
Grants - Capital	4.1.4	4,885	4,691	2,318	2,376	2,436
Contributions - monetary	4.1.5	139	420	125	125	125
Contributions - non-monetary	4.1.5	-	-	-	-	-
Net gain/(loss) on disposal of property, infrastructure, plant and equipment		292	25	-	-	-
Fair value adjustments for investment property		-	-	-	-	-
Share of net profits/(losses) of associates and joint ventures		30	30	30	31	31
Other income	4.1.6	790	367	511	520	562
Total income		61,336	56,372	54,209	55,215	56,276
Expenses						
Employee costs	4.1.7	21,103	21,683	22,557	23,239	23,912
Materials and services	4.1.8	26,436	20,730	19,958	20,486	21,287
Depreciation	4.1.9	10,800	8,990	9,200	9,300	9,400
Amortisation - right of use assets	4.1.10	115	110	80	80	80
Bad and doubtful debts		2	20	20	20	20
Borrowing costs		53	39	33	-	-
Finance Costs - leases		49	139	95	88	79
Other expenses	4.1.11	2,184	1,389	1,125	1,144	1,161
Total expenses		60,741	53,101	53,068	54,355	55,938
Surplus/(deficit) for the year		595	3,271	1,141	860	338
Other comprehensive income						
Items that will not be reclassified to surplus or deficit in future periods						
Net asset revaluation increment		-	-	-	-	-
/(decrement)		-	-	-	-	-
Share of other comprehensive income of associates and joint ventures		-	-	-	-	-
Items that may be reclassified to surplus or deficit in future periods (detail as appropriate)						
		-	-	-	-	-
Total comprehensive result		595	3,271	1,141	860	338

3.2 Balance Sheet

For the four years ending 30 June 2025

		Forecast	Budget	Projections		
		2020/21	2021/22	2022/23	2023/24	2024/25
	NOTES	\$'000	\$'000	\$'000	\$'000	\$'000
Assets						
Current assets						
Cash and cash equivalents		14,495	13,254	9,655	5,755	1,124
Trade and other receivables		2,673	2,748	1,461	1,484	1,517
Inventories		190	175	175	175	175
Other assets		329	366	366	366	366
Total current assets	4.2.1	17,687	16,543	11,657	7,780	3,182
Non-current assets						
Investments in associates, joint arrangement and subsidiaries		471	501	501	501	501
Property, infrastructure, plant & equipment		358,448	362,565	366,882	371,520	376,406
Right-of-use assets	4.2.4	748	638	558	478	399
Total non-current assets	4.2.1	359,667	363,704	367,941	372,499	377,305
Total assets		377,354	380,247	379,598	380,280	380,487
Liabilities						
Current liabilities						
Trade and other payables		5,749	5,685	4,783	4,904	5,080
Trust funds and deposits		724	661	661	661	661
Provisions		4,357	4,357	4,357	4,357	4,357
Interest-bearing liabilities	4.2.3	142	596	-	-	-
Lease liabilities	4.2.4	100	100	53	62	72
Total current liabilities	4.2.2	11,072	11,398	9,854	9,983	10,170
Non-current liabilities						
Provisions		9,005	9,005	8,759	8,513	8,267
Interest-bearing liabilities	4.2.3	596	-	-	-	-
Lease liabilities	4.2.4	663	553	554	493	421
Total non-current liabilities	4.2.2	10,264	9,558	9,313	9,006	8,688
Total liabilities		21,336	20,957	19,167	18,989	18,858
Net assets		356,019	359,290	360,431	361,291	361,629
Equity						
Accumulated surplus		133,854	138,116	139,257	140,117	140,455
Reserves		222,165	221,174	221,174	221,174	221,174
Total equity		356,019	359,290	360,431	361,291	361,629

3.3 Statement of Changes in Equity

For the four years ending 30 June 2025

	NOTES	Total \$'000	Accumula ted Surplus \$'000	Revaluatio n Reserve \$'000	Other Reserves \$'000
2021 Forecast Actual					
Balance at beginning of the financial year		355,423	130,527	208,131	16,765
Impact of adoption of new accounting standards		-	-	-	-
Adjusted opening balance		355,424	130,528	208,131	16,765
Surplus/(deficit) for the year		595	595	-	-
Net asset revaluation increment/(decrement)		-	-	-	-
Transfers to other reserves		-	(11,672)		11,672
Transfers from other reserves		-	14,403		(14,403)
Balance at end of the financial year		356,019	133,854	208,131	14,034
2022 Budget					
Balance at beginning of the financial year		356,019	133,854	208,131	14,034
Surplus/(deficit) for the year		3,271	3,271	-	-
Net asset revaluation increment/(decrement)		-	-	-	-
Transfers to other reserves	4.3.1	-	(8,136)	-	8,136
Transfers from other reserves	4.3.1	-	9,127	-	(9,127)
Balance at end of the financial year	4.3.2	359,290	138,116	208,131	13,043
2023					
Balance at beginning of the financial year		359,290	138,116	208,131	13,043
Surplus/(deficit) for the year		1,141	1,141	-	-
Net asset revaluation increment/(decrement)		-	-	-	-
Transfers to other reserves		-	-	-	-
Transfers from other reserves		-	-	-	-
Balance at end of the financial year		360,431	139,257	208,131	13,043
2024					
Balance at beginning of the financial year		360,431	139,257	208,131	13,043
Surplus/(deficit) for the year		860	860	-	-
Net asset revaluation increment/(decrement)		-	-	-	-
Transfers to other reserves		-	-	-	-
Transfers from other reserves		-	-	-	-
Balance at end of the financial year		361,291	140,117	208,131	13,043
2025					
Balance at beginning of the financial year		361,291	140,117	208,131	13,043
Surplus/(deficit) for the year		338	338	-	-
Net asset revaluation increment/(decrement)		-	-	-	-
Transfers to other reserves		-	-	-	-
Transfers from other reserves		-	-	-	-
Balance at end of the financial year		361,629	140,455	208,131	13,043

3.4 Statement of Cash Flows

For the four years ending 30 June 2025

	Notes	Forecast	Budget	Projections		
		2020/21 \$'000	2021/22 \$'000	2022/23 \$'000	2023/24 \$'000	2024/25 \$'000
		Inflows (Outflows)	Inflows (Outflows)	Inflows (Outflows)	Inflows (Outflows)	Inflows (Outflows)
Cash flows from operating activities						
Rates and charges		32,770	32,662	33,937	33,664	34,196
Statutory fees and fines		594	825	899	897	919
User fees		5,296	6,548	7,038	7,204	7,549
Grants - operating		17,479	10,671	3,392	3,362	3,414
Grants - capital		4,885	4,691	2,373	2,374	2,433
Contributions - monetary		19	420			
Interest received			-	140	140	140
Trust funds and deposits taken			-			
Other receipts		910	368	7,669	7,500	7,540
Employee costs		(21,103)	(21,683)	(23,023)	(23,171)	(23,831)
Materials and services		(26,120)	(20,778)	(19,491)	(19,632)	(20,365)
Trust funds and deposits repaid		(523)	(63)	-	-	-
Other payments		(2,184)	(1,389)	(2,194)	(2,190)	(2,232)
Net cash provided by/(used in) operating activities	4.4.1	12,024	12,272	10,738	10,148	9,764
Cash flows from investing activities						
Payments for property, infrastructure, plant and equipment		(14,287)	(13,692)	(13,597)	(13,938)	(14,286)
Proceeds from sale of property, infrastructure, plant and equipment		1,062	500			
Payments for investments		-	-	-	-	-
Proceeds from sale of investments		-	-	30	31	31
Net cash provided by/ (used in) investing activities	4.4.2	(13,225)	(13,192)	(13,567)	(13,907)	(14,254)
Cash flows from financing activities						
Finance costs		(53)	(39)	(33)	0	0
Proceeds from borrowings						
Repayment of borrowings		(286)	(142)	(596)	-	-
Interest paid - lease liability		(49)	(29)	(95)	(88)	(79)
Repayment of lease liabilities		(115)	(110)	(46)	(53)	(62)
Net cash provided by/(used in) financing activities	4.4.3	(503)	(320)	(770)	(141)	(141)
Net increase/(decrease) in cash & cash equivalents		(1,704)	(1,240)	(3,599)	(3,900)	(4,631)
Cash and cash equivalents at the beginning of the financial year		16,199	14,495	13,254	9,655	5,755
Cash and cash equivalents at the end of the financial year		14,495	13,254	9,655	5,755	1,124

3.5 Statement of Capital Works

For the four years ending 30 June 2025

		Forecast	Budget	Projections		
		2020/21	2021/22	2022/23	2023/24	2024/25
	Notes	\$'000	\$'000	\$'000	\$'000	\$'000
Property						
Land		-	-	-	-	
Buildings		658	702	798	818	838
Total land & Buildings		658	702	798	818	838
Total property	4.5.2	658	702	798	818	838
Plant and equipment						
Plant, machinery and equipment		2,425	2,100	2,308	2,366	2,425
Fixtures, fittings and furniture		0	8	319	327	335
Computers and telecommunications		247	80	368	377	386
Total plant and equipment	4.5.2	2,672	2,188	2,994	3,069	3,146
Infrastructure						
Roads		5,746	5,713	6,841	7,013	7,188
Bridges		1,471	1,440	659	676	693
Footpaths and cycleways		886	372	245	251	257
Drainage		340	350	465	476	488
Other infrastructure		2,573	2,927	1,595	1,635	1,676
Total infrastructure	4.5.2	11,016	10,802	9,805	10,051	10,302
Total capital works expenditure		14,346	13,692	13,597	13,938	14,286
Represented by:						
New asset expenditure		507	118	0	0	0
Asset renewal expenditure		13,610	8,570	13,597	13,938	14,286
Asset upgrade expenditure		229	5,004	0	0	0
Total capital works expenditure		14,346	13,692	13,597	13,938	14,286
Funding Sources represented by:						
Grants		4,873	4,691	2,318	2,376	2,436
Contributions		-	120	-	-	-
Council Cash		9,473	8,881	11,279	11,561	11,850
Borrowings		-	-	-	-	-
Total capital works expenditure		14,346	13,692	13,597	13,938	14,286

3.6 Statement of Human Resources

For the four years ending 30 June 2025

	Forecast	Budget	Projections		
	2020/21	2021/22	2022/23	2023/24	2024/25
	\$'000	\$'000	\$'000	\$'000	\$'000
Staff expenditure					
Employee costs - operating	21,103	21,683	22,557	23,239	23,912
Employee costs - capital	418	450	450	450	450
Total staff expenditure	21,521	22,133	23,007	23,689	24,362
	FTE	FTE	FTE	FTE	FTE
Staff numbers					
Employees	228.0	238.4	238.4	238.4	238.4
Total staff numbers	228.0	238.4	238.4	238.4	238.4

A summary of human resources expenditure categorised according to the organisational structure of Council is included below:

Department	Budget 2021/22 \$'000	Comprises			
		Permanent		Casual	Temp
		Full Time \$'000	Part time \$'000	\$'000	\$'000
Chief Executive Office	765	653	112	-	-
Corporate Services	3,813	2,799	1,015	-	-
Development and Community Services	8,694	4,478	3,894	322	-
Environment and Infrastructure Services	8,411	7,836	575	-	-
Total permanent staff expenditure	21,683	15,765	5,596	322	-
Capitalised labour costs	450				
Total expenditure	22,133				

A summary of the number of full time equivalent (FTE) Council staff in relation to the above expenditure is included below:

Department	Budget 2021/22	Comprises			
		Permanent		Casual	Temp
		Full Time	Part time		
Chief Executive Office	8	7	1	-	-
Corporate Services	41	30	11	-	-
Development and Community Services	93	48	42	3	-
Environment and Infrastructure Services	90	84	6	-	-
Total permanent staff expenditure	232	169	60	3	-
Capitalised labour costs	6				
Total staff	238				

3.7 Summary of Planned Human Resources Expenditure

For the four years ending 30 June 2025

	2021/22 \$'000	2022/23 \$'000	2023/24 \$'000	2024/25 \$'000
Chief Executive Office				
Permanent - Full time	653	679	700	720
Female	414	431	444	457
Male	239	248	256	263
Self-described gender	0	0	0	0
Permanent - Part time	112	116	120	123
Female	112	116	120	123
Male	0	0	0	0
Self-described gender	0	0	0	0
Total Chief Executive Office	765	796	820	844
Corporate Services				
Permanent - Full time	2,799	2,911	2,999	3,086
Female	1,599	1,664	1,714	1,764
Male	1,199	1,248	1,285	1,323
Self-described gender	0	0	0	0
Permanent - Part time	1,015	1,055	1,087	1,119
Female	1,015	1,055	1,087	1,119
Male	0	0	0	0
Self-described gender	0	0	0	0
Total Corporate Services	3,813	3,967	4,087	4,205
Development and Community Services				
Permanent - Full time	4,478	4,658	4,799	4,938
Female	697	725	746	768
Male	3,781	3,933	4,052	4,170
Self-described gender	0	0	0	0
Permanent - Part time	3,894	4,051	4,174	4,295
Female	3,186	3,315	3,415	3,514
Male	708	737	759	781
Self-described gender	0	0	0	0
Total Development and Community Services	8,372	8,709	8,973	9,232
Environment and Infrastructure Services				
Permanent - Full time	7,836	8,152	8,398	8,641
Female	3,740	3,891	4,008	4,124
Male	4,096	4,261	4,390	4,517
Self-described gender	0	0	0	0
Permanent - Part time	575	598	617	634
Female	532	554	570	587
Male	43	45	46	48
Self-described gender	0	0	0	0
Total Environment and Infrastructure Services	8,411	8,750	9,014	9,276
Casuals, temporary and other expenditure	322	335	345	355
Capitalised labour costs	450	450.0	450.0	450.0
Total staff expenditure	22,133	23,007	23,689	24,362

	2021/22 FTE	2022/23 FTE	2023/24 FTE	2024/25 FTE
Chief Executive Office				
Permanent - Full time	7.0	7.0	7.0	7.0
Female	5.8	5.8	5.8	5.8
Male	1.2	1.2	1.2	1.2
Self-described gender	0.0	0.0	0.0	0.0
Permanent - Part time	1.2	1.2	1.2	1.2
Female	1.2	1.2	1.2	1.2
Male	0.0	0.0	0.0	0.0
Self-described gender	0.0	0.0	0.0	0.0
Total Chief Executive Office	8.2	8.2	8.2	8.2
Corporate Services				
Permanent - Full time	30.0	30.0	30.0	30.0
Female	17.1	17.1	17.1	17.1
Male	12.9	12.9	12.9	12.9
Self-described gender	0.0	0.0	0.0	0.0
Permanent - Part time	10.9	10.9	10.9	10.9
Female	10.9	10.9	10.9	10.9
Male	0.0	0.0	0.0	0.0
Self-described gender	0.0	0.0	0.0	0.0
Total Corporate Services	40.9	40.9	40.9	40.9
Development and Community Services				
Permanent - Full time	48.0	48.0	48.0	48.0
Female	7.5	7.5	7.5	7.5
Male	40.5	40.5	40.5	40.5
Self-described gender	0.0	0.0	0.0	0.0
Permanent - Part time	41.7	41.7	41.7	41.7
Female	34.2	34.2	34.2	34.2
Male	7.6	7.6	7.6	7.6
Self-described gender	0.0	0.0	0.0	0.0
Total Development and Community Services	89.7	89.7	89.7	89.7
Environment and Infrastructure Services				
Permanent - Full time	84.0	84.0	84.0	84.0
Female	40.1	40.1	40.1	40.1
Male	43.9	43.9	43.9	43.9
Self-described gender	0.0	0.0	0.0	0.0
Permanent - Part time	6.2	6.2	6.2	6.2
Female	5.7	5.7	5.7	5.7
Male	0.5	0.5	0.5	0.5
Self-described gender	0.0	0.0	0.0	0.0
Total Environment and Infrastructure Services	90.2	90.2	90.2	90.2
Casuals and temporary staff	3.5	3.5	3.5	3.5
Capitalised labour	6.0	6.0	6.0	6.0
Total staff numbers	238.4	238.4	238.4	238.4

4. Notes to the financial statements

This section presents detailed information on material components of the financial statements. Council needs to assess which components are material, considering the dollar amounts and nature of these components.

4.1 Comprehensive Income Statement

4.1.1 Rates and charges

Rates and charges are required by the Act and the Regulations to be disclosed in Council's budget.

As per the Local Government Act 2020, Council is required to adopt a four year Revenue and Rating Plan that outlines how Council will generate income to deliver the Council Plan, program and services and capital works commitments over a four-year period.

In developing the Budget, rates and charges were identified as an important source of revenue. Planning for future rate increases has therefore been an important component of the financial planning process. The Fair Go Rates System (FGRS) sets out the maximum amount councils may increase rates in a year. For 2021/22 the FGRS cap has been set at 1.5%. The cap applies to both general rates and municipal charges and is calculated on the basis of council's average rates and charges.

The level of required rates and charges has been considered in this context, with reference to Council's other sources of income and the planned expenditure on services and works to be undertaken for the community.

To achieve these objectives while maintaining service levels and a strong capital expenditure program, the average general rate and the municipal charge will increase by 1.5% in line with the rate cap.

The annual kerbside collection charge is budgeted to increase, with the weekly waste charge increasing by \$8 from \$300 to \$308 and the fortnightly waste charge by \$40 from \$205 to \$245.

4.1.1(a) The reconciliation of the total rates and charges to the Comprehensive Income Statement is as follows:

	2020/21 Forecast \$'000	2021/22 Budget \$'000	Change \$'000	%
General rates*	25,536	26,193	657	2.57%
Municipal charge*	2,823	2,880	57	2.02%
Waste management charge	3,128	3,213	85	2.7%
Special rates and charges	23	23	-	0.00%
Supplementary rates and rate adjustments	102	100	(2)	(1.96%)
Revenue in lieu of rates	223	227	4	1.86%
Interest on rates and charges	13	140	127	976.9%
Total rates and charges	31,847	32,775	928	2.91%

*These items are subject to the rate cap established under the FGRS

4.1.1(b) The rate in the dollar to be levied as general rates under section 158 of the Act for each type or class of land compared with the previous financial year

Type or class of land	2020/21 cents/\$CIV	2021/22 cents/\$CIV	Change
Residential - Colac/Elliminyt	0.003898	0.003580	(8.2%)
Residential - Balance Of Shire	0.003313	0.003043	(8.2%)
Holiday Rental	0.003898	0.003580	(8.2%)
Rural Farm	0.002924	0.002685	(8.2%)
Commercial/Industrial - Colac/Elliminyt	0.006432	0.005907	(8.2%)
Commercial/Industrial - Balance Of Shire	0.005457	0.005012	(8.2%)

4.1.1(c) The estimated total amount to be raised by general rates in relation to each type or class of land, and the estimated total amount to be raised by general rates, compared with the previous financial year

Type or class of land	2020/21	2021/22	Change	
	\$	\$	\$	%
Residential - Colac/Elliminyt	7,287,369	7,519,246	231,876	3.2%
Residential - Balance Of Shire	7,718,707	8,074,780	356,073	4.6%
Holiday Rental	1,604,768	1,473,743	(131,025)	(8.2%)
Rural Farm	5,732,852	6,026,064	293,212	5.1%
Commercial/Industrial - Colac/Elliminyt	2,173,619	2,112,455	(61,163)	(2.8%)
Commercial/Industrial - Balance Of Shire	1,018,674	986,778	(31,896)	(3.1%)
Total amount to be raised by general rates	25,535,988	26,193,065	657,077	2.6%

4.1.1(d) The number of assessments in relation to each type or class of land, and the total number of assessments, compared with the previous financial year

Type or class of land	2020/21	2021/22	Change	
	Number	Number	Number	%
Residential - Colac/Elliminyt	5,770	5,853	83	1.4%
Residential - Balance Of Shire	5,221	5,342	121	2.3%
Holiday Rental	668	618	(50)	(7.5%)
Rural Farm	2,836	2,838	2	0.1%
Commercial/Industrial - Colac/Elliminyt	656	658	2	0.3%
Commercial/Industrial - Balance Of Shire	333	328	(5)	(1.5%)
Total number of assessments	15,484	15,637	153	1.0%

4.1.1(e) The basis of valuation to be used is the Capital Improved Value (CIV).

4.1.1(f) The estimated total value of each type or class of land, and the estimated total value of land, compared with the previous financial year

Type or class of land	2020/21	2021/22	Change	
	\$	\$	\$	%
Residential - Colac/Elliminyt	1,869,515,000	2,100,348,000	230,833,000	12.3%
Residential - Balance Of Shire	2,329,613,000	2,653,559,000	323,946,000	13.9%
Holiday Rental	411,690,000	411,660,000	(30,000)	(0.0%)
Rural Farm	1,960,955,000	2,244,344,000	283,389,000	14.5%
Commercial/Industrial - Colac/Elliminyt	337,954,000	357,619,000	19,665,000	5.8%
Commercial/Industrial - Balance Of Shire	186,666,000	196,883,000	10,217,000	5.5%
Total value of land	7,096,393,000	7,964,413,000	868,020,000	12.2%

4.1.1(g) The municipal charge under Section 159 of the Act compared with the previous financial year

Type of Charge	Per Rateable Property 2020/21	Per Rateable Property 2021/22	Change	
	\$	\$	\$	%
Municipal Charge	193	195	2	1.0%

4.1.1(h) The estimated total amount to be raised by municipal charges compared with the previous financial year

Type of Charge	2020/21	2021/22	Change	
	\$	\$	\$	%
Municipal Charge	2,823,011	2,879,955	56,944	2.0%

4.1.1(i) The rate or unit amount to be levied for each type of service rate or charge under Section 162 of the Act compared with the previous financial year

Type of Charge	Per Rateable Property 2020/21	Per Rateable Property 2021/22	Change	
	\$	\$	\$	%
Weekly Kerbside collection	300	308	8	2.7%
Fortnightly Kerbside collection	205	245	40	19.5%

4.1.1(j) The estimated total amount to be raised by each type of service rate or charge, and the estimated total amount to be raised by service rates and charges, compared with the previous financial year

Type of Charge	2020/21	2021/22	Change	
	\$	\$	\$	%
Weekly Kerbside collection	3,089,400	3,171,784	82,384	2.7%
Fortnightly Kerbside collection	38,130	40,915	2,785	7.3%
Total	3,127,530	3,212,699	85,169	2.7%

4.1.1(k) The estimated total amount to be raised by all rates and charges compared with the previous financial year

	2020/21	2021/22	Change	
	\$	\$	\$	%
General rates	25,535,988	26,193,065	657,077	2.6%
Municipal charge	2,823,011	2,879,955	56,944	2.0%
Kerbside collection and recycling	3,127,530	3,212,699	85,169	2.7%
Tirrengower Drainage Scheme	22,500	22,500	-	-
Total Rates and charges	31,509,029	32,308,219	799,190	2.5%

4.1.1(l) Fair Go Rates System Compliance

Colac Otway Shire Council is required to comply with the State Government's Fair Go Rates System (FGRS). The table below details the budget assumptions consistent with the requirements of the Fair Go Rates System.

	2020/21	2021/22
Total Rates	\$ 27,941,807	\$ 28,646,750
Number of rateable properties	15,484	15,637
Base Average Rate	\$ 1,805	\$ 1,832
Maximum Rate Increase (set by the State Government)	2.00%	1.50%
Capped Average Rate	\$ 1,841	\$ 1,859
Maximum General Rates and Municipal Charges Revenue	\$ 28,500,643	\$ 29,076,451
Budgeted General Rates and Municipal Charges Revenue	\$ 28,358,999	\$ 29,073,020
Budgeted Supplementary Rates	\$ 102,000	\$ 100,000
Budgeted Total Rates and Municipal Charges Revenue	\$ 28,460,999	\$ 29,173,020

4.1.1(m) Any significant changes that may affect the estimated amounts to be raised by rates and charges

There are no known significant changes which may affect the estimated amounts to be raised by rates and charges. However, the total amount to be raised by rates and charges may be affected by:

- The making of supplementary valuations (2021/22: estimated \$100,000 and 2020/21: \$102,000)
- The variation of returned levels of value (e.g. valuation appeals)
- Changes of use of land such that rateable land becomes non-rateable land and vice versa
- Changes of use of land such that residential land becomes business land and vice versa.

4.1.1(n) Differential rates

The rate and amount of rates payable in relation to land in each category of differential are listed above in item 4.1.1(b).

Each differential rate will be determined by multiplying the Capital Improved Value of rateable land (categorised by the characteristics described below) by the relevant rate in the dollar listed above.

Council believes each differential rate will contribute to the equitable and efficient carrying out of council functions. Details of the objectives of each differential rate, the types of classes of land which are subject to each differential rate and the uses of each differential rate are set out below.

General Rates Charges

Please note, the following categories and differentials are subject to adoption of the Revenue and Rating Plan 2021 - 2025.

Residential – Colac/Elliminyt

Definition:

Any land, whether vacant or built upon, which is located in Colac, Colac East, Colac West and Elliminyt that is not zoned for commercial or industrial use and which does not have the characteristics of:

- a) Rural Farm Land;
- b) Holiday Rental Land; or
- c) Commercial/Industrial Land – Colac, Colac East, Colac West or Elliminyt.

and whose highest and best use is deemed to be as residential land.

Objectives:

To ensure that Council has adequate funding to undertake its strategic, statutory, service provision and community services obligations and to ensure that the differential rate in the dollar declared for defined general rate land properties is fair and equitable, having regard to the cost and the level of benefits derived from provision of Council services.

Types and Classes:

Rateable land having the relevant characteristics described below:

- a) used primarily for residential purposes,
- b) highest and best use is deemed to be as residential,
- c) any land that is not defined as Holiday rental land, Farm Land or Commercial/Industrial Land.

Use of Rate:

The differential rate will be used to fund items of expenditure described in the Budget adopted by Council. The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Level of Rate:

100% of the base rate. This rating category is deemed to be the "base rate" due to it containing the majority of assessments.

Use of Land:

Any use permitted under the Colac Otway Shire Council Planning Scheme to be used for residential purposes.

Geographic Location:

In the localities of Colac, Colac East, Colac West and Elliminyt.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Colac Otway Shire Council Planning Scheme.

Types of Buildings:

All buildings which are already constructed on the land or which are constructed prior to the end of the financial year.

Residential – Balance of Shire

Definition:

Any land, whether vacant or built upon, which is located in Colac, Colac East, Colac West and Elliminyt that is not zoned for commercial or industrial use and which does not have the characteristics of:

- a) Rural Farm Land;
- b) Holiday Rental Land; or
- c) Commercial/Industrial Land – Colac, Colac East, Colac West or Elliminyt.

and whose highest and best use is deemed to be as residential land.

Objectives:

To ensure that Council has adequate funding to undertake its strategic, statutory, service provision and community services obligations and to ensure that the differential rate in the dollar declared for defined general rate land properties is fair and equitable, having regard to the cost and the level of benefits derived from provision of Council services.

Characteristics:

The characteristics of the planning scheme zoning are applicable to the determination of vacant land which will be subject to the rate of residential land. The vacant land affected by this rate is that which is zoned residential under the Colac Otway Shire Council Planning Scheme. The classification of the land will be determined by the occupation of that land for its best use and have reference to the planning scheme zoning.

Types and Classes:

Rateable land having the relevant characteristics described below:

- a) used primarily for residential purposes,
- b) highest and best use is deemed to be as residential,
- c) any land that is not defined as Holiday rental land, Farm Land or Commercial/Industrial Land.

Use of Rate:

The differential rate will be used to fund items of expenditure described in the Budget adopted by Council. The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Level of Rate:

85% of the base rate. The justification for this category to be rated at a lesser rate than the base rate is that properties in this category are:

- generally in smaller townships or rural areas;
- have less access to the full suite of services and amenities provided by Council; and
- due to small populations are generally less likely to attract expenditure by Council.

Use of Land:

Any use permitted under the Colac Otway Shire Council Planning Scheme to be used for residential purposes.

Geographic Location:

In the localities of Colac, Colac East, Colac West and Elliminyt.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Colac Otway Shire Council Planning Scheme.

Types of Buildings:

All buildings which are already constructed on the land or which are constructed prior to the end of the financial year.

Holiday Rental

Definition:

Any land that contains a dwelling, cabin or house or part of a house that:

- a) Is used for the provision of holiday accommodation for the purpose of generating income; or
- b) Is made generally available for holiday accommodation and is a secondary or supplemental source of income for the owner.

Note: Typically, the category will include absentee owned holiday houses publicly made available for short term accommodation for a tariff, owner occupied "Bed and Breakfast" establishments, farm properties with accommodation cabins, holiday farms and the like.

The category will not include:

- absentee owned holiday houses that are not publicly made available for hire but are used by family/friends of the owner for short term holiday accommodation, and
- land used to provide tourist/holiday accommodation on an overtly commercial scale and basis where the provision of accommodation is an integral part of the use of the property.

The types of properties excluded from this category would therefore include motels, resorts, hotels with accommodation, caravan parks, centrally managed and promoted multi-unit developments and the like.

Objectives:

To ensure that Council has adequate funding to undertake its strategic, statutory, service provision and community services obligations and to ensure that the differential rate in the dollar declared for defined general rate land properties is fair and equitable, having regard to the cost and the level of benefits derived from provision of Council services.

Characteristics:

Properties included in this rating category will be characterised by their use and/or availability for short term holiday accommodation for a tariff. The proportion of the year for which they are used for this purpose is not relevant.

The extent to which a property is let out for short term holiday accommodation will vary from property to property and will depend on a variety of factors.

A common factor however is the most property owners have the property set up as a business for taxation purposes.

Types and Classes:

Rateable land having the relevant characteristics described below:

- a) used for the provision of holiday accommodation for the purpose of generating income,
- b) Is made generally available for holiday accommodation and is a secondary or supplemental source of income for the owner.

Use of Rate:

The differential rate will be used to fund items of expenditure described in the Budget adopted by Council. The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Level of Rate:

100% of the base rate. The justification for this category to be rated at the base rate is that

- the provision of short term holiday accommodation is generally conducted as a semi commercial activity, so rating these properties at the Commercial rate in the dollar would be unfair;
- There is also a wide variation as to the extent to which these properties are used for this purpose, so rating these properties at the Commercial rate in the dollar would be unfair and may force reluctant property owners to make the property available more often, possibly saturating the market and reducing returns able to be generated by many
- Use of these properties for this purpose tends to be seasonal

It is recognised however that:

- these properties are in direct competition with other holiday accommodation property types that are included in the Commercial rating category;
- owners of these properties benefit from using the property in this manner and that customers to these properties use facilities and infrastructure provided by the shire; and
- rates paid for properties in this category are generally a tax deductible expense.

It is therefore considered fair and equitable that these properties pay a rate in the dollar higher than the "Residential - Balance of Shire" rate in the dollar, but less than the Commercial rate in the dollar.

It is noted this means the Holiday rental properties in Colac/Elliminyt pay no more than the "Residential – Colac/Elliminyt" rate. Historically, there have been few properties in Colac/Elliminyt used for short term holiday accommodation, however with the rise of AirBnB, etc, this is an issue that will be monitored.

Use of Land:

Any use permitted under the Colac Otway Shire Council Planning Scheme that allows use of the property to provide short term holiday accommodation.

Geographic Location:

In all the localities of the Colac Otway Shire.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Colac Otway Shire Council Planning Scheme.

Types of Buildings:

All buildings which are already constructed on the land or which are constructed prior to the end of the financial year.

Rural Farm

Definition:

Any land located within the shire which is "Farm Land" within the meaning of section 2 of the Valuation of Land Act 1960 and is zoned to allow land to be used for rural and/or farming purposes.

Any land which is "Farm Land" within the meaning of Section 2(1) of the Valuation of Land Act 1960.

- a) Farm Land means any rateable land that is 2 or more hectares in area;
- b) used primarily for primary producing purposes from its activities on the land; used primarily for grazing (including agistment), dairying, pig-farming, poultry farming, fish farming, tree farming, bee keeping, viticulture, horticulture, fruit growing or the growing of crops of any kind or for any combination of those activities; and

That is used by a business –

- That has a significant and substantial commercial purpose of character;
- That seeks to make a profit on a continuous or repetitive basis from its activities on the land; and
- That is making a profit from its activities on the land, or that has a reasonable prospect of making a profit from its activities on the land if it continues to operate in the way that it is operating.

Typically, these properties may contain buildings used as a residence and for farm purposes and will also contain land with no buildings located upon it.

In addition, it may include small parcels of undeveloped land that do not meet the meaning of "Farm Land" prescribed in of section 2 of the Valuation of Land Act 1960, but are also deemed unlikely to be granted a town planning permit for a dwelling to be located on the property.

Typically these properties will be:

- a) up to 5 hectares in area;
- b) be zoned to allow the land to be used for rural and/or farming purposes;
- c) been deemed unviable for the purposes of carrying on a business of primary production by Council; and
- d) been deemed unsuitable to allow the construction of a dwelling.

Objectives:

To ensure that Council has adequate funding to undertake its strategic, statutory, service provision and community services obligations and to ensure that the differential rate in the dollar declared for defined Farm Rate land properties is fair and equitable, having regard to the cost and the level of benefits derived from provision of Council services with considerations to maintain agriculture as a major industry in the municipal district, to facilitate the longevity of the farm sector and achieve a balance between providing for municipal growth and retaining the important agricultural economic base.

Characteristics:

The characteristics of the Rural Farm planning scheme zoning are applicable to the determination of whether land is included in the Rural Farm rating category.

Types and Classes:

Farm Land having the relevant characteristics described above that is:

- a) used primarily for primary production purposes; or
- b) any land that is not defined as Residential, Holiday Rental or Commercial/Industrial Land.

Use of Rate:

The differential rate will be used to fund items of expenditure described in the Budget adopted by Council. The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Level of Rate:

75% of the base rate. The justification for this category to be rated at a lesser rate than the base rate is that properties in this category are:

- in rural areas;
- have less access to the full suite of services and amenities provided by Council;
- are generally less likely to attract expenditure by Council;
- due to the land area required to operate, these properties have higher valuations (and therefore higher rates) than residential properties; and
- tend to operate in an environment that is subject to the vagaries of weather and external factors beyond the farmer's control.

Use of Land:

Any use permitted under the Colac Otway Shire Council Planning Scheme.

Geographic Location:

In all the localities of the Colac Otway Shire that contain land zoned in the Colac Otway Planning Scheme as Rural Farm.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Colac Otway Shire Council Planning Scheme.

Types of Buildings:

All buildings which are already constructed on the land or which are constructed prior to the end of the financial year.

Commercial/Industrial – Colac/Elliminyt

Definition:

Any land which is located in Colac, Colac East, Colac West or Elliminyt which does not have the characteristics of:

- a) Rural Farm Land;
- b) Residential Land – Colac, Colac East, Colac West or Elliminyt; or
- c) Holiday Rental Land; and;

Is used primarily for:

- a. The sale of goods or services;
- b. Other commercial purposes; or
- c. Industrial purposes, or

is land which is vacant but zoned for commercial or industrial use.

Objectives:

To ensure that Council has adequate funding to undertake its strategic, statutory, service provision and community services obligations and to ensure that the differential rate in the dollar declared for defined Commercial/Industrial Rate land properties is fair and equitable, having regard to the cost and the level of benefits derived from provision of Council services.

The commercial businesses of Colac Otway Shire Council benefit from ongoing significant investment by Council in services and infrastructure. Council also notes the tax deductibility of Council rates for commercial properties which is not available to the residential sector, and also the income generating capability of commercial based properties.

The Commercial differential rate is applied to promote the economic development objectives for the Colac Otway Shire Council as outlined in the Council Plan. These objectives include an ongoing significant investment to create a vibrant economy and includes the maintenance and improvement of tourism infrastructure. Construction and maintenance of public infrastructure, development and provision of health and community services and the general provision of support services and promotion of business in the municipality.

Characteristics:

The characteristics of the planning scheme zoning are applicable to the determination of vacant land which will be subject to the rate applicable to Commercial/Industrial Land. The classification of the land will be determined by the occupation of that land for its best use and have reference to the planning scheme zoning.

Types and Classes:

Commercial/Industrial having the relevant characteristics described below:

- a) used primarily for commercial or industrial purposes; or
- b) any land that is not defined as Residential, Holiday Rental or Farm Land.

Use of Rate:

The differential rate will be used to fund items of expenditure described in the Budget adopted by Council. The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Level of Rate:

165% of the base rate. The rationale for this category to be rated at a rate above the base rate is that:

- businesses conducted at these properties benefit from the services and facilities provided by Council;
- services and facilities provided by the shire help to attract residents to the shire, which can provide businesses with both a source of labour and customers; and
- businesses generally have a capacity pay, which is complimented by rates being a tax deductible expense.

It is therefore deemed fair and equitable that properties in this category pay rates at a higher rate in the dollar than the base rate.

Use of Land:

Any use permitted under the Colac Otway Shire Council Planning Scheme.

Geographic Location:

In the localities of Colac, Colac East, Colac West and Elliminyt.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Colac Otway Shire Council Planning Scheme.

Types of Buildings:

All buildings which are already constructed on the land or which are constructed prior to the end of the financial year.

Commercial/Industrial – Balance of Shire

Definition:

Any land which is located in localities other than Colac, Colac East, Colac West or Elliminyt which does not have the characteristics of:

- a) Rural Farm Land;
- b) Residential Land – Colac, Colac East, Colac West or Elliminyt; or
- c) Holiday Rental Land; and;

is used primarily for:

- a. The sale of goods or services;
- b. Other commercial purposes; or
- c. Industrial purposes, or

is land which is vacant but zoned for commercial or industrial use.

Objectives:

To ensure that Council has adequate funding to undertake its strategic, statutory, service provision and community services obligations and to ensure that the differential rate in the dollar declared for defined Commercial/Industrial Rate land properties is fair and equitable, having regard to the cost and the level of benefits derived from provision of Council services.

The commercial businesses of Colac Otway Shire Council benefit from ongoing significant investment by Council in services and infrastructure. Council also notes the tax deductibility of Council rates for commercial properties which is not available to the residential sector, and also the income generating capability of commercial based properties.

The Commercial differential rate is applied to promote the economic development objectives for the Colac Otway Shire Council as outlined in the Council Plan. These objectives include an ongoing significant investment to create a vibrant economy and includes the maintenance and improvement of tourism infrastructure. Construction and maintenance of public infrastructure, development and provision of health and community services and the general provision of support services and promotion of business in the municipality.

Characteristics:

The characteristics of the planning scheme zoning are applicable to the determination of vacant land which will be subject to the rate applicable to Commercial/Industrial Land. The classification of the land will be determined by the occupation of that land for its best use and have reference to the planning scheme zoning.

Types and Classes:

Commercial/Industrial having the relevant characteristics described below:

- a) used primarily for commercial or industrial purposes; or
- b) any land that is not defined as Residential, Holiday Rental or Farm Land.

Use of Rate:

The differential rate will be used to fund items of expenditure described in the Budget adopted by Council. The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Level of Rate:

140% of the base rate. The rationale for this category to be rated at a rate above the base rate is that:

- businesses conducted at these properties benefit from the services and facilities provided by Council;
- services and facilities provided by the shire help to attract residents to the shire, which can provide businesses with both a source of labor and customers; and
- businesses generally have a capacity pay, which is complimented by rates being a tax deductible expense.

However, as properties in this category are generally located in smaller townships, there can be less opportunity to generate revenue. This can vary depending on the type of business.

It is therefore deemed fair and equitable that properties in this category pay rates at a higher rate in the dollar than the base rate but less than the rate in the dollar for "Commercial/Industrial - Colac/Elliminyt"

Use of Land:

Any use permitted under the Colac Otway Shire Council Planning Scheme.

Geographic Location:

In the localities of Colac, Colac East, Colac West and Elliminyt.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Colac Otway Shire Council Planning Scheme.

Types of Buildings:

All buildings which are already constructed on the land or which are constructed prior to the end of the financial year.

Other Charges

Municipal Charge

A Municipal Charge be declared for the budgeted period pertaining to this budget document to cover some of the administrative costs of the Council.

The Municipal Charge to be as stated in item 4.1.1(g) per annum for each rateable property in respect of which a municipal charge can be levied.

Annual Service (Waste Management) Charges

An annual service charge for the weekly and fortnightly domestic kerbside collection service is also levied. The aim of the charge is to apportion the total cost of managing the collection, transportation and disposal of domestic waste, to the owners of all properties that derive a benefit from having the service available for use.

The charge is therefore levied on all developed assessments used primarily for residential or commercial purposes that are located on the designated collection routes.

The charge is not levied on vacant land properties. Commercial/Industrial properties may apply for an exemption from the charge if they produce non domestic types of waste and provide proof they have engaged a contractor to collect and dispose of their waste.

Tirrengower Special (Drainage) Scheme

Colac Otway Shire Council utilise Special Charges on a case-by-case basis, except for the application of the Tirrengower Special (Drainage) Scheme. This is an ongoing scheme where landholders who benefit from the infrastructure contribute an annual amount equal to \$2.50 per hectare.

The special charge for the Tirrengower drainage works previously declared by Council to be fixed at \$2.50 per hectare for the period 1 July 2020 to 30 June 2021.

4.1.2 Statutory fees and fines

	Forecast 2019/20	Budget 2020/21	Change	
	\$'000	\$'000	\$'000	%
Statutory Planning Operations	290	320	30	10.4%
Public Health Operations	75	257	182	242.7%
Building Services Operations	100	107	8	7.7%
Local Laws Operations	72	72	0	-
Property & Rates Operations	30	33	3	10.0%
Infrastructure Customer Services	20	20	0	-
Emergency Management Operations	5	14	9	180.0%
Planning Compliance	3	3	0	-
Total statutory fees and fines	594	826	232	39.0%

The statutory fees generated from Council are expected to mostly remain consistent in 2021/22. The statutory income from Public Health Operations reduced in 2020/21 due to a community support initiative to offer fee relief for health and food registrations. Council expects to resume charging these fees in 2021/22, which will result in additional statutory fee income of \$182k.

4.1.3 User fees

	Forecast 2020/21	Budget 2021/22	Change	
	\$'000	\$'000	\$'000	%
Aged Care Management Administration	3,017	3,357	340	11.3%
Bluewater Fitness Centre Operations	633	1,362	729	115.1%
Colac Livestock Selling Centre Operations	417	445	28	6.6%
COPACC Management Operations	183	304	121	65.9%
Great Ocean Road VIC Operations	209	224	16	7.4%
Waste Management Administration	197	210	14	6.9%
Local Laws Operations	179	171	(8)	(4.5%)
Apollo Bay Harbour Admin	138	145	7	4.8%
Infrastructure Development	141	140	(1)	(0.9%)
Family & Children's Services Operations	104	124	20	19.2%
Colac Visitor Information Centre Operations	18	35	18	100.0%
Airfield Operations	15	20	5	33.8%
Building Services Operations	7	6	(1)	(13.9%)
Public Health Operations	3	3	0	-
Standpipe Management Operations	-	1	1	-
Risk Management Operations	1	1	0	-
Statutory Planning Operations	1	1	0	-
Strategic Asset & Property Services Operations	25	-	(25)	(100.0%)
Emergency Management Operations	10	-	(10)	(100.0%)
Total user fees	5,296	6,548	1,251	23.6%

The budgeted increase in user fees is largely due to the expectation of increased delivery of fully-funded Home Care Packages in 2021/22, as well as the impact of COVID-19 on 2020/21 operations. In the Aged services area there is a budgeted increase of fees due to increased numbers using the Home Care Services that Council provides to the community (\$340k). This increase is partially offset by the costs to deliver the additional packages, as shown in the '4.1.7 Employee Cost' analysis. The impact of COVID-19 resulted in reduced 2020/21 forecast user fees across several areas of the organisation, including Bluewater Leisure Centre (BWLC) and COPACC. It is expected that these services will remain open in 2021/22, resulting in increased user fees for BWLC (\$729k) and COPACC (\$121k).

4.1.4 Grants

Grants are required by the Act and the Regulations to be disclosed in Council's annual budget.

	Forecast 2020/21 \$'000	Budget 2021/22 \$'000	Change \$'000	%
Grants were received in respect of the following:				
Summary of grants				
Commonwealth funded grants	14,316	11,823	(2,493)	(17.4%)
State funded grants	8,032	3,558	(4,474)	(55.7%)
Total grants received	22,348	15,381	(6,967)	(31.2%)
(a) Operating Grants				
Recurrent - Commonwealth Government				
Family & Children's Services Operations	400	425	25	6.3%
Aged Care Management Administration	78	91	14	17.4%
Other	66	66	0	-
Public Health Operations	3	3	0	-
Victorian Grants Commission	7,084	6,997	(87)	(1.2%)
Recurrent - State Government				
Aged Care Management Administration	1,155	1,047	(108)	(9.4%)
Port of Apollo Bay Operations	878	891	13	1.5%
Maternal & Child Health Operations	488	410	(78)	(15.9%)
Regional Assessment Service Operations	182	182	(0)	(0.1%)
COPACC Management Operations	95	95	0	-
School Crossing Supervision Operations	55	55	0	-
Revenue Services	46	49	3	6.3%
Public Health Operations	17	16	(1)	(8.0%)
Family & Children's Services Operations	1	1	0	-
Bluewater Leisure Centre	14	-	(14)	(100.0%)
Total recurrent grants	10,562	10,328	(259)	(2.5%)
Non-recurrent - Commonwealth Government				
City Deal Projects	4,610	-	(4,610)	(100.0%)
Family & Children's Services Operations	31	-	(31)	(100.0%)
Events	21	-	(21)	(100.0%)
Non-recurrent - State Government				
Economic Development Operations	796	300	(496)	(62.3%)
Community Services Management	81	32	(49)	(60.4%)
Family & Children's Services Operations	107	27	(80)	(74.7%)
Recreation & Open Spaces	-	3	3	100.0%
Working For Victoria	980	-	(980)	(100.0%)
Port of Apollo Bay Operations	110	-	(110)	(100.0%)
Strategic Planning Operations	89	-	(89)	(100.0%)
Disaster Recovery	75	-	(75)	(100.0%)
Total non-recurrent grants	6,900	362	(6,538)	(94.8%)
Total operating grants	17,463	10,690	(6,772)	(38.8%)
(b) Capital Grants				
Recurrent - Commonwealth Government				
Roads to recovery	1,700	1,700	-	-
Total recurrent grants	1,700	1,700	0	-
Non-recurrent - Commonwealth Government				
Recreation, Leisure and Community Facilities	323	2,541	2,218	686.9%
Non-recurrent - State Government				
Local Roads and Community Infrastructure Funding	1,702	-	(1,702)	(100.0%)
Recreation, Leisure and Community Facilities	1,160	450	(710)	(61.2%)
Total non-recurrent grants	3,185	2,991	(194)	(6.1%)
Total capital grants	4,885	4,691	(194)	(4.0%)
Total Grants	22,348	15,381	(6,967)	(31.2%)

The budgeted recurrent operating grants are similar to the 2020/21 forecast, with the expectation that Federal Assistant Grant funding will increase, with 50% received in advance. The budgeted reduction in non-recurrent operating grants predominantly relates to the receipt of \$4.6m for the City Deals Project in 2020/21, which has an offsetting expense of \$4.6m recognised in Materials and Services. The 2020/21 forecast also includes \$980k Working for Victoria funding, which has an offsetting expense.

The budgeted capital grants are less than the 2020/21 forecast and include Roads to Recovery funding (\$1.7m), the implementation of Local Sports Infrastructure lighting upgrades (\$2.3m) and the replacement and upgrade of the King Track bridge in Chapple Vale (\$450k). The 2020/21 forecast includes grants that have been carried forward from previous years, as well as grants that relate to capital works in the 2020/21 budget. These grants include funding for Local Roads and Community Infrastructure (\$1.7m), Central Reserve Lighting and Netball Court Redevelopment (\$556k), the Memorial Square Playspace (\$325k) and the Elliminyt Recreation Reserve Velodrome Resurfacing (\$279k). The reduction in expected capital grants is reflected in the reduced capital works program (refer '4.5 Capital works program').

4.1.5 Contributions

	Forecast 2020/21	Budget 2021/22	Change	
	\$'000	\$'000	\$'000	%
Monetary	139	420	281	202.7%
Non-monetary	-	-	-	-
Total contributions	139	420	281	202.7%

Monetary contributions are expected to increase due to an expected increase of contributions in 2021/22 relating to one-off projects. These contributions relate to projects including the Deans Creek Precinct Structure Plan (\$175k), Community Sport Lighting Upgrades (\$50k), and the replacement and upgrade bridge on King Track Chapple Vale (\$50k). It is also expected that Council will receive Public Open Space contributions (\$100k),

4.1.6 Other income

	Forecast 2020/21	Budget 2021/22	Change	
	\$'000	\$'000	\$'000	%
Reimbursements	456	109	(348)	(76.2%)
Port of Apollo Bay Administration Income	60	60	-	-
Interest	75	50	(25)	(33.3%)
Other income	99	48	(51)	(51.2%)
Works on Road Permits	40	40	-	-
Rates Legal Costs Recovered	40	40	-	-
Landing Fees	20	20	-	-
Total other income	790	367	(423)	(53.5%)

There are several expected variances relating to 'Other income' in 2021/22, including a reduction of interest on investments. It is expected that Interest received from investments will decrease by \$25k due to a combination of the RBA lowering the Cash Rate in 2020/21 and Council not holding as much cash as in previous years. The 2020/21 Forecast included a one-off reimbursement of \$284k for legal costs, as well as \$30k from penalties relating to the election. 2021/22 reimbursements include \$82k for reimbursed wages for employees on long-term WorkCover, in comparison to \$90k in 2020/21.

4.1.7 Employee costs

	Forecast	Budget	Change	
	2020/21 \$'000	2021/22 \$'000	\$'000	%
Wages and salaries	16,015	16,192	178	1.1%
Employee Leave	1,591	1,635	44	2.8%
Superannuation	1,789	1,898	109	6.1%
Casual Staff	456	565	110	24.1%
Sick Leave	561	576	15	2.8%
Other Employee Benefits	189	213	25	13.2%
Fringe Benefits Tax	170	170	0	-
WorkCover	333	433	100	30.0%
Total employee costs	21,103	21,683	581	2.8%

The 2020/21 Forecast includes expenditure relating to Working for Victoria \$680k. Therefore employee costs, excluding WFV, have increased by \$1.26m in 2021/22. The 2020/21 Forecast includes the impact of COVID-19, whereas the 2021/22 Budget assumes services will remain open, resulting in additional employee costs in BWLC (\$350k), COPACC (\$80k) and the Visitor Information Centres (\$60k). The 2021/22 Budget includes the EBA increase of 2.25% (\$450k). Additional employee costs are required to service increased fully-funded Home Care Packages (\$290k), which has offsetting income as shown within the User Fee analysis. The WorkCover Premium is expected to increase by \$100k.

4.1.8 Materials and services

	Forecast	Budget	Change	
	2020/21 \$'000	2021/22 \$'000	\$'000	%
Contractors	16,038	10,120	(5,918)	(36.9%)
Materials	3,800	4,294	494	13.0%
Subscriptions and memberships	1,721	1,860	139	8.1%
Utilities	1,203	1,290	87	7.2%
Consultants	1,118	939	(179)	(16.0%)
Agency staff	862	712	(151)	(17.5%)
Insurances	521	555	34	6.5%
Training costs	387	432	46	11.8%
Plant and equipment (maintenance & internal charge)	527	327	(201)	(38.1%)
Legal costs	173	146	(27)	(15.6%)
Venue Hire	62	33	(29)	(46.2%)
Other expenditure	15	15	0	-
Permits	4	4	0	-
Merchant Fees	5	3	(2)	(40.0%)
Total materials and services	26,436	20,730	(5,706)	(21.6%)

The budget for materials and services is expected to reduce in 2021/22, largely due to the 2020/21 forecast including projects carried forward from previous years, as well as non-recurrent operational initiatives. These initiatives include \$4.6m contractor costs relating to the City Deals Projects and \$300k for expenses related to the Working For Victoria program; which have offsetting operational grants. The budgeted 'materials' in 2021/22 is expected to increase, largely due to the implementation and distribution of the fourth glass bin to the community (\$450k).

4.1.9 Depreciation

	Forecast	Budget	Change	
	2020/21 \$'000	2021/22 \$'000	\$'000	%
Buildings	1,352	1,139	(213)	(15.7%)
Plant & equipment	2,292	1,932	(361)	(15.7%)
Infrastructure	7,156	6,029	(1,126)	(15.7%)
Total depreciation	10,800	9,100	(1,700)	(15.7%)

4.1.10 Amortisation - Right of use assets

	Forecast 2020/21 \$'000	Budget 2021/22 \$'000	Change	
			\$'000	%
Right of use assets	115	110	(5)	(4.3%)
Total amortisation - right of use assets	115	110	(5)	(4.3%)

4.1.11 Other expenses

	Forecast 2020/21 \$'000	Budget 2021/22 \$'000	Change	
			\$'000	%
Grants and donations paid	785	731	(54)	(6.9%)
Elected Members Allowances	229	234	5	2.0%
Other costs	930	204	(726)	(78.1%)
Fire service levy	65	65	-	-
Auditors remuneration	43	47	4	9.8%
Rates Written Off	35	29	6	(15.9%)
Elected Members Superannuation Contribution	24	24	-	-
Elected Member Mileage Allowance per km	20	20	-	-
Animal registration levy	22	20	(2)	(9.7%)
Royalties and commissions	6	5	(1)	(16.7%)
Interest Payments Interfund	20	5	(15)	(75.0%)
Remote Area Councillor Travel Allowance	3	3	-	-
Corporate Card Expenses	2	2	-	-
Total other expenses	2,184	1,389	(794)	(36.4%)

The budgeted movement predominantly relates to Council setting aside funds in 2020/21, allocated as 'Other costs' (\$664k), for the financial impact of COVID-19 and community support initiatives in response to this Pandemic.

4.2 Balance Sheet

4.2.1 Assets

Assets remain consistent in 2021/22, with Cash expected to decrease and Property, infrastructure, plant and equipment expected to increase. Property, infrastructure, plant and equipment comprise 95% of Council's total assets and is expected to increase, largely due to the capital works program being greater than depreciation. A 'Right-of-Use' asset to the value of \$638k accounts for existing operating leases, which is offset by 'Lease Liabilities' in the liabilities section of the balance sheet.

4.2.2 Liabilities

Liabilities remain consistent in 2021/22, with loan repayments and lease payments expected to reduce Council's overall liabilities. Repayments of \$142k will be made on Interest Bearing Loans in 2021/22, with the final repayment of existing borrowings expected to occur in 2022/23. The lease liabilities of \$653k reflect the existing liability for committed operating lease payments. This is largely offset by a 'Right of Use' asset in the balance sheet.

4.2.3 Borrowings

The table below shows information on borrowings specifically required by the Regulations.

	Forecast	Budget
	2020/21	2021/22
	\$'000	\$
Amount borrowed as at 30 June of the prior year	1,024	738
Amount proposed to be borrowed	-	-
Amount projected to be redeemed	(286)	(142)
Amount of borrowings as at 30 June	738	596

4.2.4 Leases by category

As a result of the introduction of AASB 16 Leases, right-of-use assets and lease liabilities have been recognised as outlined in the table below.

	Forecast	Budget
	2020/21	2021/22
	\$'000	\$
Right-of-use assets	-	-
Plant and equipment	748	638
Total right-of-use assets	748	638
Lease liabilities		
Current lease Liabilities		
Plant and equipment	100	100
Total current lease liabilities	100	100
Non-current lease liabilities		
Plant and equipment	663	553
Total non-current lease liabilities	663	553
Total lease liabilities	763	653

Where the interest rate applicable to a lease is not expressed in the lease agreement, Council applies the average incremental borrowing rate in the calculation of lease liabilities. The current incremental borrowing rate is 4.25%.

4.3 Statement of changes in Equity

4.3.1 Reserves

Reserve Name	Reserve Type	Forecast 2020/21 \$'000	Budget 2021/22 \$'000
Asset Revaluation Reserve	Discretionary	208,131	208,131
Financial Assistance Grants Received in Advance	Discretionary	3,438	3,499
Waste Management Reserve	Discretionary	2,619	1,617
Landfill Rehabilitation (Alvie) Reserve	Discretionary	1,037	1,094
Long Service Leave Reserve	Discretionary	2,652	2,652
Plant Replacement Reserve	Discretionary	1,296	1,082
Port of Apollo Bay Reserve	Contractual	390	390
Recreational Lands Reserve	Statutory	892	992
Rehabilitation Reserve	Discretionary	1,040	1,048
Water Sensitive Urban Design	Statutory	44	44
Strategic Projects Reserve	Discretionary	602	602
Tirrengower Drainage Scheme Reserve	Contractual	24	24
Total Equity Reserves		222,165	221,175

Purposes for Reserves

Asset Revaluation Reserve

This reserve captures the reassessment of the value of Council's capital assets.

Financial Assistance Grants received in advance

The purpose of this reserve is to set aside any Commonwealth Financial Assistance Grant funding received in advance of its intended allocation.

Waste Management Reserve

This reserve was set up as a source of funding the replacement of kerbside bins. All funds in this reserve are collected from the waste collection service charge and are to be used only in connection with the waste collection service.

Long Service Leave Reserve

The purpose of this reserve is to ensure that the nominal long service leave balances owing to employees are maintained.

Landfill Rehabilitation (Alvie) Reserve

This reserve relates to the funds required to restore the Alvie Tip. The rehabilitation reserve will continue to grow until the Tip closes, at which time, the funds will be utilised to meet this obligation.

Water Sensitive Urban Design

Statutory reserve to be used for the construction of water saving initiatives within council's waste water network.

Port of Apollo Bay Reserve

These funds are bound by an agreement with the Department of Transport concerning the operations of the Port of Apollo Bay and are the value of cash assets owed.

Recreational Lands Reserve

Statutory reserve to be used for the development of recreational reserves and public open space.

Rehabilitation Reserve

This reserve is to fund the rehabilitation of the various waste disposal sites across the Colac Otway Shire.

Plant replacement Reserve

This reserve is to fund the replacement of council's plant at the end of their useful lives. Inflows to the reserve accrue out of any plant operating surplus with the funds then being used for the changeover of plant.

Strategic Projects Reserve

The purpose of this reserve is for strategic projects and acquisitions of new or expanded assets that are of an intergenerational nature.

Tirrengower Drainage Scheme Reserve

These funds are collected via a special rate and must be expended against the purpose of the drainage scheme at Tirrengower.

4.4 Statement of Cash Flows

4.4.1 Net cash flows provided by/used in operating activities

There is an increase in cash provided by operating activities, predominantly due to the impact of COVID-19 on 2020/21 operations. The 2021/22 Budget reflects the impact of services remaining open, with Bluewater user fees increasing by \$729k and COPACC fees increasing by \$121k. Receipts from operating grants are expected to decrease, largely due to the 2020/21 forecast containing funding received for the City Deal Project (\$4.6m) and Working For Victoria (\$980k). It is important to note that this funding has associated offsetting outflow of funds from Materials and Services and Employee Costs. The capital programme is budgeted to reduce in 2020/21, with less funding anticipated.

4.4.2 Net cash flows provided by/used in investing activities

The capital programme forecasted for 2020/21 is larger than the 2021/22 budgeted programme, which is reflected in the budgeted decrease in 'Payments for property, infrastructure, plant and equipment.' The 2020/21 capital programme includes carried-forward projects from previous years and fully funded projects delivered as part of the non-recurrent Local Roads and Community Infrastructure Program (\$1.7m).

4.4.3 Net cash flows provided by/used in financing activities

There is a reduction in repayment of borrowings budgeted in 2021/22, due to the final settlement of one loan in 2020/21. The decrease in interest-bearing liabilities has resulted in reduced outflow of finance costs in 2021/22. The repayment of lease liabilities remains consistent, with a reduction in interest paid, reflecting a decreasing lease liability balance.

4.5 Capital works program

This section presents a listing of the capital works projects that will be undertaken for the 2021/22 year, classified by expenditure type and funding source. Works are also disclosed as current budget or carried forward from prior year.

4.5.1 Summary

	Forecast 2020/21 \$'000	Budget 2021/22 \$'000	Change \$'000	%
Property	658	702	44	6.69%
Plant and equipment	2,672	2,188	(485)	-18.13%
Infrastructure	11,016	10,802	(214)	-1.94%
Total	14,346	13,692	(654)	-4.56%

	Project Cost \$'000	Asset expenditure types			Summary of Funding Sources			
		New \$'000	Renewal \$'000	Upgrade \$'000	Grants \$'000	Contrib. \$'000	Council cash \$'000	Borrowings \$'000
Property	702	-	100	602	-	-	702	-
Plant and equipment	2,188	8	2,100	80	-	-	2,188	-
Infrastructure	10,802	110	6,370	4,322	4,691	120	5,991	-
Total	13,692	118	8,570	5,004	4,691	120	8,881	-

The 2020/21 forecast figures include capital works carried forward from previous years. The 2021/22 budgeted Capital Works Program has increase from the 2020/21 Original Budget (\$10.1m), reflective of an anticipated increase in capital grants received. It is expected that 63% of the Capital Works completed will be Renewal Works and 36% will be Upgrade Works.

4.5.2 Current Budget

Capital Works Area	Project Cost \$'000	Asset expenditure types			Summary of Funding Sources			
		New \$'000	Renewal \$'000	Upgrade \$'000	Grants \$'000	Contrib. \$'000	Council cash \$'000	Borrowings \$'000
PROPERTY								
Buildings								
<i>Building Renewal Programme</i>	100	-	100	-	-	-	100	-
<i>Building Upgrade Programme</i>	522	-	-	522	-	-	522	-
<i>Bluewater Heat Pump Upgrade</i>	80	-	-	80	-	-	80	-
TOTAL PROPERTY	702	-	100	602	-	-	702	-
PLANT AND EQUIPMENT								
Plant, Machinery and Equipment								
<i>Annual Heavy Plant Replacement Program</i>	1,340	-	1,340	-	-	-	1,340	-
<i>Annual Light Fleet Replacement Program</i>	760	-	760	-	-	-	760	-
<i>Kerbside compaction litter bins (solar)</i>	8	8	-	-	-	-	8	-
Computers and Telecommunications								
<i>Conference rooms - MS Teams AV Upgrades</i>	80	-	-	80	-	-	80	-
TOTAL PLANT AND EQUIPMENT	2,188	8	2,100	80	-	-	2,188	-

4.5.2 Current Budget (cont.)

		Asset expenditure types			Summary of Funding Sources			
Capital Works Area	Project Cost	New	Renewal	Upgrade	Grants	Contrib.	Council cash	Borrowings
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
INFRASTRUCTURE								
Roads								
Crack Sealing Program	108	-	108	-	-	-	108	-
Kerb and Channel Renewal Program	80	-	80	-	-	-	80	-
Major Patching Program	195	-	195	-	-	-	195	-
Pascoe St Pedestrian Safety Treatment - Pascoe St. Apollo Bay	30	30	-	-	-	-	30	-
Road Resealing Program	1,200	-	1,200	-	-	-	1,200	-
Sealed Road Reconstruction Renewal Program	2,100	-	2,100	-	1,700	-	400	-
Sealed Road Reconstruction Upgrade Program	200	-	-	200	-	-	200	-
Unsealed Road Reconstruction Program	1,400	-	1,400	-	-	-	1,400	-
Road Safety New Program	30	30	-	-	-	-	30	-
Road Safety Renewal Program 1	100	-	100	-	-	-	100	-
Road Safety Renewal Program 2	270	-	270	-	-	-	270	-
Bridges								
Bridge Renewal Program	540	-	540	-	-	-	540	-
Bridge Upgrade Program	900	-	-	900	450	50	400	-
Footpaths and Cycleways								
Footpath Renewal Program	127	-	127	-	-	-	127	-
Footpath Upgrade Program	105	-	-	105	-	-	105	-
Old Beechy Rail Trail - Colac Station trail safety improvements	140	-	-	140	120	-	20	-
Drainage								
Stormwater Renewal Program	200	-	200	-	-	-	200	-
Stormwater Upgrade Program	150	-	-	150	-	-	150	-
Other infrastructure								
Colac Entry Signs	50	50	-	-	-	-	50	-

<i>Cricket Pitch Upgrades (G21 and Cricket Victoria Barwon Regional Cricket Strategy Implementation)</i>	135	-	-	135	90	20	25	-
<i>Open Space Renewal Program</i>	50	-	50	-	-	-	50	-
<i>Community Sport Infrastructure Fund (Sports Lighting Upgrades) 1</i>	2,312	-	-	2,312	2,081	-	231	
<i>Community Sport Infrastructure Fund (Sports Lighting Upgrades) 2</i>	380	-	-	380	250	50	80	
TOTAL INFRASTRUCTURE	10,802	110	6,370	4,322	4,691	120	5,991	-
TOTAL NEW CAPITAL WORKS	13,692	118	8,570	5,004	4,691	120	8,881	-

4.6 Summary of Planned Capital Works Expenditure

For the four years ending 30 June 2025

2022/23	Asset Expenditure Types					Funding Sources				
	Total	New	Renewal	Expansion	Upgrade	Total	Grants	Contributions	Council Cash	Borrowings
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Property										
Land	0	0	0	0	0	0	0	0	0	0
Land improvements	0	0	0	0	0	0	0	0	0	0
Total Land	0	0	0	0	0	0	0	0	0	0
Buildings	798	0	798	0	0	0	0	0	0	0
Total Buildings	798	0	798	0	0	0	0	0	0	0
Total Property	798	0	798	0	0	0	0	0	0	0
Plant and Equipment										
Plant, machinery and equipment	2,308	0	2,308	0	0	0	0	0	0	0
Fixtures, fittings and furniture	319	0	319	0	0	0	0	0	0	0
Computers and telecommunications	368	0	368	0	0	0	0	0	0	0
Total Plant and Equipment	2,994	0	2,994	0	0	0	0	0	0	0
Infrastructure										
Roads	6,841	0	6,841	0	0	13,597	2,318	0	11,279	0
Bridges	659	0	659	0	0	0	0	0	0	0
Footpaths and cycleways	245	0	245	0	0	0	0	0	0	0
Drainage	465	0	465	0	0	0	0	0	0	0
Other infrastructure	1,595	0	1,595	0	0	0	0	0	0	0
Total Infrastructure	9,805	0	9,805	0	0	13,597	2,318	0	11,279	0
Total Capital Works Expenditure	13,597	0	13,597	0	0	13,597	2,318	0	11,279	0

2023/24	Asset Expenditure Types					Funding Sources				
	Total \$'000	New \$'000	Renewal \$'000	Expansion \$'000	Upgrade \$'000	Total \$'000	Grants \$'000	Contributions \$'000	Council Cash \$'000	Borrowings \$'000
Property										
Land	0	0	0	0	0	0	0	0	0	0
Land improvements	0	0	0	0	0	0	0	0	0	0
Total Land	0	0	0	0	0	0	0	0	0	0
Buildings	818	0	818	0	0	0	0	0	0	0
Total Buildings	818	0	818	0	0	0	0	0	0	0
Total Property	818	0	818	0	0	0	0	0	0	0
Plant and Equipment										
Plant, machinery and equipment	2,366	0	2,366	0	0	0	0	0	0	0
Fixtures, fittings and furniture	327	0	327	0	0	0	0	0	0	0
Computers and telecommunications	377	0	377	0	0	0	0	0	0	0
Total Plant and Equipment	3,069	0	3,069	0	0	0	0	0	0	0
Infrastructure										
Roads	7,013	0	7,013	0	0	13,938	2,376	0	11,561	0
Bridges	676	0	676	0	0	0	0	0	0	0
Footpaths and cycleways	251	0	251	0	0	0	0	0	0	0
Drainage	476	0	476	0	0	0	0	0	0	0
Other infrastructure	1,635	0	1,635	0	0	0	0	0	0	0
Total Infrastructure	10,051	0	10,051	0	0	13,938	2,376	0	11,561	0
Total Capital Works Expenditure	13,938	0	13,938	0	0	13,938	2,376	0	11,561	0

2024/25	Asset Expenditure Types					Funding Sources				
	Total \$'000	New \$'000	Renewal \$'000	Expansion \$'000	Upgrade \$'000	Total \$'000	Grants \$'000	Contributions \$'000	Council Cash \$'000	Borrowings \$'000
Property										
Land	0	0	0	0	0	0	0	0	0	0
Land improvements	0	0	0	0	0	0	0	0	0	0
Total Land	0	0	0	0	0	0	0	0	0	0
Buildings	838	0	838	0	0	0	0	0	0	0
Total Buildings	838	0	838	0	0	0	0	0	0	0
Total Property	838	0	838	0	0	0	0	0	0	0
Plant and Equipment										
Plant, machinery and equipment	2,425	0	2,425	0	0	0	0	0	0	0
Fixtures, fittings and furniture	335	0	335	0	0	0	0	0	0	0
Computers and telecommunications	386	0	386	0	0	0	0	0	0	0
Total Plant and Equipment	3,146	0	3,146	0	0	0	0	0	0	0
Infrastructure										
Roads	7,188	0	7,188	0	0	14,286	2,436	0	11,850	0
Bridges	693	0	693	0	0	0	0	0	0	0
Footpaths and cycleways	257	0	257	0	0	0	0	0	0	0
Drainage	488	0	488	0	0	0	0	0	0	0
Other infrastructure	1,676	0	1,676	0	0	0	0	0	0	0
Total Infrastructure	10,302	0	10,302	0	0	14,286	2,436	0	11,850	0
Total Capital Works Expenditure	14,286	0	14,286	0	0	14,286	2,436	0	11,850	0

5. Financial performance indicators

The following table highlights Council's current and projected performance across a range of key financial performance indicators. These indicators provide a useful analysis of Council's financial position and performance and should be interpreted in the context of the organisation's objectives.

The financial performance indicators below are the prescribed financial performance indicators contained in Part 3 of Schedule 3 of the Local Government (Planning and Reporting) Regulations 2020. Results against these indicators will be reported in Council's Performance Statement included in the Annual Report.

Indicator	Measure	Notes	Actual	Forecast	Budget	Projections			Trend
			2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	+/-
Operating position									
Adjusted underlying result	Adjusted underlying surplus (deficit) / Adjusted underlying revenue	1	-3.5%	-4.5%	0.3%	0.9%	0.3%	-0.6%	o
Liquidity									
Working Capital	Current assets / current liabilities	2	178.4%	159.7%	145.1%	118.3%	77.9%	31.3%	-
Unrestricted cash	Unrestricted cash / current liabilities	3	104.9%	116.3%	101.8%	91.3%	51.0%	4.6%	-
Obligations									
Loans and borrowings	Interest bearing loans and borrowings / rate revenue	4	3.3%	2.3%	1.8%	0.0%	0.0%	0.0%	+
Loans and borrowings	Interest and principal repayments on interest bearing loans and borrowings / rate revenue		5.7%	1.1%	0.6%	1.9%	0.0%	0.0%	+
Indebtedness	Non-current liabilities / own source revenue		27.1%	26.4%	23.6%	19.2%	18.2%	17.3%	+
Asset renewal	Asset renewal and upgrade expense / Asset depreciation	5	108.8%	128.1%	151.0%	147.8%	149.9%	152.0%	+
Stability									
Rates concentration	Rate revenue / adjusted underlying revenue	6	58.4%	54.8%	61.5%	61.0%	61.0%	60.8%	o
Rates effort	Rate revenue / CIV of rateable properties in the municipality		0.5%	0.4%	0.4%	0.4%	0.4%	0.4%	o
Efficiency									
Expenditure level	Total expenses/ no. of property assessments		\$3,609	\$3,923	\$3,396	\$3,394	\$3,476	\$3,577	o
Revenue level	Total rate revenue / no. of property assessments		\$1,811	\$1,832	\$1,859	\$1,884	\$1,918	\$1,952	+

Key to Forecast Trend:

- + Forecasts improvement in Council's financial performance/financial position indicator
- o Forecasts that Council's financial performance/financial position indicator will be steady
- Forecasts deterioration in Council's financial performance/financial position indicator

Notes to indicators**1. Adjusted underlying result**

This measure is an indicator of the sustainable operating result required to enable Council to continue to provide core services and meet its objectives. The results are showing an underlying surplus results of less than 1% in 2021/22, 2022/23 and 2023/24, with an underlying deficit in 2024/25. This deficit indicates the erosion of Council's ability to generate 'own-sourced' revenue.. I.e. As a proportion of total revenue Council is generating less revenue from sources it can control, increasing its reliance on funding from external sources such as grant funding. This is not considered to be sustainable in the medium to long term, however adjusted underlying deficits are sustainable in the short term, providing other indicators remain healthy.

Council are currently undertaking a review of its Long Term Financial Plan, which will require Council to critically review service types and levels to ensure they are sustainable into the future. The Long Term Financial Plan is a requirement of the Local Government Act 2020.

2. Working Capital

This indicator decreases over the projected period primarily due to the forecasted impacts of rate capping, which limits Council's ability to deliver services to the same level. It must be noted that the projections have largely been developed on a 'Business as Usual' basis.

3. Unrestricted Cash

This shows a decrease in the available unrestricted cash for the council. This is due to the reduction of cash and cash equivalents over the period. This trend is consistent and reflective of the adjusted underlying result and working capital.

4. Debt compared to rates

The steep decrease in this ratio reflects the effect of continuing payback and maturity of debt without any forecast new borrowings.

5. Asset renewal

This percentage indicates the extent of Council's renewals and upgrades against its depreciation charge (an indication of the decline in value of its existing capital assets). A percentage greater than 100 indicates Council is maintaining its existing assets, while a percentage less than 100 means its assets are deteriorating faster than they are being renewed and future capital expenditure will be required to renew assets.

Council has a history of this indicators being above 100%. The increase in 2021/22 has primarily resulted from a reduction in depreciation rates as a result of a depreciation review conducted in 2020/21. The review concluded that depreciation rates were too high. The depreciation expense will decrease from \$10.8m in the 2020/21 forecast to \$9.1m in 2021/22.

6. Rates concentration

This indicator shows a relatively consistent trend for the projected period reflecting Colac Otway Shire's reliance on rate revenues (as a proportion of total revenue) to fund all of Council's on-going services. Rates remain an important source of revenue for Council. This indicator is consistent with the Large Rural Council cohort in Victoria.

Item: 10.4

COVID-19 Business and Community Support Package

OFFICER	James Myatt
GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services
ATTACHMENTS	Nil
PURPOSE	To allocate COVID-19 recovery funding

1. EXECUTIVE SUMMARY

The COVID-19 pandemic continues to put significant pressure on the business sector worldwide as a result of extended lockdowns, social distancing requirement and a range of restrictions. The Australian economy is now recovering with recovery rates varying depending upon the sector. Council has provided direct support to our local business sector via its Business and Community Support Program, as well as a range of other initiatives being driven out of Council's Economy team.

Council's 2020/2021 budget allocated \$950,000 to business and community support measures including a dedicated Business and Community Support Fund of approximately \$422,000.

In July 2020, Council approved an allocation of the funding valued at \$673,000 in fee relief, lease relief and business stimulus to our community (Table 2). Due to COVID-19 lockdown extensions, an additional \$55,000 was provided in 'interest-free grace period for late rate repayments' and \$50,341 in 'lease / licence relief for commercial and community tenants on Council owned and managed land'.

When considering the Draft 2020/2021 Budget at the Special Council Meeting held on 13 May 2020, Council resolved that *'any future allocations from the Business and Community Support Fund towards a project or process will be at the sole discretion of Council and will be subject to a Council resolution. This specifically includes discretionary initiatives, commercial lease relief and recreational lease support as detailed in the officer report'*.

In the Draft 2021/2022 Budget Council has not included an allocation for COVID-19 recovery. This report summarises the outcome of Council's COVID-19 support to date and recommends business and community recovery initiatives for Council's consideration.

2. RECOMMENDATION

That Council:

- 1. Notes the ongoing fiscal and social impacts on the Colac Otway economy and community of the COVID-19 pandemic and the need for ongoing targeted recovery initiatives.***
- 2. Authorises remaining funds at 30 June 2021 for the targeted tourism marketing campaign be carried over into the 2021/2022 financial year.***
- 3. Authorises \$20,500 to be carried over into the 2021/2022 financial year for the purchase of events.***
- 4. Authorises \$185,000 from the COVID-19 Business and Community Support Package be carried over into the 2021/2022 financial year for a COVID-19 Business and Community Recovery Package.***
- 5. Allocates from the COVID-19 Business and Community Recovery Package:***
 - a. \$60,000 to an Economic Recovery Partnerships Fund to be used on projects in partnership with external agencies at the discretion on the Chief Executive. Reports on partnership projects will be provided to Council on a regular basis via the Councillor briefing process.***
 - b. \$30,000 for Council to employ an Arts Officer for 6 months.***
 - c. \$20,000 to funding ready preparedness projects for tourism infrastructure that facilitates domestic visitation.***
 - d. \$40,000 to a regional population and visitation attraction campaign.***
 - e. \$10,000 to the creation of an Accommodation Investment Prospectus.***
 - f. \$25,000 towards a Colac Otway Careers/Jobs Fair.***

3. KEY INFORMATION

Impacts of COVID-19 on the Colac Otway Economy

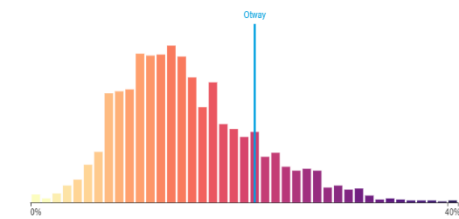
The Colac Otway economy has fluctuated during COVID-19 with levels of variances changing depending upon industry and location. Overall, the economy contracted during the regional lockdown and has now recovered on average to pre-COVID-19 levels with some industries experiencing pre-COVID-19 growth, whilst others still require significant recovery support. The below data demonstrated levels of JobKeeper, JobSeeker, total output and a tourism case study for the Colac Otway Economy.

Recommendations are made from the data that influence the recovery initiatives that are proposed and the focus of the Economy team for the 2021/2022 financial year.

Otway

Businesses eligible for JobKeeper have experienced a decline in revenue of at least 30%. Higher levels of JobKeeper applications are a likely indicator of greater negative economic impacts from COVID-19.

In Otway it is estimated that **20.7%** of local businesses have applied for JobKeeper support.



Otway JobKeeper applications as a percentage of total local businesses compared to SA2s in Australia:

- Ranked 370 out of 2,186 areas in Australia.
- 369 areas in Australia have more applications.
- 1,816 areas in Australia have less applications.

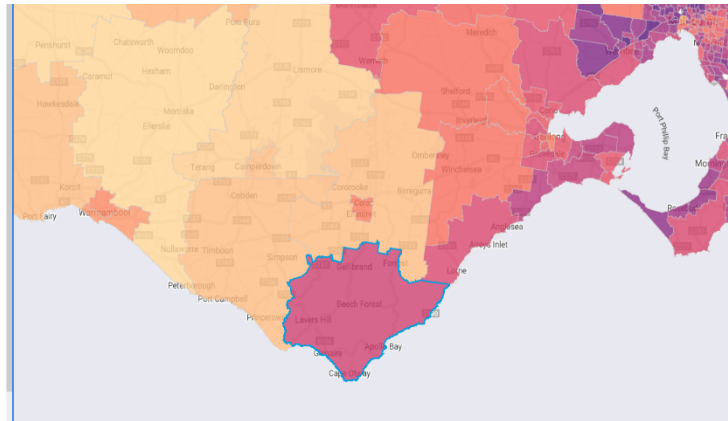
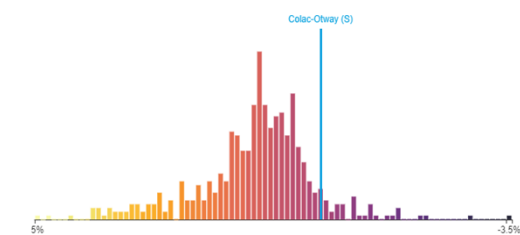


Figure 1 above shows an estimate of the percentage of businesses in the Otways SA2 area applying for JobKeeper support in February 2021 (Source: REMPLAN/ABS). Compared to Figure 4 which shows record consumer spending in Apollo Bay, Figure 1 demonstrates that whilst some businesses are thriving, not all businesses and sectors have returned to pre-COVID trade. In February 2021 20.7% of businesses in the Otways and 12.4% across Colac Otway applied for JobKeeper support. Comparing this to August 2020 where 53.1% of businesses in Otways and 35.8% across Colac Otway applied for JobKeeper support, business revenue levels have largely recovered near to pre-COVID-19 levels.

Colac-Otway (S)

In Colac-Otway, prior to COVID-19 and the introduction of social lockdown measures to manage the pandemic, total output across all local industry sectors was estimated at \$266.239 million. For March 2021, total output is estimated at \$266.075 million, a fall of 0.1%.

This is a monthly estimate and should not be annualised.



Across Australia, the median rise in output over this period was 1%.

When compared with other LGAs and unincorporated areas, Colac-Otway is:

- Ranked 45 out of 539 areas in Australia with:
 - 44 areas in Australia experiencing higher impact.
 - 494 areas in Australia were less impacted.

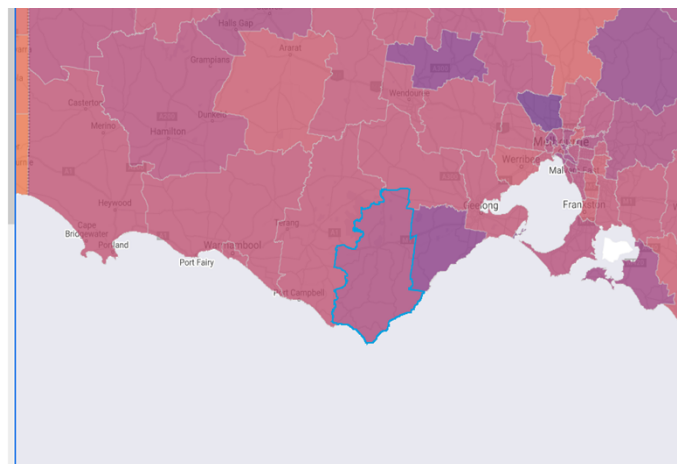


Figure 2 above shows that total output of the Colac Otway economy was 0.1% below pre-COVID levels in March 2021 (Source: REMPLAN/ABS). Coupled with JobKeeper data, this demonstrates that whilst some industries including manufacturing are thriving, there are segments of the economy that are slow to recover and require ongoing support including the Arts. By comparison total output of the Colac Otway economy fell by 4.9% compared to pre-COVID levels in May 2020.

Colac-Otway (S)

JobSeeker is a financial assistance program for people aged between 22 years and Aged Pension age, who are looking for work and who qualify under income and asset tests. It also supports eligible people when they are sick or injured and cannot do their usual work or study for a short time.

Higher numbers of JobSeeker recipients is an indicator of underemployment, unemployment and general welfare need.

In Colac-Otway (S) it is estimated that 1,125 (9.7%) of the local labour force are JobSeeker recipients.

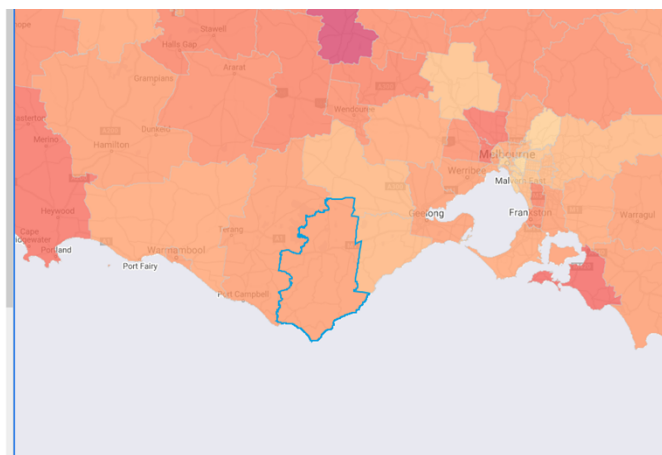
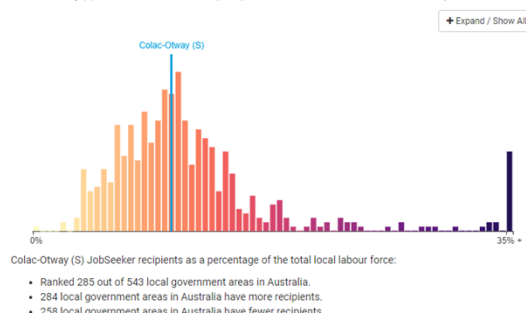
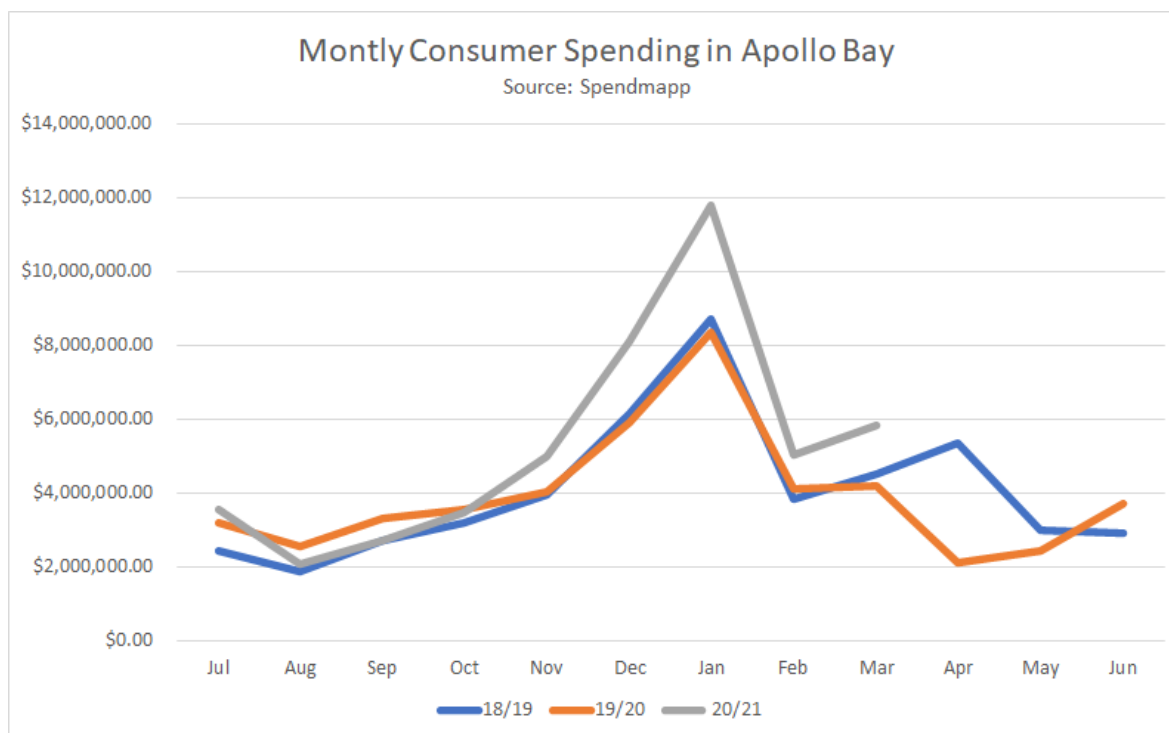


Figure 3 above demonstrates the percentage of Colac Otway residents aged between 22 years and Pension age who were JobSeeker recipients in December 2020 (Source: REMPLAN/ABS). At 1,125 people (9.7% of the labour force) it is the highest percentage in the G21 Region but around average by national standards. The percentage of JobSeeker recipients does not vary significantly in different locations within Colac Otway. Table 1 below compares the level of the local labour force that are JobSeeker recipients to before COVID-19 (Source: REMPLAN/ABS).

Date	Number of JobSeeker Recipient	Percentage of Workforce
2020 December	1,125	9.7%
2020 September	1,173	10.1%
2020 June	1,184	10.2%
2020 March	672	5.8%
2019 December	639	5.5%
2019 September	638	5.5%

One of the key issues facing businesses across Colac Otway is the ability to access staff and fill vacant positions. It is estimated that unfilled excess capacity of job vacancies sits within the hundreds. The vacant jobs are located throughout the LGA with concentrations in Colac and Apollo Bay spread over multiple industry sectors. This contradicts the JobSeeker data which shows a high percentage of the workforce that are currently underemployed or seeking work. As well as population attraction to fill staffing shortages, an inward lens is required to activate the current working age population into the workforce. This can be achieved through changes to JobSeeker subsidies, upskilling of JobSeeker recipients and providing linkages between employers and employees. It is recommended to engage with the youth before the age of entering into the workforce to address pockets of cyclical welfare.

Case Study: The tourism sector provides a significant boost to the Colac Otway Economy. The Otways and coastal towns hold a proportionally higher percentage of employment linked to the tourism sector. In Apollo Bay, consumer spending by locals and visitors accounts for the largest percentage of the local economy. Impact on domestic spending in Apollo Bay is typical of what can be seen across the tourism sector in Colac Otway through COVID-19. Figure 4 below shows total domestic consumer spending in Apollo Bay by month from July 2018 to March 2021 (Source: Spendmapp).



International border closures have closed off the international tourism market which provided a high volume of visitors to Apollo Bay. These have been replaced since Victorian COVID-19 restrictions eased with a smaller number of domestic visitors. Domestic visitors use Apollo Bay as a destination rather than a pit-stop leading to longer stays and higher discretionary spending. Figure 4 shows that in April 2020 when Victorian restrictions came into effect, consumer spending in Apollo Bay fell significantly compared to April 2019. However, during June-October total consumer spending was similar to the 2 previous years. This was led by an increase in winter population in Apollo Bay with holiday home owners re-locating to Apollo Bay. There was a significant increase in spending on essential goods with a drop in discretionary spending. From November 2020 onwards when the Victorian lockdown ended, there has seen significantly higher month on month domestic consumer spending in Apollo Bay. From Figure 4 we can draw the following conclusions:

- A higher permanent population in Apollo Bay creates more stability within the economy.
- Increased Domestic visitation creates higher consumer spending in Apollo Bay

In light of the final point, it is recommended that future tourism infrastructure development and advertising focuses on domestic visitation. This could include EV charging stations and walking/cycling tracks. With international visitation there should be a focus on making Apollo Bay and the Otways as a destination, rather visiting the 'Great Ocean Road'.

Outcomes of Business & Community Support Package to Date

Table 2 below summarises the current allocation of the Business and Community Support Package as well as actual expenditure and proposed carry forwards.

Total 2020/2021 Budget: \$950,000			
General Initiatives			
Initiative	Budget (\$)	Actual (\$)	Comments
Rent/fees for community sporting groups	31,000	31,000	Complete
Street furniture fee waivers	48,000	45,730	Complete
Food/health/accommodation fees	172,000	172,000	Complete
Interest free grace period for late rate repayments	75,000	130,000	Complete - Grace period extended from 31 December 2020 until 30 June 2021 due to lockdown extensions
Keeping fees and charges the same level as 2019-2020	100,000	100,000	Complete
Total	426,000	478,730	
Targeted Initiatives			
Initiative	Budget (\$)	Actual (\$)	Comments
Lease/licence relief	37,000	87,341	Complete - Additional lease relief provided due to Victorian State Relief Guidelines
Buy Local campaign	40,000	35,268	Complete - Proposed to re-allocate to population attraction
Targeted tourism marketing campaign	30,000	4,800	Carry Over
Event audit/study	27,500	27,500	Complete
Event buy-in	20,500	0	Carry Over, event organisers are now starting to book events
Business diversification grants	60,000	60,000	Complete - Likely fully expended by OCM due to current pending applications.
COPACC hire assistance grants	12,000	2,959	Re-allocate. Only 2 performing arts groups held events
Small arts project grants	20,000	18,580	Complete
Total	247,000	236,448	

As demonstrated in Table 2 above, to date a total of \$715,178 has been spent on COVID-19 Business and Community Support measures. An additional \$45,700 is recommended to be carried over for existing projects. With \$950,000 allocated to COVID-19 Business and Community Support, there is remaining budget of \$189,122. The recommendation is for recovery initiatives totalling \$185,000 in value. Below is a detailed summary of the delivery of Targeted Initiatives to date.

Lease/Licence Relief

Council allocated \$37,000 towards 3 months lease relief for commercial and community tenants due to the impact of COVID-19. After the resolution COVID-19 lockdowns extended beyond the initial 3 months. To assist commercial businesses negotiate lease relief with landlords, the Victorian State

Government introduced the Victorian Commercial Tenancy Relief Scheme which mandated lease relief to commercial tenants who met eligibility criteria until 21 December 2020.

Council negotiated lease relief with commercial tenants in line with the State Guidelines which resulted in total relief being provided to a value of \$87,341. Table 3 below summarises all lease and licence relief provided to Council tenants through COVID-19.

Tenant	Lease / Licence Relief
Colac Central Bowling Club	\$8,348.15
Colac Anglers Club	\$194.40
Colac Cinemas	\$51,209.03
Colac Bowling Club	\$7,825.55
Corangamite Pistol Club	\$263.74
The Colac Players	\$150.00
Forrest Caravan Park	\$1,830.09
Lake Colac Rowing Club	\$197.68
Apollo Bay Sailing Club	\$253.25
Apollo Bay Fishermans Co-op	\$5,959.03
Apollo Bay Aviation	\$3,128.44
Colac Makers Space	\$150.00
Corio Bay Sports Clinic	\$7,272.38
Lake View Cafe	\$558.46

Buy Local Campaign

Local residents account for substantial purchasing power within Colac Otway which provided continuous income for many local businesses through COVID-19 lockdowns. The 'We are Colac Otway' campaign was rolled out to inform residents of the value that buying local brings to businesses and the community as a route to stimulate local spending. The campaign was planned in collaboration with Apollo Bay and Colac Chambers of Commerce who assisted in identifying the underlying goals and messaging of the campaign. The campaign included video content and imagery created by a local production company which were pushed out on social media, direct through businesses, on stickers and on flags. The digital marketing toolkit is free to use for any business and can be found on Council's website using the following link:

<https://www.colacotway.vic.gov.au/Business-investment/Business-Support/Buy-Local-Digital-Marketing-Kit-and-Campaign>



Part of the funds were allocated to a joint Christmas buy local campaign with MixxFM, Corangamite Shire and Colac Chamber of Commerce. The 'A K A Day' campaign saw residents that shopped local entered into a daily prize draw. The campaign saw 278 businesses participate and over 14,500 entries from the community.



After the roll out of the two above campaigns, a strategic decision was made not to spend the remaining \$4,732 as there was limited additional market traction to be gained through the 'We are Colac Otway' campaign. Additionally, both MixxFM and Colac Herald are currently running buy local messaging and an additional campaign will saturate the market. It is recommended to re-allocate the remaining funds towards the population attraction campaign recommended as a recovery initiative.

Targeted Tourism Marketing Campaign

In the 2019/2020 financial year, prior to these marketing funds being allocated, Colac Otway contributed towards the Great Ocean Road Regional Tourism's 'Wake up to the Great Ocean Road' campaign. The campaign was delayed due to the Melbourne lockdowns being extended and was rolled out from October/November 2020. The \$30,000 for targeted tourism marketing was intended to maximise value and outreach of the next campaign and is currently in the planning stage called '52 Great Weekends'. A portion of the funding was allocated to the 'Connecting with Asia Program' which assists businesses to maximise revenue capture from Asian markets when borders re-open.

As seen in the impact of COVID-19 section of this report, Tourism in Colac Otway and specifically Apollo Bay saw the highest consumer spending per month in the last 3 years with Australians holidaying at

home and visiting our small towns due to border closures. This led to the recommendation to hold the tourism marketing campaign funds until winter with the objective of continuing to attract Australian visitation through the winter months. It is recommended to carry over any upsent funds at 30 June 2021.

Event Audit/Study

Council commissioned Sports Marketing Australia to conduct an event capacity assessment. The assessment is an internal document used to scope the accommodation, venue, infrastructure and club capacity of Colac Otway to host events. Now complete, Council is able to 'Buy-In' events as the study is complete.

Event Buy-In

Funding of \$20,500 was allocated to purchase events that strategically stimulate areas of the local economy and community that were affected by COVID-19. Due to ongoing COVID-19 restrictions, external event organisers are now starting to re-engage in the market and schedule events. It is proposed to carry over this funding to the 2021/2022 financial year to take advantage of the events industry re-starting and maximise the recovery benefit for Colac Otway.

Business Diversification Grant Program

The COVID-19 Business Diversification Grant program provided grants up to \$3,000 to support businesses that have significantly changed the way their business operated as a result of the pandemic. A total funding pool of \$60,000 was available. The program was oversubscribed with a total of 37 applications, 27 of which were successful.

Table 4 shows successful applicants to the COVID-19 Business Diversification Grant Program.

Applicant	Project	Value
Apollo Bay Distillery	Automatic doors	\$3,000
Apollo Bay Waterfront Motor Inn	Website upgrade	\$600
Barongarook Pork	Refrigerated courier	\$3,000
Blackberry Beach	Website upgrade	\$3,000
Cape Otway Light Station	Digital upgrade	\$1,360
Colac Indoor Tennis and Sports Centre	Mobile rental laser tag	\$3,000
Colac Laundry Lounge	Eftpos readers on all equipment	\$2,838
Corio Bay Sports Clinic	Telehealth and online physio	\$3,000
Ecoshitsu	Providing on-line courses	\$2,747
Fabrics@123	Website upgrade	\$2,833
Fernhouse	Website upgrade	\$1,433
Focus Pty Ltd	Online international training delivery	\$271
Forrest General Store Pty Ltd	Otway Distillery website	\$2,250
Garden of Eden	Refrigeration Cabinets	\$2,444
Glance Twice Studio	Studio on-line	\$2,344
Heartwave healing	New website and online booking system	\$2,875
Hillview Farm 5 Star Boarding Cattery	Website and social media expansion	\$3,000
Just Lovely	Essential support for women	\$3,000
Moran and Bamford Electrical Pty Ltd	Digital marketing and website upgrade	\$825
Otway Electrical Contracting	Wall and floor system	\$2,949

Applicant	Project	Value
Pennyroyal Raspberry Farm	Website upgrade	\$1,980
Pennyroyal Raspberry Farm	External seating area	\$853
Platypi Chocolate	Dine with your dog	\$3,000
Salon7One	Website development	\$500
Tarndie	Woolcraft workshops on-line	\$3,000
Tim Lucas Photography	Website development	\$2,250
Worldly Goods	Website development	\$1,648

COPACC Hire Assistance Grants (One-Off Round)

The COVID-19 COPACC Hire Assistance Grant program provided grants up to \$2,000 for local singing, dancing and acting schools to cover 50% of the cost of standard hire of COPACC facilities including the Auditorium and Civic Hall. A total funding pool of \$12,000 was available. With ongoing COVID-19 restrictions, only 2 applications were received. It is recommended to re-allocate the unspent funds of \$9,041 to recovery funding.

Table 5 shows successful applicants to the COVID-19 COPACC Hire Assistance Grant Program.

Applicant	Project	Value
Red Door Dance & Theatre Co	Dance concert 2020 & Mumma Mia the Musical 2021	\$2,000
Rise Dance Academy	Rise Dance Academy 2020	\$959

Small Arts Project Grant

The COVID-19 Small Arts Grant Program provided grants up to \$3,000 for local organisations, community groups and freelance creative artists to support them to carry out place making activities. A total funding pool of \$20,000 was available. The program was oversubscribed receiving 12 applications of which 8 were able to be funded.

Since award, the Birregurra Community Arts Group were unable to carry out their project due to COVID-19 restrictions and returned funds of \$2,310. Using the returned funds, a grant of \$890 was awarded to the Apollo Bay Word Fest whose original application was unsuccessful due to limited funding available. A total of \$1,420 can be allocated to recovery funding.

Table 6 shows successful applicants to the COVID-19 Small Arts Grant Program.

Applicant	Project	Description	Value
Apollo Bay Word Fest	Syntax Tracing	Community trivia night tracing the written word	\$890
Barking Spider Visual Theatre	Object Monologues	Stories of Colac	\$3,000
Colac Makers Space	SWEET	A SWEET online youth art exhibition	\$2,068
Conservation Ecology Centre	Protected	1,000 origami figures	\$2,997
Forrest & District Neighbourhood House	Studio Forrest Window Space	Rotating exhibition of local artists and artworks for community appreciation	\$2,800

Applicant	Project	Description	Value
Gellibrand Community House	Catching Dreams	Create and display hundreds of dreamcatchers all over town	\$2,752
Glance Twice Studios	Giving the Gift of Glass	Produce unique small glass art pieces for vulnerable community members	\$1,173
Wild Honey Performing Arts	The Chimera and the Wishing Tree	The Chimera and the Wishing Tree stilt walking street theatre	\$2,900

Additional Recovery Initiatives with External Funding

During COVID-19 Council had received external funds from State and Federal sources to assist with COVID-19 business support, stimulus spending and recovery preparation. Table 7 summarises State and Federal support.

Program	Value	Description
Victorian Outdoor Dining Program	\$250,000	The Victorian State Government provided \$250,000 to regional Victorian Councils to facilitate the expansion of outdoor dining for cafes and restaurants to increase their seating capacity whilst COVID-19 patron density limits were in place.

Council allocated the funding to 3 areas:

- Waiver or reduction in planning permit fees required for temporary outdoor dining licences.
- Waiver of local law fees for temporary outdoor dining permits across Colac Otway \$18,000.
- Apollo Bay Outdoor dining traffic and infrastructure impact assessment.
- Installation of 3 parklet areas in Apollo Bay.



Working for Victoria	Temporary Employee Costs	Council received funding that enabled the recruitment of a number of officers for a period of 6 months. The program aimed at providing job opportunities to unemployed during COVID-19 whilst allowing Council to deliver a range of initiatives.
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Program	Value	Description
Local Government Business Concierge and Hospitality Support Program	\$60,000	Victorian State Government program to enable Councils to employ officers to assist businesses establish COVID-19 safe practises. Council is currently recruiting for this position.
Event Support Grant	\$35,000	Application Pending – detail for briefing
Colac Otway Digital Transformation Program	\$280,000	Application Pending – detail for briefing
Local Roads & community Infrastructure Program	\$3,400,000	Federal funding to assist in the development and maintenance of critical community infrastructure.

Proposed Recovery Initiatives

Council's 2021/2022 budget does not include funding allocated to COVID-19 recovery or stimulus. Officers recommend to allocate \$185,000 in remaining funds from the COVID-19 Business and Community Support Program to recovery initiatives. The proposed recovery initiatives are targeted to meet specific needs and requirements of the economy and community identified through business consultation and data analysis. These themes include:

- Support high impact industries e.g. Art and Creative sector.
- Key worker attraction and retention.
- Planning tourism attractions and destinations to maximise Australian domestic visitation.

Officers propose recovery initiatives totalling \$185,000 in value:

- \$60,000 – Economic recovery partnerships fund
- \$30,000 – Arts officer for 6 months
- \$20,000 – Funding ready tourism infrastructure
- \$40,000 – Regional population and visitation attraction campaign
- \$10,000 – Accommodation investor prospectus
- \$25,000 – Careers/Jobs Fair

The proposed initiatives are detailed below. There are multiple options available, these being:

- Fund all of the proposed initiatives.
- Fund a selected number of proposed initiatives.
- Not fund any of the proposed initiatives.

It should be noted that an option for Council is not to allocate the remaining funds from the Business and Community Support Fund to any new initiatives. The funds could be reallocated for another purpose such as a project or go to accumulated savings.

Economic Recovery Partnerships Fund - \$60,000

During and prior to COVID-19, Council regularly partnered with external organisations to deliver successful projects including 'A K A Day', Volcanic Lakes and Plains, Connecting with Asia Program etc. Partnership opportunities allow Council to leverage funding and access skills beyond what Council has

capacity to deliver internally. Partnerships also build positive relationships with other Councils, media outlets, local businesses, Chambers of Commerce and the community.

It is anticipated that during the 2021/2022 financial year multiple opportunities will arise to partner with external organisations for co-delivery and/or funding of projects that will provide significant benefit to the Colac Otway community and economy. Over the previous 12 months there has also been an increase in stimulus funding from State and Federal Government. To take advantage of these opportunities and maximise the local benefit, Council will require a reserve fund to partake in these partnerships.

It is recommended to allocate \$60,000 towards the Economic Recovery Partnerships fund with the following guidelines on its use:

- Expenditure is required to be on projects in collaboration with external agencies.
- Authorises the Chief Executive to allocate funding as opportunities arise.
- To inform Councillors of any allocation of this fund within 2 weeks of allocation.

Arts Officer for 6 months - \$30,000

During COVID-19 the Arts and Creative industries have experienced some of the most significant impact. In addition, this industry had been comparatively slow to recover compared to other industries, partially due to limitations on mass gatherings. Currently Council does not have an arts officer to support the creative industries or progress internal community art projects. It is recommended to recruit an arts officer for 6 months to work on collaborative arts project with community groups, and assist in implementing the adopted “Creative Colac Otway Arts and Culture Strategy”.

The Arts Officer would deliver specific projects that could be completed within the 6-month period as there is not an expectation that resources will exist to continue the projects or role thereafter. If this was of interest to Councillors, options would be explored as to if Council employ the officer internally, or provide the funding to an external community organisation or not-for-profit to deliver.

Funding Ready Tourism Infrastructure - \$20,000

Australian borders being closed has demonstrated the economic value of attracting Australian domestic tourists to the region. As demonstrated in the COVID-19 impact section of this report, the removal of international visitors and increase in Australian domestic visitors has caused an increase in consumer spending in Apollo Bay year on year. This is due to Australians seeing Apollo Bay as a destination and staying longer and spending more compared to international tourists who see Apollo Bay as a stop-over. The phenomenon is not unique to Apollo Bay and is experienced throughout Colac Otway.

There are multiple potential tourism infrastructure projects that could be completed within the upcoming years and would facilitate increased attraction of Australian tourists including Apollo Bay High View Walk. These projects are not funding ready and require additional scoping and feasibility works. It is recommended to allocate \$20,000 to progress potential tourism infrastructure projects that would primarily attract Australian domestic tourists.

Regional Population and Visitation Attraction TV Campaign - \$40,000

One of the key issues facing businesses within Colac Otway is the availability of key workers. Council is allocating substantial resources over the 2021/2022 financial year to facilitate land becoming available for residential development. It is important to also promote Colac Otway as a place to live in

order to attract families and key workers. A campaign targeted at population attraction will also have the flow on effect of stimulating domestic tourism visitation.

Within Victoria, net regional to regional migration is significantly higher than metro to regional migration. In addition, the cost of TV advertising within regional Victoria is substantially less than in metro areas. This leads to the highest value and impact of TV advertising for Council on population attraction being focused on regional Victoria.

It is recommended to conduct a TV and paid social media advertising campaign with content promoting Colac Otway's liveability assets and opportunities.

Accommodation Investor Prospectus - \$10,000

Currently there is a significant shortage of visitor accommodation across Colac Otway. It has been identified that the type of accommodation with the largest shortfall is high end and 4* plus. Filling this market gap will assist keeping tourists in the area longer and solidifying Colac Otway as a destination. Australian domestic tourists with high disposable income who this report identify are a key target market, and business tourists also require this type of accommodation.

Council has conducted background hotel site and feasibility work to facilitate the construction of hotels within Colac. A number of sites have been identified and the feasibility work articulates that an accommodation development would be financially viable. Prior to approaching investors, it is required to commission a professionally constructed investor prospectus.

Careers/Jobs Fair - \$25,000

Colac Otway's youth are the future of the community. It is important we engage with them to provide pathways from education into industry, and to ensure that those who leave the area for higher education are aware of the career opportunities within Colac Otway available after their studies. Doing so meets multiple strategic objectives including building capacity and capability of our local workforce, increasing the number of young families, facilitating the key worker gap for local businesses and building pride in the community.

A joint careers/jobs fair engages school leavers in local industry and provides an opportunity for targeted promotion and recruitment for business.

It is recommended to allocated \$25,000 towards the physical infrastructure required to conduct a careers fair and work with external agencies to promote, engage and activate the fair.

4. COMMUNITY CONSULTATION & ENGAGEMENT

Officers continue to engage with the Colac and Apollo Bay Chambers of Commerce, along with key government agencies including Regional Development Victoria, to understand the impact of COVID on our local economy.

Relevant community and industry groups would be engaged dependent on the initiatives to be implemented.

5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

Alignment to Council Plan 2017-2021:

Theme 1 - Our Prosperity

2. Support a thriving economy and industries.

Theme 3 - Our Community

2. Connect people through events and activities.

Theme 4 - Our Leadership & Management

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

6. CONSIDERATIONS

ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

Discussed in the impacts of COVID-19 on the Colac Otway Economy section of this report.

LEGAL & RISK

Some projects involve engaging external contractors to conduct work of Council's behalf. All procurement will be carried out in line with Council's procurement policy.

FINANCIAL & BUDGETARY

Discussed in the body of this report.

7. IMPLEMENTATION STRATEGY

COMMUNICATION

Council will engage directly with parties that are involved in relevant projects.

TIMELINE

All projects will be completed within the 2021/2022 financial year. Once funding has been confirmed, individual projects will be allocated to Officers to deliver and project plans will be created.

8. OFFICER DIRECT OR INDIRECT INTEREST

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

Item: 10.5

Colac Otway Shire Grants Program 2021 - 2022 - Allocation of Funds

OFFICER	Katrina Kehoe
GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services
ATTACHMENTS	1. Guidelines - Colac Otway Shire Grants Program 2021 - 2022 [10.5.1 - 19 pages]
PURPOSE	To seek Council's endorsement for the proposed allocation of funds for the 2021-2022 Grants Program.

1. EXECUTIVE SUMMARY

Council's 2021-2022 Grants Program has an intended budget allocation of \$311,500, subject to Council's adoption of the 2021-2022 budget. The 2021-2022 Grants Program opened to applications on 9 March 2021 for 5 weeks, closing on 9 April 2021.

Council received 79 applications which have been assessed against the Program Guidelines. The report recommends \$243,217 to be awarded to 65 community organisations, clubs, event organisers and businesses.

The communities, event organisers and businesses across Colac Otway Shire are contributing \$1,830,290 to the recommended projects and events. Category 1 has a total recommended allocation of \$113,378, of which \$89,489 is allocated to projects within small towns.

2. RECOMMENDATION

RECOMMENDATION 1

That Council endorses the following grants be allocated for Category 1, Community Grants:

Item No.	Applicant	Project Name	Grant Recommended \$
1	Forrest Horse Riding Club	Viewing shelter shed revitalisation	\$3,000
2	Birregurra Community Group	Storage Facility	\$10,000
3	Tomahawk Creek Cricket Club	Addition of second cricket practice net	\$4,000
4	Warncoort Tennis Club	Divert water/mud away from Tennis Courts	\$8,000
5	Cressy & District History Group	Public Arts Project on Cressy Water Tower 'CRESSY, OUR STORY'	\$10,000
6	The Gerangamete Community <i>Auspiced by Forrest Lions Club</i>	Refurbishment of Tennis Clubroom on the Gerangamete Recreation Reserve	\$5,225
7	Birregurra Preschool Centre	Birregurra Preschool's Cubby House and Storage Improvement Project	\$10,000
8	Rotary Club of Colac West	Rotary Show Shed Upgrade	\$5,455
9	Colac & District Historical Society Inc	Storage facility for preservation of Heritage Collection	\$3,934
10	Red Rock District Progress Association	Cororooke Open Space: Welcome Gateway signs, History Trail and Diprotodon Dig elements added to the park	\$7,088
11	Southern Otway Landcare Network (SOLN)	SOLN Community Nursery Support Centre	\$10,000
12	Warrion Recreation Reserve Committee of Management	Reserve Seating Replacement	\$4,615
13	Simpson Car Club Inc	Safety Suits	\$4,262
14	Kawarren Recreation Reserve Committee Inc	Reserve External Toilet/Shower Facility Refurbishment	\$10,000
15	Positive Ageing Ambassadors <i>Auspiced by Community Hub Inc</i>	Wiser Drivers and Safer Scooters	\$4,500
16	Beeac Golf Club Inc	Water sustainability project (water tanks)	\$3,000
17	Pirron Yallock Committee of Management	Supply and install CCTV with 4 Cameras and Security Lighting	\$2,779
18	Alvie Football Netball Club Inc	Sparkly Clean Glasses	\$2,075
19	Warrior Recreation Reserve	Masterplan	\$5,445

RECOMMENDATION 2

That Council endorses the following grants be allocated for Category 2, Community Events and Support (including *2A Major Community Organised Event):

Item No.	Applicant	Event Name	Grant Recommended \$
1	Rapid Ascent Pty Ltd	Otway Odyssey and Great Otway Gravel Grind 2022	\$5,000
2	Rotary Club of Colac	The 2022 Otway Trail Run	\$2,000
3	Birregurra Festival Committee <i>Auspiced by Birregurra Community Group</i>	Birregurra (Covid Safe Adapted) Festival	\$5,000
4	Warrion Public Hall Committee	110 th Warrion Flower Show	\$3,636
5	Colac Show N Shine Committee <i>Auspiced by Colac RSL Sub-branch</i>	Colac RSL Show N Shine	\$5,000
6	Colac Kana Festival Inc	Colac Kana Festival	\$5,000
7	Southern Exposure	Run Forrest Trail Run 2022	\$5,000
8	Elliminyt Primary School	School Production	\$770
9	Otways Tourist Park	Gellibrand River Blues and Blueberry Festival	\$5,000
10	Anam Cara House Colac	10 year Anniversary Celebration Book Launch	\$1,850
11	IMG Pty Ltd	2022 Keiser Great Ocean Road Running Festival	\$5,000
12	Let's Talk Colac Otway	Wellbeing Expo	\$2,000
13	Creative Otways Inc Colac Otway Arts Trail	Colac Otway Arts Trail	\$5,000
14	Apollo Bay WordFest	Apollo Bay WordFest: Making Waves	\$5,000
15	Otways & Coast Permaculture Group	Otways & Coast Permaculture Workshop Program	\$900
16	Golden Gumboot (Community) Working Group <i>Auspiced by Old Beechy Rail Trail Friends Inc.</i>	Hunt for the Golden Gumboot 2021	\$4,730
17	Colac Chamber of Commerce	Colac Otway Business Excellence Awards	\$3,292
18	Gellibrand Community House Incorporated	Winter Dinner	\$3,000
19	Colac RSL sub branch	100 year anniversary of Colac RSL sub branch	\$2,000
20	Apollo Bay Seafood Festival	Apollo Bay Seafood Festival 2022	\$10,000* (Major event)

Item No.	Applicant	Event Name	Grant Recommended \$
	<i>Auspiced by Apollo Bay Chamber of Commerce</i>		

RECOMMENDATION 3

That Council endorses the following grants be allocated for Category 3, Small Grants:

Item No.	Applicant	Project Name	Grant Recommended \$
1	Colac Camera Club	Upgrade digital projector system	\$1,108
2	Beeac Progress Association	Concrete slabs for new picnic tables	\$725
3	Apollo Bay Mechanics Hall	Exterior Front repairs	\$1,800
4	Irrewillipe Sports and Entertainment Complex	Defibrillator	\$1,270
5	Red Rock Regional Theatre and Gallery (RRRTAG)	Purchase of Vacuum Cleaner & Coffee Machine	\$2,000
6	Colac Pony Club Inc	Replacement of Shade Sails	\$1,303
7	Colac Cake Decorators	Teaching expertise	\$300
8	Birregurra Landcare <i>Auspiced by Upper Barwon Landcare Network</i>	Riverbank Rehabilitation Project	\$1,250
9	Elliminyt Public Hall Inc	Install floor covering on Hall stage and steps	\$1,325
10	Birregurra Golf Club	Greens Equipment	\$251
11	Beeac Community Centre Inc	Let's get Buffed (Vinyl floor cleaning)	\$750

RECOMMENDATION 4

That Council endorses the following grants be allocated for Category 4, Building Façade Improvement Program:

Item No.	Applicant	Project Name	Grant Recommended \$
1	Cororooke General Store	Façade Clean Up	\$2,888
2	Apollo Bay Fishermen's Co-operative	Apollo Bay Fishermen's Co-op on Pascoe	\$3,000
3	Otway Plaza Body Corporate	Otway Plaza Shop Front Beautification	\$3,000

Item No.	Applicant	Project Name	Grant Recommended \$
4	The Shop, Cororooke <i>Auspiced by Red Rock Regional Theatre and Gallery</i>	Improve The Shop Facade	\$3,000
5	Ziibo	Building Facade Improvement	\$667
6	The Flower Room	Upgrade Facade	\$700
7	Colac Otway Disability Accommodation Inc	Minor works at The LEAP Shop	\$3,000
8	Captain George's Seafood	Business Signage	\$3,000
9	Toshco Music	Beautifying Facade by updating business signage	\$1,672
10	Colac's Murray Street Market	New signage and clean-up of awning	\$2,898
11	Cow Lick Books	Cow Lick Bookshop Facade Upgrade	\$1,793

RECOMMENDATION 5

That Council endorses the following grants be allocated for Category 5, Small Business Environmental Sustainability Program:

Item No.	Applicant	Project Name	Grant Recommended \$
1	Brae Restaurant Pty Ltd	Purchase of a Closed Loop Organics Composting System	\$5,000
2	Great Ocean Road Brewhouse	Going Green (Water Tanks)	\$3,992
3	Jo's Pantry	Dishwasher to provide sustainable usage of water	\$1,969
4	Sound Audiology Pty Ltd	Clinic Revamp - insulation	\$2,000

RECOMMENDATION 6

That Council:

- 1. Authorises the Chief Executive, under delegation, to approve grants for the remaining budget allocation of \$68,283, subject to meeting relevant program criteria.***
- 2. Authorises grants are to be available until 30 April 2022 or until funds have been allocated, on a 'first come first serve' basis, subject to applications meeting the Grants Program Guidelines.***
- 3. Resolves those applicants who received a grant through Round 1 of the Colac Otway Grants Program will be eligible to apply for a second project after 1 November 2021 subject to funds remaining and meeting the Grant Program Guidelines.***

3. KEY INFORMATION

About the Grants Program

Council's Grants Program is offered to assist not-for-profit community organisations in providing opportunities that benefit the wider Colac Otway Shire community and help in achieving goals and outcomes consistent with Council's objectives. The program aims to provide an opportunity for a wide range of groups to obtain a share of the grant funds for a varied range of projects and events. The Grants Program also offers funding for businesses located in the Colac Otway Shire to improve the business facades and support environmentally sustainable improvements.

Funding Categories

Funding is available over five categories:

1. Community Grants Program
2. Community Events and Support
 - 2a *Major 'Community Organised' Events*
3. Small Grants
4. Building Façade Improvement Program
5. Small Business Environmental Sustainability Program

All grant categories require the applicant to provide a matching dollar for dollar cash and/or in-kind contribution.

Category 1 - Community Grants Program

Nominal budget for this category is \$140,000. Grants from \$2,001 up to \$10,000 are available for a range of projects and activities.

Category 2 - Community Events and Support

Nominal budget for this category is \$100,500. This category provides:

- Grants up to \$5,000 to provide support for established events.
- Grants up to \$2,000 to provide support for one-off or start-up events.
- Grants up to 50% of the cost of standard room hire at COPACC. The maximum grant available is \$5,000.
- 2A - Major 'Community Organised' Events. Grants up to \$10,000. Specific criteria apply.

Category 3 - Small Grants

Nominal budget for this category is \$30,000. Grants up to \$2,000 are available.

Category 4 - Building Façade Improvement Program

Nominal budget for this category is \$16,000. Grants up to \$3,000 are available for businesses across the Shire.

Category 5 – Small Business Environmental Sustainability Program

Nominal budget for this category is \$25,000. Grants up to \$5,000 are available for businesses across the Shire.

Detailed information on each category can be found in the funding guidelines attached to this report.

2021-2022 Grants Program

Applications for the Colac Otway Shire Grants Program opened Tuesday 9 March 2021 for 5 weeks and closed on Friday 9 April 2021.

Seventy-nine (79) applications were received across the five categories for the 2021-2022 Grants Program requesting a total of \$301,069.

An additional two (2) applications were received and were withdrawn prior to assessment. One was unable to deliver the project within the funding period 2021-2022 and the other has applied to and been awarded through the COVID-19 Business Diversification Grants Program Round 2 as a better match for their proposal.

Funding is recommended to be allocated to 65 different groups, clubs, event organisers and businesses across all five categories. The total amount recommended to be awarded is \$243,217 which will provide projects and events with a business and community contribution of \$1,830,290.

Fourteen (14) applications were assessed as ineligible or not recommended for funding. These applicants will be provided with feedback which may assist them to apply to the program in future funding rounds.

One (1) application is recommended to receive \$490 less than requested. This was adjusted to the eligible amount allowed under the Category limits (e.g. COPACC venue hire assistance 50%).

The 2021-2022 applications recommended by the Assessment Panel will assist in improving economic and community development across the Shire for community groups, progress associations, sporting clubs, arts groups, environmental working groups and business owners.

The remaining unallocated funding of \$68,283 is proposed to be available through Round 2 until 30 April 2022, or until funds have been allocated, on a 'first come first serve' basis subject to applications meeting the Program criteria. It is proposed that new applicants will be provided an opportunity to apply immediately when Round 2 opens, with Round 1 recipients able to apply for a second project after 1 November 2021 if remaining funds exist. The remaining unallocated budget would be available across all categories. With regards to potential applications:

- Expressions of Interest from potential applicants (requesting approximately \$35,000) have been received in the four (4) weeks since applications closed.
- Feedback will be provided to the unsuccessful applicants. Those who need to further develop their project scope or apply for eligible expenditure will be assisted and may apply to Round 2 (requesting approximately \$19,000).
- Approximately \$14,000 would be available to other applicants who may apply until 30 April 2022 or until funds have been allocated.

Application assessment process

The following outlines the assessment process for the Colac Otway Shire Grants Program:

- The Grants Officer completes a preliminary check for eligibility of the organisations that have submitted the application, also checking the funding category guidelines and assessment criteria, budgets and matching funding ratios, quotes and any other required documentation received.

- An internal referrals process involves Council departments providing comments on strategic, statutory, regulatory or compliance issues specific to a particular project or event e.g. checking requirements for building permit, planning permit and health department considerations, event permits, environment/sustainability considerations, road safety and risk assessments required to be undertaken etc.
- The assessment panel which consists of officers from Economic Development and Tourism, Recreation and Open Space and Healthy Active Communities completed an evaluation of the applications against the assessment criteria and with consideration of the departmental referral responses. The Panel determined whether a project was eligible to receive funding, demonstrated the cash and/or in-kind contribution by the applicant, responded to the assessment criteria and that applications clearly demonstrated the capacity of the applicant to deliver the project.
- Clarification on applications was sought from the applicant where required.

CATEGORY 1 – COMMUNITY GRANTS PROGRAM

Applications recommended for funding

Item No.	Applicant	Project Name	Grant Recommended \$
1	Forrest Horse Riding Club	Viewing shelter shed revitalisation	\$3,000
2	Birregurra Community Group	Storage Facility	\$10,000
3	Tomahawk Creek Cricket Club	Addition of second cricket practice net	\$4,000
4	Warncoort Tennis Club	Divert water/mud away from Tennis Courts	\$8,000
5	Cressy & District History Group	Public Arts Project on Cressy Water Tower 'CRESSY, OUR STORY'	\$10,000
6	The Gerangamete Community <i>Auspiced by Forrest Lions Club</i>	Refurbishment of Tennis Clubroom on the Gerangamete Recreation Reserve	\$5,225
7	Birregurra Preschool Centre	Birregurra Preschool's Cubby House and Storage Improvement Project	\$10,000
8	Rotary Club of Colac West	Rotary Show Shed Upgrade	\$5,455
9	Colac & District Historical Society Inc	Storage facility for preservation of Heritage Collection	\$3,934
10	Red Rock District Progress Association	Cororooke Open Space: Welcome Gateway signs, History Trail and Diprotodon Dig elements added to the park	\$7,088
11	Southern Otway Landcare Network (SOLN)	SOLN Community Nursery Support Centre	\$10,000
12	Warrion Recreation Reserve Committee of Management	Reserve Seating Replacement	\$4,615
13	Simpson Car Club Inc	Safety Suits	\$4,262

Item No.	Applicant	Project Name	Grant Recommended \$
14	Kawarren Recreation Reserve Committee Inc	Reserve External Toilet/Shower Facility Refurbishment	\$10,000
15	Positive Ageing Ambassadors <i>Auspcied by Community Hub Inc</i>	Wiser Drivers and Safer Scooters	\$4,500
16	Beeac Golf Club Inc	Water sustainability project (water tanks)	\$3,000
17	Pirron Yallock Committee of Management	Supply and install CCTV with 4 Cameras and Security Lighting	\$2,779
18	Alvie Football Netball Club Inc	Sparkly Clean Glasses	\$2,075
19	Warrowie Recreation Reserve	Masterplan	\$5,445

Under Category 1 as above, the Assessment Panel recommends awarding grants totalling \$113,378 which deliver projects to the value of \$314,260. The small towns' projects recommended for funding equal \$89,489 of the \$113,378. The community is contributing cash and in-kind to the value of \$200,882.

The remaining unallocated funds of \$26,622 are proposed to be made available as outlined in the recommendation.

CATEGORY 2 – COMMUNITY EVENTS & SUPPORT PROGRAM

Applications recommended for funding

Item No.	Applicant	Project Name	Grant Recommended \$
1	Rapid Ascent Pty Ltd	Otway Odyssey and Great Otway Gravel Grind 2022	\$5,000
2	Rotary Club of Colac	The 2022 Otway Trail Run	\$2,000
3	Birregurra Festival Committee <i>Auspcied by Birregurra Community Group</i>	Birregurra (Covid Safe Adapted) Festival	\$5,000
4	Warrion Public Hall Committee	110th Warrion Flower Show	\$3,636
5	Colac Show N Shine Committee <i>Auspcied by Colac RSL Sub-branch</i>	Colac RSL Show N Shine	\$5,000
6	Colac Kana Festival Inc	Colac Kana Festival	\$5,000
7	Southern Exposure	Run Forrest Trail Run 2022	\$5,000
8	Elliminyt Primary School	School Production	\$770
9	Otways Tourist Park	Gellibrand River Blues and Blueberry Festival	\$5,000
10	Anam Cara House Colac	10 year Anniversary Celebration Book Launch	\$1,850
11	IMG Pty Ltd	2022 Keiser Great Ocean Road Running Festival	\$5,000

Item No.	Applicant	Project Name	Grant Recommended \$
12	Let's Talk Colac Otway	Wellbeing Expo	\$2,000
13	Creative Otways Inc Colac Otway Arts Trail	Colac Otway Arts Trail	\$5,000
14	Apollo Bay WordFest	Apollo Bay WordFest: Making Waves	\$5,000
15	Otways & Coast Permaculture Group	Otways & Coast Permaculture Workshop Program	\$900
16	Golden Gumboot (Community) Working Group <i>Auspiced by Old Beechy Rail Trail Friends Inc.</i>	Hunt for the Golden Gumboot 2021	\$4,730
17	Colac Chamber of Commerce	Colac Otway Business Excellence Awards	\$3,292
18	Gellibrand Community House Inc	Winter Dinner	\$3,000
19	Colac RSL sub branch	100 year anniversary of Colac RSL sub branch	\$2,000
20	Apollo Bay Seafood Festival <i>Auspiced by Apollo Bay Chamber of Commerce</i>	Apollo Bay Seafood Festival 2022	\$10,000* (major event)

Under Category 2 as above, the Assessment Panel recommends awarding grants totalling \$69,178 which will deliver events to the value of \$1,451,590. The community is contributing cash and/or in-kind to the value of \$1,382,412.

Note that the Apollo Bay Seafood Festival is recommended to receive \$10,000 through the Major 'Community Organised' Events sub-category 2A. This reflects the event being largely community organised with an ability to attract substantial visitation to the region, creating significant economic benefits.

The remaining unallocated funds of \$21,322 are proposed to be made available as outlined in the recommendation.

CATEGORY 3 – SMALL GRANTS

Applications recommended for funding

Item No.	Applicant	Project Name	Grant Recommended \$
1	Colac Camera Club	Upgrade digital projector system	\$1,108
2	Beeac Progress Association	Concrete slabs for new picnic tables	\$725
3	Apollo Bay Mechanics Hall	Exterior Front repairs	\$1,800
4	Irrewillipe Sports and Entertainment Complex	Defibrillator	\$1,270

5	Red Rock Regional Theatre and Gallery (RRRTAG)	Purchase of Vacuum Cleaner & Coffee Machine	\$2,000
6	Colac Pony Club Inc	Replacement of Shade Sails	\$1,303
7	Colac Cake Decorators	Teaching expertise	\$300
8	Birregurra Landcare <i>Auspiced by Upper Barwon Landcare Network</i>	Riverbank Rehabilitation Project	\$1,250
9	Elliminyt Public Hall Incorporated	Install floor covering on Hall stage and steps	\$1,325
10	Birregurra Golf Club	Greens Equipment	\$251
11	Beeac Community Centre Inc	Let's get Buffed (Vinyl floor cleaning)	\$750

Under Category 3 as above, the assessment panel recommends awarding grants totalling \$12,082 which will deliver projects to the value of \$25,068. The community is contributing cash and/or in-kind to the value of \$12,986.

The remaining unallocated funds of \$17,918 are proposed to be made available as outlined in the recommendation.

CATEGORY 4 – BUILDING FAÇADE IMPROVEMENT PROGRAM

Applications recommended for funding

Item No.	Applicant	Project Name	Grant Recommended \$
1	Cororooke General Store	Façade Clean Up	\$2,888
2	Apollo Bay Fishermen's Co-operative	Apollo Bay Fishermen's Co-op on Pascoe	\$3,000
3	Otway Plaza Body Corporate	Otway Plaza Shop Front Beautification	\$3,000
4	The Shop, Cororooke <i>Auspiced by Red Rock Regional Theatre and Gallery</i>	Improve The Shop Facade	\$3,000
5	Ziibo	Building Facade Improvement	\$667
6	The Flower Room	Upgrade Facade	\$700
7	Colac Otway Disability Accommodation Inc	Minor works The LEAP Shop	\$3,000
8	Captain George's Seafood	Business Signage	\$3,000
9	Toshco Music	Beautifying Facade by updating business signage	\$1,672
10	Colac's Murray Street Market	New signage and clean-up of awning	\$2,898

Item No.	Applicant	Project Name	Grant Recommended \$
11	Cow Lick Books	Cow Lick Bookshop Facade Upgrade	\$1,793

Under Category 4 as above, the panel recommends awarding grants totalling \$25,618 which will deliver projects to the value of \$71,072. The businesses are contributing cash and/or in-kind to the value of \$45,454.

This category was over-subscribed by \$9,618. It is proposed to move this amount from the Category 5 nominal budget to cover.

CATEGORY 5 – SMALL BUSINESS ENVIRONMENTAL SUSTAINABILITY PROGRAM

Applications recommended for funding

Item No.	Applicant	Project Name	Grant Recommended \$
1	Brae Restaurant Pty Ltd	Purchase of a Closed Loop Organics Composting System	\$5,000
2	Great Ocean Road Brewhouse	Going Green (Water Tanks)	\$3,992
3	Jo's Pantry	Dishwasher to provide sustainable usage of water	\$1,969
4	Sound Audiology Pty Ltd	Clinic Revamp - insulation	\$2,000

Under Category 5 as above, the Assessment Panel recommends awarding grants totalling \$12,961 which will deliver projects to the value of \$64,922. The businesses are contributing cash and/or in-kind to the value of \$51,961.

The remaining unallocated funds of \$2,421 (after moving \$9,618 nominal budget to Category 4) are proposed to be made available as outlined in the recommendation

NOT RECOMMENDED

Comment	No.	Amount Requested \$
Ineligible organisation or ineligible expenditure items	8	\$34,334
Insufficient matching contribution	2	\$12,000
Not Recommended - proposal not fully scoped	3	\$16,000
Alternative funding program more suitable	1	\$3,828
Partial funding	No.	Less than requested \$
Amount less than requested for eligible expenditure	1	\$490

There are fourteen (14) applications which were assessed as ineligible against the guidelines due to ineligible applicant organisation, ineligible expenditure items, incomplete application or insufficient matching contribution. Some applications were not recommended for funding due to an alternative source of funding being more suitable or Council's existing tourism digital platforms being able to provide greater promotional benefit than that proposed. Some applicants may be able to do further work developing the scope to enable their project to be funding ready, and officers are available to support applicants with regard to this. Applicants will be provided with feedback which may assist them to apply to the program in future funding rounds.

Recommendation for remaining unallocated funds

To enable applicants time to develop and deliver projects or events in the future, the following is the basis of the recommendation in this report:

- Applications for a Round 2 will be accepted across all categories until 30 April 2022 for the remaining balance of funds on a 'first in, first served' basis. Applications will be approved, subject to meeting the funding criteria until the remaining funds have been spent.
- Those who have expressed an interest in future available grant funding will be contacted and invited to apply for Round 2 (requesting approximately \$35,000).
- Applicants who were unsuccessful in Round 1 will be provided with feedback and may further develop their proposal and apply to Round 2 (requesting approximately \$19,000).
- Round 1 recipients will be able to apply after 1 November 2021, thereby allowing applicants who have not received funding this year to apply first.
- Applications for funding to be approved by the Chief Executive under delegated authority. Approved allocations will be advised to Councillors through the Councillor Bulletin. This allows for quicker processing and approval of applications. This approach will provide flexibility to applicants to prepare and submit their application as future opportunities arise throughout the year. Applicants funded in Round 1 are only eligible to apply to Round 2 for another project after 1 November 2021.
- Grants could be allocated per category in accordance with the remaining funds left in each category against the nominal category budget, or alternatively, consolidated and treated as a total amount with grants determined on a first in first served basis. The allocation of the consolidated remaining amount of funds is the preferred option to administer.

Alternative proposals were considered however these are not the recommended options.

1. That a formal second round of the Community Grants program (open for 6 weeks only) be administered later in the calendar year utilising the unallocated funds.
2. The balance of unallocated funds remaining to be carried over to the 2022-2023 Colac Otway Shire Grants Program.
3. The balance of unallocated funds remaining in the grants program are a saving in the operational budget for 2021-2022, and these unallocated funds utilised for other purposes.
4. The balance of unallocated funds remaining in the grants program to be transferred to the Capital Works budget and added to the \$100,000 budget available for small town projects, as identified by the small town's community infrastructure plan priorities.

4. COMMUNITY CONSULTATION AND ENGAGEMENT

The Colac Otway Shire Grants Program was advertised widely across the Shire in March and April 2021. An online information session was held on Tuesday 16 March to enable applicants to discuss the funding program with Council officers. Individual assistance was provided in person, by email and phone to interested groups and businesses consistent with previous years.

Applications were submitted online using the Smartygrants program. The Guidelines and online application were made available via the website, through direct database mail and from Council's Customer Service Centres in Colac and Apollo Bay. Council officers were available as required providing further assistance in progressing applications.

Marketing of the Colac Otway Shire Grants Program 2021-2022 was completed through media releases, use of Council's Facebook page on several occasions, direct email to groups/clubs/businesses that have applied or enquired in previous years and are eligible to apply, radio and advertisements in the Council column in the Colac Herald. A flyer was dropped off to businesses in Colac, Apollo Bay and several small towns.

5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

Alignment to Council Plan 2017-2021:

Theme 2 - Our Places

1. Assets and infrastructure meet community needs.
3. Towns and places are welcoming and attractive.

Theme 3 - Our Community

1. Increase social connection opportunities and community safety.
2. Connect people through events and activities.
3. Opportunities for the community to participate in lifelong learning.
4. Provision of resources to support physical activity by the community.
5. Foster an inclusive community.
6. Community planning informs provision of Council services and social infrastructure.

Theme 4 - Our Leadership & Management

4. Provide value for money services for our community.

Alignment to Colac Otway Economic Development Strategy 2019:

Multi-Sector Opportunities and Actions – Implements various grants programs.

Alignment to Creative Colac Otway Arts & Culture Strategy 2018-2022:**Theme 2 Increase participation in arts and culture activity**

Goal 1 2.1.7 Support community events and festivals that engage with target audience groups or under-represented groups

Goal 2 2.2.2 Subsidise and support community hire of COPACC

Theme 4 Creativity, Social Cohesion and Connections

Goal 2 4.2.1 Ensure that Grants Program supports events to make new contemporary work that responds to local issues and stories

6. CONSIDERATIONS

ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

The grants program includes environmental and sustainability projects which are included in the guidelines. This allows environmental, sustainability and Landcare groups to seek funding for their projects and events to improve the environment within the Shire.

Small businesses were eligible to apply for environmentally sustainable equipment upgrades or projects that provide energy and water efficiency savings.

Grant funding assists communities to build community capacity of local residents and volunteers. The grants program encourages culturally based projects to be delivered throughout the Shire.

The requirement of matching funding through cash and/or in-kind works creates economic benefits to the local communities and businesses. The use of local trades and suppliers is strongly encouraged, and it is evident that local trades, businesses and groups benefit greatly from grant funding and stimulates the economy.

The Building Façade Improvement Program assists to grow the economy and encourage additional private sector investment as well improve the amenity of Colac. The façade program is available to businesses across the Shire.

LEGAL & RISK

The allocation of the grant funding is subject to the approval of the 2021-2022 budget. There will be an impact on some of the recommended grant applications if the budget is not approved in June 2021 and is deferred to a later Council meeting.

Also, the impact would be apparent if this Council report was deferred because a decision was not made at the 24 June 2021 meeting. There is an event organised for July which would be affected if the decision of Council was to defer this report. The event organisers are aware that funding is not guaranteed. If delayed, it is possible that the event would have been held before funds have been allocated.

FINANCIAL & BUDGETARY

There is an allocation of \$311,500 in the Draft Colac Otway Shire 2021-2022 Budget.

As stated previously in this report, Council's Grants Program leverages a significant amount of the additional contributions from community and businesses through cash and/or in-kind contributions.

7. IMPLEMENTATION STRATEGY

COMMUNICATION

Subject to consideration at its June 2021 Ordinary Council Meeting, Council will complete a comprehensive communication plan to announce the allocation of grants across the Colac Otway Shire.

This would include media releases, use of Council's Facebook page, details on Council's website and direct correspondence to advise all successful/unsuccessful applicants. Successful applicants will enter into a Funding Agreement with Council outlining the requirements for the funding that has been granted.

Promotional opportunities will be arranged with a selection of community groups, clubs, event organisers and business owners across the Shire. These promotional articles will be added to Council's website, Facebook page and in some of the small town's publications e.g. Forrest Post, Birregurra Mail, Otway Light, and community group and club newsletters. All opportunities for promotion in the local media will be explored.

If Round 2 is approved to open, the Grants Program 2021-2022 Round 2 will be direct marketed by email to groups/clubs/associations/businesses that have expressed an interest since Round one closed and unsuccessful Round one applicants who may be able to work on their proposal to make it funding ready. It is expected that general grant enquiries will be received for another estimated 3-5 applications which would allocate the remaining funds.

Key timelines include:

June 2021 – Council considers the allocation of grants.

July 2021 – Announce the successful applicants and notify those applicants that were unsuccessful and provide feedback.

July 2021 – Round 2 opens (subject to Council's resolution of utilising unallocated funds).

8. OFFICER DIRECT OR INDIRECT INTEREST

Peter Brown, Chief Executive, declared an indirect interest under the *Local Government Act 2020* for the Rotary Club of Colac West application due to being a member. Mr Brown did not participate in the assessment of any of the applications, including the Rotary Club of Colac West application, however was briefed on the recommendations as part of the Executive Management Team.



Colac Otway Shire Grants Program Guidelines 2021-2022

Contents



Program Description and Objectives

1. **What is the Colac Otway Shire Grants Program?**
2. **Who can apply?**
3. **What types of activities might be funded?**
 - 3.1 What will not be funded?
4. **What are the funding details?**
5. **What is the application process?**
6. **How will applications be assessed?**
 - 6.1 Information you will need to provide as part of your application
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 - Budget
7. **Conditions that apply to applications and funding**
 - 7.1 Funding agreements
 - 7.2 Acknowledging Council's support and promoting success
 - 7.3 Privacy
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9. **Information Sessions**

KEY INFORMATION

Category 1 – Community Grants Program

Category 2 – Community Events & Support Program

Category 3 – Small Grants Program

Category 4 – Building Façade Improvement Program

Category 5 – Small Business Environmental Sustainability Program

Program description and objectives

1. What is the Grants Program?

The Colac Otway Shire Council Grants Program provides one-off financial assistance grants to assist not-for-profit, community organisations, event organisers and businesses in providing opportunities that benefit the wider community and help in achieving goals and outcomes consistent with Council's objectives.

The program supports our communities through the support of community projects, community and recreation infrastructure improvements, community activities, programs and events that contribute to community strengthening and bring a wide range of social and economic returns across the Shire.

The program aims to provide an opportunity for a wide range of groups to obtain a share of the grant funds for a varied range of projects and events within the Colac Otway Shire.

The funding pool of \$311,500 is available for the Colac Otway Shire Grants Program (subject to budget approval).

All applications require a matching contribution from the applicant on a \$1 for \$1 basis. *Key Information* for each category will detail if the contribution required is cash or cash/in-kind.

Key Information for each category

Refer to the **Program Category Key Information** (pages 13-18) in these guidelines for specific details of each funding Category.

The Grants Program has five funding categories.

Category	Program Name	Amount	Program outline
1	Community Grants Program	\$2,001 up to \$10,000	Assist community groups provide a broad range of community development programs, services, activities or new initiatives.
2	Community Events & Support Program	Max. \$5,000 Max. \$2,000 50% standard room hire, Max. \$5,000	Established events One-off or start-up events COPACC Hire Assistance
2a	Major Community Organised Events Program	Max. \$10,000	Regional significant Event <i>*Specific eligibility applies, contact grants officer.</i>
3	Small Grants Program	\$200 - \$2,000 Max	Small equipment purchases, community initiatives, environmental or arts projects
4	Building Façade Improvement Program	Max \$3,000	Upgrade or improve the retail shop/ business façade for businesses in Commercial retail areas across the Shire.
5	Small Business Environmental Sustainability Program	Max \$5,000	Environmental projects including energy efficiency or water saving initiatives for small businesses.

2. Who can apply?

Applicant organisation must be located within the Colac Otway Shire. An exception applies to Category 2 Commercial Event Organisers

Canvassing or lobbying of Councillors, Council employees or members of the Assessment Panel is strictly prohibited.

Colac Otway Shire reserves the right to reject any application that does not meet the eligibility criteria.

Community

Category 1 and Category 3

Community organisations or organisations that are providing a direct benefit to the Colac Otway Shire may apply. Applicants must:

- be non-government, not-for-profit and registered as an incorporated body at the time of application for the project duration.

If an applicant organisation is not registered as an incorporated body, it must arrange for a legally constituted organisation to manage the grant funds. Auspice organisations must provide a letter of consent which must be included with your application.

- possess an Australian Business Number (ABN) or provide a completed Australian Tax Office form (Statement by a supplier) so that no withholding tax is required from the grant payment.
- have satisfactorily met Acquittal reporting requirements on any previous grants received from Colac Otway Shire.
- meet the definition of a community group. A community group is defined as a group or organisation which works for the public benefit. Voluntary and Community Groups have the following characteristics:

Organised. A Voluntary and Community Group has a structure with rules about how the group is organised and run. This is called a 'governing document' or 'constitution'.

Self-governing and independent from any other organisation. Voluntary and Community groups are independent and are free to appoint their own management committee.

Not for Profit. No one from within the group will profit from the group. For example, committee members should not be paid for their work and any profits generated should be reinvested in the group

Voluntary. Voluntary and Community groups are governed by a voluntary management committee and rely on the support of volunteers to carry out their activities.

Public/community benefit. The group will carry out activities which benefit a particular group of people within the community.

Events

Category 2 and Category 2a

Event organisers can apply if the event is held in the Colac Otway Shire. 'Event organiser' means a commercial entity, community group or individual who undertakes the planning, control or management and/or implementation of an event.

Schools

Schools may apply for COPACC Hire Assistance. Schools are not eligible to apply for any other category.

Groups and Associations affiliated with schools can apply for eligible events or projects that provide a benefit to the broader community (Note: events or equipment/infrastructure that are held or installed on school grounds which only benefit the school community are not eligible. Activities or equipment that should be funded by the State Government are ineligible).

Business

Category 4

All businesses located in the commercial retail area of towns within the Colac Otway Shire that have street frontage will be eligible to apply for Category 4.

Category 5

Small businesses located in the Colac Otway Shire with an annual aggregated turnover of less than \$10 million will be eligible to apply for Category 5.

Ineligible to apply

Elected members (Councillors) and employees (staff):

- are not permitted to apply to the Colac Otway Shire Grants Program.
- must not be named in an application for the grant
- must not initial or sign an application form or funding agreement for the grant programs
- must declare any conflict of interest with a grant application, and must remove themselves from any role in the assessment and approval process
- must not profit in any way from the grant programs or the activities that they are funding.
- any Council officer that assists with an application must be declared in the application. Note that guidance and advice for grant applicants is available through the Grants Officer.

For Categories 1 and 3, applications will not be accepted from or on behalf of individuals.

3. What type of activities might be funded?

Eligible items may include but are not limited to:

- Community initiatives.
- Arts and culture projects.
- Environmental projects.
- Projects that encourage participation in community activities.
- Projects that revitalise community and recreation facilities.
- Projects that promote gender equity
- Equipment purchases that are facility enhancing designed to remain as part of a facility or which provide general benefit to groups.
- Training for the development of specialist skills for volunteer community members.
- Festivals and events.

- Performing arts and cultural activities/events at COPACC.
- Commercial retail building façade improvements.
- Environmental sustainability initiatives including energy efficiency and water saving upgrades.

Refer to the **Program Category Key Information** (pages 13-18) in these guidelines for specific details of each Category.

3.1 What will not be funded?

- Applications will not be received after the closing date/time.
- Standard Council infrastructure is not eligible to be funded through any grant program.
For example: footpaths, bins, drainage, road construction, upgrades to Council owned buildings if compliance related or within the current lease arrangements.
- Applicants cannot receive a grant in any grant program in future years if they have not completed a satisfactory acquittal report for a previous grant (contact the Grants Officer to discuss).
- Requests for retrospective funding are not eligible for funding. The project activity cannot commence or equipment be purchased prior to signing the funding agreement.
- Funding is not available for ongoing operational expenses including recurrent operating costs and salary subsidies eg: rent, utility costs, staff wages etc.
- Public Liability or other Insurance
- Capital expenditure projects over \$20,000
- Administrative costs
- Project or Event Management costs
- Projects considered the responsibility of other agencies.
- Monetary prizes
- Council will not enter into funding arrangements deemed inappropriate which are associated with or promote (including but not limited to):

- any illegal activity
- any activity not in accordance with relevant legislation; permitting; regulations etc
- tobacco
- offensive or sexually explicit material
- discrimination on the grounds of race, gender or religion
- activities violating human rights
- political parties
- gambling

- Grants to recipients (or Auspice) not registered for GST will have payments made inclusive of GST.
- For grants above \$5,000, payments will be made in two instalments:
 - 90% paid upfront on signing the Agreement or when conditions have been met.
 - 10% paid upon satisfactory completion of the acquittal report.
- Conditions included in the Funding Agreement (if applicable) must be met prior to the release of the grant payment.

4. What are the funding details?

The following conditions will apply to activities that receive a grant:

- The grant recipient (or the Auspice organisation who will manage the funds) must enter into a funding agreement with Colac Otway Shire Council which sets out the conditions, payment details and reporting requirements.
- The project must be completed within the financial year in which the grant is received. Any unspent funds must be returned to Colac Otway Shire Council.
- Funds must be spent on the activity as described in the application. Any proposed variation to the approved activity must be submitted in writing to Colac Otway Shire Council for approval prior to implementation.
- Applications that address gender equity are highly encouraged and prioritised through the assessment phase.
- Applicants are highly encouraged to use local trades and suppliers located in the Colac Otway Shire and will be prioritised in the assessment phase.
- Grant recipients (or Auspice) without an Australian Business Number (ABN) must provide a completed Australian Tax Office form (Statement by a supplier) so that no withholding tax is required from the grant payment.

5. What is the application process?

Applications will be considered in an assessment round each year as detailed in the table below:

Funding round	Applications open	Applications close
2021-2022 Round 1	9 March 2021	9 April 2021
Round 2	If remaining funds are available following Round 1, Council may consider opening a Round 2.	

There are some important steps to consider before submitting an application.

Step 1: Check your eligibility

Check the detailed information contained in this guide to see if your organisation and your proposed activity is eligible.

Category 2a – Major ‘Community Organised’ Events applicants must contact the Grants Officer to check eligibility prior to applying.

It is recommended applicants contact the Grants Officer to discuss the prospective application and for any assistance applying online.

Grants Officer
Colac Otway Shire
2-6 Rae Street Colac
Ph: (03) 5232 9400
Email: grants@colacotway.vic.gov.au

Step 2: To apply

Guidelines and the link **TO APPLY** is available through Council's website:

www.colacotway.vic.gov.au

Apply for a Grant

Colac Otway Shire Grants Program 2021-2022

Grant information, applications, correspondence, reporting and financial acquittals will be managed through Smartygrants, an online web based system.

Applicants will be required to register on Smartygrants before the application can be commenced.

Please ensure that emails delivered from 'noreply@smartygrants.com.au' are not blocked or directed to your junk email inbox. You will receive an email to acknowledge that you have submitted your application. A help guide for applicants is available:

<https://applicanthelp.smartygrants.com.au/help-guide-for-applicants/>

Late or incomplete applications will not be considered.

Prepare for your application by making sure you have the information you need on hand including required documents e.g. recent quote(s), land owners consent, public liability insurance, letters of support, financial statements etc. Please allow sufficient time to lodge your application before the closing date.

Attach required information to your application

You can attach documents to your electronic application as long as they are in an acceptable file type (e.g. Word, Excel, PDF or JPEG) and don't exceed the maximum file size. Attached files must not be larger than 10MB in size.

Applications must be submitted online and close 5.00pm on 9 April 2021.

IMPORTANT

The Colac Otway Shire Grants Program is a competitive funding program. Applicants should note that the submission of an application does not guarantee funding of the proposal.

6. How will applications be assessed?

Eligible applications will be assessed based on responses provided in the application form. The assessment criteria are outlined in these guidelines.

Eligibility does not guarantee success. It is a competitive program and often more applications are received than the funding available.

Please note that the assessment process may take up to two (2) months from the closing date. Applicants will receive written notification whether the application has been successful or unsuccessful following the decision by Council at an Ordinary Council Meeting.

Applications for **Major 'Community Organised' Events** must meet specific Assessment Criteria and scoring, refer to 6.3. Applicants must contact the Grants Officer prior to applying for this Category.

6.1 Information you will need to provide as part of your application

All applications must provide a quote prepared within the past three (3) months for the project or event. The quote(s) must include:

- Details of individual items to be purchased or project activity to be undertaken.
- Total project cost of items or services to be purchased for an event.

NOTE: Applications submitted without an adequately detailed quote will not be recommended for funding.

The program will not fund items that have been purchased or projects or events that have commenced prior to the funding announcement as outlined in these guidelines.

Include the following as part of your application (if applicable):

- Letter(s) of support from organisation(s) involved in the proposed project.
- If required, include land manager or land owner's consent for the project or event to be undertaken on their land.

Public Liability Insurance is required for all projects or events and is not funded by the grant program. A Certificate of Currency must be submitted with your application.

If your application has appointed an Auspice, your project or event must be noted on the Auspice organisation's insurance policy.

6.2 What are the Assessment Criteria?

To be competitive, you will need to address each of the assessment criteria in your application.

Your application will be assessed against each of the assessment criteria using the weighting indicated in the application form and in these guidelines. The application form asks questions and provides tips that relate to the assessment criteria to assist you with your response.

An unsuccessful application does not necessarily mean that the project or activity is unworthy of support. An application could be rejected because of limited funding resources or the need to balance support given to a wide range of proposals after considering the assessment criteria. Council will work with unsuccessful applicants to identify alternate funding sources and/or provide feedback on their application for future funding rounds for the Colac Otway Shire Grants Program

How much information do I provide?

The amount of detail and supporting evidence you provide should be relative to the project size, complexity and grant amount. The application displays word limits as a guide as to how much information (maximum) is required to provide sufficient details to support your application. Each question has handy tips to guide your response.

Categories 1, 2 and 3 Assessment Criteria:

(Excluding Category 2A Major 'Community Organised' events)

Assessment Criteria 1 – What benefits will the project provide to your organisation and the broader community? (Weighting 50%)

In your response, please describe:

- The anticipated benefits of the project or event to the community.
- How is the project or event supporting the local community?
- Who will benefit from the project or event?
- Details of short term and long term benefits
- The expected number of people who will benefit from the project or attend the event
- The benefit for current and future generations.

Assessment Criteria 2 – Why is this project needed? (Weighting 20%)

In your response, please describe:

- How is this project or event supporting the local community?
- What demand exists that has created the idea for this project or event?
- The evidence to show why this approach will work?
- To demonstrate support from the community for your project and for **all new events** attach support letters and detail any discussions held with related groups in the area.
- Will the project address gender inequity?

Assessment Criteria 3 – How will the project be delivered? (Weighting 15%)

Applications must clearly demonstrate the capacity of the applicant to deliver the project.

In your response, please describe:

- Who will manage the project?
- What planning has been undertaken to complete this project or run the event?
- Events that include environmental waste initiatives to address waste reduction will receive a higher assessment score weighting.
- Detail the stages involved in your project or event and how you propose to deliver it.
- Details if it involves knowledge and skills development.
- Will the project be an innovative and creative response to the issue?
- Will it be sustainable? Explain how you intend to fund this project or event into the future.
- Demonstrated experience of the Applicant organisation to deliver and acquit the project within timeframes.
- Events – describe what environmental waste initiatives will be implemented at the event to address waste reduction.

Assessment Criteria 4 – Who is involved?

(Weighting 15%)

In your response, please describe:

- Who are the partners?
- Will there be voluntary or in-kind contributions?
- Are suppliers based in the Colac Otway Shire? Priority will be given to the use of local trades and suppliers.
- How many people from your organisation will be involved?
- Does the project actively involve a range of stakeholders?
- What size audience are you expecting?
- Who is the target market to benefit from your project or event?

Assessment Criteria	Weighting
<i>Community Benefits</i>	50%
<i>Addressing a need for the project or event</i>	20%
<i>Planning and Project or Event delivery</i>	15%
<i>Involvement of stakeholders, partners, volunteers</i>	15%

6.3 Major 'Community Organised' Events Assessment Criteria

Applications for up to \$10,000 must address and satisfactorily meet specific criteria outlined below. If the application does not fulfil the criteria for major events, it will be considered against the ordinary Category 2 events assessment criteria above.

Assessment Criteria 1 - Community Economic development opportunities (Weighting 40%)

Describe how the project will stimulate the economy including:

- Boosting off peak visitation, overnight stays and expenditure;
- The amount of visitation/tourism from people attending from outside Colac Otway Shire and the length of stay during the event;
- Events with approximate 3,000 - 5,000 attendees or above;
- The level of pre training or visitation that the event will generate in the lead up to the event;
- The level of expenditure these visitors will generate (or have generated historically);
- The opportunities where Colac Otway Shire or the host township can be promoted, the nature of this promotion and the marketing reach;
- The level of involvement of local businesses in the event both pre (supply chain expenditure in event set up) or during (stall holders);
- The ability of the event to trigger repeat visitation to Colac Otway Shire;

- Reinforce and/or strengthen the desired 'brand' of the host township or Colac Otway Shire in a positive way.

Assessment Criteria 2 - Social opportunities

(Weighting 20%)

Detail the community benefits provided by the event – short and long term including:

- How the event will create social gathering opportunities;
- The level to which people of diverse groups and ages are brought together;
- Evidence of how the event will positively impact the host community;
- Identify if the social opportunities are short (event specific) or long term (ongoing spin offs) in nature;
- Level of involvement by local volunteer (No. of people and hours);
- How the event caters for needs of all abilities (accessibility etc.).

Assessment Criteria 3 (Weighting 20%)

Cultural opportunities

Describe how the event contributes towards:

- The development of arts & culture in the host township or greater Colac Otway Shire;
- Arts and cultural networks in Colac Otway Shire;
- Other arts and cultural programs and/or projects taking place;
- Linking attendees to culturally significant aspects of the host community through the event.

Assessment Criteria 4 (Weighting 20%)

Environmental sustainability

Does the event plan for and contribute to:

- Positive environmental sustainable outcomes in the short (event specific) or longer term;
- Provide an element of environmental education or awareness for attendees;

- A level of excellence in event management from an environmental aspect (includes rubbish removal, waste, recycling, techniques that minimise the carbon footprint of the event);
- Minimisation of single use of plastic bottles, plastic bags and plastic straws.

Budget

A budget that accurately reflects your project or event must be included in your application. The budget should include details on all income (all sources of income which will be used to deliver the project/event) and expenditure (list all costs involved in the project/event). Indicate the expenses that the grant funds will be spent on by marking 'x' against the item(s).

Copies of quote(s) must be included with your application.

The budget must include the matching contribution required for your project/event including cash and in-kind contributions.

Any other source of funding provided by Colac Otway Shire towards your project or event cannot be used as a matching contribution.

The income and expenditure columns must be equal = balance.

Cash contributions

Cash contributions over \$5,000 can be confirmed by providing a detailed financial statement or Treasurer's report for the past two (2) years and a copy of a current Bank Statement. Cash contribution under \$5,000 can be confirmed by providing a copy of a current Bank Statement.

In-kind contributions

An in-kind contribution means support, other than cash, provided by your organisation towards your project. This can include voluntary labour or donated goods and services.

In-kind contributions should be calculated from activities that directly contribute to the delivery of the project or event.

Activities undertaken prior to the project or event are not eligible.

Eligible for in-kind will include:

- Project administration (Cat 1 & 3)
- Project management (Cat 1 & 3)
- Event management (Cat 2 and 2a)-non commercial event organisers
- General maintenance directly related to the project (eg: replacement of roof, painting, floor resurfacing, repair roof to enable solar installation)

Ineligible for In-kind contribution:

- Research, planning and application writing (undertaken prior to the commencement of the project/event).
- Official opening
- Fundraising activities for a project or event. These should be completed prior to the application.
- Applicant's core operational maintenance (eg: Recreation Reserve or Public Hall grounds maintenance)

Use of equipment purchased is not considered as in-kind.

Eligible in-kind contribution may be considered where the equipment purchase is part of a program or an element of a larger project.

The in-kind value must reflect the actual volunteer hours contributed to the project, and calculated with the provisional hourly rates in the Guidelines.

In-kind contribution calculations

If you have in-kind contributions towards your organisation's matching funding contribution for an event or project activity, you will:

- Record the value in the Budget table under Income and Expenses.
- List the 'In-kind' labour, donated goods and services in the In-kind table.

In-kind contributions received

You will need to submit written records of in-kind contributions received for your project/event. It is your organisation's responsibility to keep written records (e.g. letter of donations or receipts) of the in-kind support committed or received.

Example how to calculate your in-kind contribution

Goods/ service to be provided	Organisation or Supplier	No. Hours	Rate per hour	Total Value (\$)
Architectural drawings	Smith Consulting	10	\$45	\$450
Labour to paint the new community hall – 5 people	Members of XYZ community organisation	10	\$25	\$250
Donation of new kitchen equipment	Commercial Kitchens Ltd	n/a	n/a	\$4,000
	Total			\$4,700

7. Funding Conditions

7.1 Funding agreements

Successful applicants will enter into a funding agreement with the Colac Otway Shire Council. Funding agreements establish the parties' commitments and obligations to each other and set out the general terms and conditions of funding.

Conditions may vary for each grant category and recipients, depending on the requirements of the project or the event. These specific conditions will be outlined in the Funding Agreement and can be discussed with the successful applicant prior to finalising the agreement.

Public Liability Insurance of at least \$10 million is required for all projects and events other than equipment purchases. A Certificate of Currency must be submitted with your application.

For Category 2A Major Community Organised Events, Public Liability Insurance is increased to at least \$20 million. A Certificate of Currency must be submitted with your application.

Category 2 – Community Events & Support Program

Event organisers holding events on Council owned or managed land are required to apply for an Event in a Public Place permit and complete the Colac Otway Shire Council's Indemnity Form.

Ongoing Council support should not be relied upon, as each year applications will be assessed in conjunction with other applications and will be determined on funding availability.

Acquittal Report Process

At the completion of the project or event, an acquittal report must be submitted to Colac Otway Shire Council through Smartygrants. The report should include:

- A summary of the project including feedback on the things that went well and also lessons that you have learnt from the project.
- The success of the project or event and achievements.
- A financial statement must be completed with receipts attached to detail how the projects or events funds were expended.
- Copies of project or event promotional materials, photographs or video.
- Evidence of acknowledgement of Council's support e.g: club newsletter, media articles, social media etc.

An applicant which fails to submit a satisfactory acquittal report will be ineligible to apply for funding under any future rounds of the Colac Otway Shire Grants Program until their acquittal report is completed and reviewed by Council as satisfactory.

7.2 Acknowledging the Council's support and promoting success

Successful applicants need to acknowledge the Colac Otway Shire Council's support through the provision of a grant from *Colac Otway Shire Community Grants Program*.

Promotional guidelines form part of the funding agreement and include the requirement that all activities acknowledge Colac Otway Shire Council support through logo presentation on any activity-related publications, media releases and promotional material, social media, written or verbal acknowledgement at presentations or 'openings' and/or placing a Colac Otway Shire endorsed sign at the site of larger infrastructure activities.

Successful applicants may be required to contribute information on activity outcomes for use in program evaluation reviews or the Council's marketing materials.

7.3 Privacy

The Colac Otway Shire Council is committed to protecting your privacy. We collect and handle any personal information about you or a third party in your application, for the purpose of administering your grant application and informing the public of successful applications.

In order for us to administer your grant application effectively and efficiently, we may need to disclose your personal information with others for the purpose of assessment, consultation, and reporting. This can include Council staff or Councillors.

Any personal information about you or a third party in your correspondence will be collected, held, managed, used, disclosed or transferred in accordance with the provisions of the *Privacy and Data Protection Act 2014 (Vic)* and other applicable laws.

The Colac Otway Shire Council's Privacy Policy can be found at www.colacotway.vic.gov.au enter Search - Privacy Statement.

Council uses an online grant application program called Smartygrants. [Click Here](#) to view Smartygrants Privacy Policy <https://www.ourcommunity.com.au/privacy>

8. Resources and additional information

For queries relating to the grants program, your proposal or online applications, contact the Grants Officer at Colac Otway Shire Council on (03) 5232 9400 between 9.00am and 5.00pm Monday to Friday or grants@colacotway.vic.gov.au

If your query is related to an event, please ask for the Events Officer.

9. Information sessions

Information sessions will be scheduled in Colac and Apollo Bay (as Covid19 restrictions permit). The grants officer is also available to discuss the grants program, your proposal and assist with the online application process via an online meeting, phone, email and by appointment (if covid19 restrictions allow).

Key Information for each category

Category 1: Community Grants Program

Grants from \$2,001 up to \$10,000 are available.

Grants are provided on a matching cash and/or in-kind basis.

In-kind contributions should be calculated from activities that directly contribute to the delivery of the project.

What type of activities might be eligible?

This category provides funding to Committees of Management and organisations responsible for community facilities, including public halls and recreation reserves, to assist with minor facility refurbishments and purchases that assist with delivery of the service. The applicant must demonstrate the project provides long term community benefit.

This category provides assistance to Community Groups for a broad range of community development programs, services, activities or new initiatives.

Strategic plans and updates of community priorities including Master Plans for recreation reserves/facilities will also be considered.

What type of activities might be funded?

Eligible items may include but are not limited to:

- Community projects and initiatives
- Community programs that encourage health and wellbeing
- Arts and culture projects
- Environmental projects, including energy efficiency, water saving or public health initiatives
- Recreation or hall facility upgrades
- Projects that demonstrate broad benefit to the Colac Otway community.

- Initiatives that demonstrate multiple benefits, which may include cultural, environmental, heritage, health and wellbeing, social support and community participation outcomes.
- Equipment purchases including sporting and safety equipment and community programs that would assist with the operation of a community group or organisation that is greater than \$2,000
- Minor repairs and works.
- Minor capital improvements of community and recreation facilities up to \$20,000. Excludes project on Council owned buildings if compliance related or within the current lease arrangements.
- Strategic Planning activities that identify opportunities for growth and development. This may include master plans, feasibility plans, action plans or business plans for Council managed Committees of Management of Council facilities.

What is not funded

Consumable items (eg: sports balls, uniforms) that do not provide long term asset improvements are not supported. Membership fees should provide for consumable items.

The grants program objective is to support long term infrastructure improvements and equipment purchases.

An application may be considered if a club is under severe financial hardship, requesting one-off funding.

Category 2: Community Events & Support Program

This category provides:

- Grants up to \$5,000 to provide support for established events
- Grants up to \$2,000 to provide support for one-off or start-up events.
- COPACC Hire Assistance

Grants available for up to 50% of the cost of standard room hire at COPACC for the provision of performing arts and cultural activities.

The maximum grant available is \$5,000.

Category 2A Major Community Organised Events

- Grants up to \$10,000 to provide support for major 'community organised' events of regional significance.* Specific eligibility applies, contact grants officer before applying

Grants are provided on a matching dollar for dollar cash and/or in-kind basis.

In-kind contributions should be calculated from activities that directly contribute to the delivery of the event.

What type of activities might be funded?

Groups and organisations can seek funds for events and programs within the Shire for:

- Established annual events (funding for development and growth of events)
- Major 'Community Organised' Events
*Specific conditions apply. Contact Grants Officer.
- New events (seed funding)
- One off events
- Not-for-profit events
- Commercial events (subject to substantial community return)

- COPACC Hire assistance
- Workshops, training or programs for the development of specialist skills for general public
- Education or coaching courses for officials, administrators or relevant community members

An **event** means any planned activity open to the public, where any structure (permanent or temporary), open area or road, (fenced or unfenced) will contain a number of persons greater than that normally found in that area or location at one time.

This activity may affect the location surrounding the area prior to, during or after the activity, and includes:

- Sporting activities, whether conducted in an enclosed or unenclosed ground or venue (but does not include a regular, locally focused and organised sporting competition at a venue built for that sport).
- One off or annual events such as meetings held in parks or sporting venues and promotional events.
- Live performances and concerts.
- Festivals.

Events eligible for funding must be designed to benefit Colac Otway Shire's residents and businesses, and have a strong community focus. Events should enhance the region's profile, develop community cooperation and cohesion, build local skills or in other ways have a positive impact on the local community.

Events can include but are not restricted to cultural, historical, artistic (music, theatre, visual), sporting, culinary, environmental and could include markets, festivals and exhibitions.

Eligible costs associated with events could include:

- Signage
- Promotional material
- Hire costs (e.g: performers, PA equipment, staging, portable toilets etc)

- Equipment Hire
- Events that include environmental waste initiatives to address waste reduction will increase the assessment score weighting.

A permit may be required for your Event.

Event organisers may apply to fund only one element of an Event/Festival, however the Applicant must provide information on the full Event/Festival programme. The full programme will be required to meet the Grants Program Guidelines.

The grant payment will be made once any specific funding conditions have been met and permits (if required) have been issued.

Major 'Community Organised' Event is one that may occur annually, biennially or a one-off event, is regional, State or nationally recognised. The primary evaluation is the generated economic return to Colac Otway Shire. Marketing and branding opportunities for Colac Otway Shire and its townships at a regional scale (or beyond) must also be displayed. The event must show growth elements from previous years.

A regionally significant event would attract a minimum of 3,000 – 5,000 attendees preferably more, with the aim to increase visitation from outside of the local area in off peak periods.

New Major 'Community Organised' Events must demonstrate the event is at a suitably planned and accepted stage prior to submitting an application. This includes planning approval, approvals from key bodies such as (but not limited to) Police, VicRoads, CFA, landowners.

Specific assessment criteria apply for Major 'Community Organised' Events. Refer to 6.3

All applicants should discuss their event with Council's Event Officer on (03) 5232 9400 between 9.00am – 4.00pm, Monday to Friday or inq@colacotway.vic.gov.au

What will not be funded?

- Events conducted completely outside of the Colac Otway Shire boundary.
- Events which lack a strong community base.
- Event organisers are accepting sponsorship from companies that Council deem are not suitable or do not align with the Council Plan 2017-2021.
- A second or subsequent element of an Event or Festival will not be funded where the main Event or Festival is to receive funding.
- General ongoing administration costs.
- Request total funding of the festival or event.
- Retrospective funding of a festival or event.
- Public Liability or other Insurance for the event.
- Project or Event management costs

COPACC Hire Assistance

COPACC Hire Assistance does not include:

- Cleaning
- Box office fees
- Security
- Catering
- Piano tunes
- Labour charges
- Specialised lighting

Information you will need to provide as part of your application

COPACC Hire Assistance quotes must be obtained from COPACC at least 10 days prior to the application closing date.

The quote must include event dates and resources required (room, audio-visual support, labour and technical staff).

Preference is given to events that are organised co-operatively and where some profits will be distributed back into the community.

Category 3: Small Grants Program

Grants from \$200 up to \$2,000 are available.

Grants are provided on a matching cash and/or in-kind basis.

In-kind contributions should be calculated from activities that directly contribute to the delivery of the project.

Equipment purchases require \$1 for \$1 matching cash contribution. Use of the equipment is not considered as in-kind.

Eligible in-Kind contribution may be considered where the equipment purchase is part of a program or an element of a larger project.

This category provides funding to purchase or undertake projects related to:

- Small equipment to enhance facilities and designed to remain as part of the facility
- Community programs that encourage health and wellbeing participation and show economic benefits
 - Workshops, training or programs for volunteers
 - First Aid and CPR Training for staff and volunteers
- Community projects
- Environmental community projects
- Environmental projects including energy efficiency, water saving or public health initiatives.
- Community initiatives
- Cultural & Arts projects

What type of activities might be funded?

To purchase small equipment, such as:

- appliances
- furniture
- sporting equipment

- First Aid equipment

Examples of projects that might be funded:

- Install watering system to automatically water communal garden beds
- Purchase a defibrillator unit
- Installation of energy efficiency and/or water saving equipment and appliances
- Water related public health initiatives
- Purchase work benches, tables, cupboard, tools and safety equipment
- Community Variable Message Sign
- Outdoor equipment for playgroup sessions with an emphasis on active play
- Purchase of Sunshade
- Purchase of whitegoods
- Purchase of IT equipment that assists in the running and administration of the club or community organisation
- Purchase of tools specific to club/organisation activities

NOTE – all equipment purchases must remain as part of the facility/organisation.

What is not funded

Consumable items (eg: sports balls, uniforms) that do not provide long term asset improvements are not supported. Membership fees should provide for consumable items.

An application may be considered if a club is under severe financial hardship, requesting one-off funding.

The grants program objective is to support long term infrastructure improvements and equipment purchases.

Category 4: Building Façade Improvement Program

Grants up to \$ 3,000 are available.

Grants are provided on a matching cash and/or in-kind basis.

What type of activities might be funded?

- Exterior painting of retail business building façade.
- Cleaning the existing façade.
- Removal or replacement of redundant signage, air conditioning units and hoardings.
- Minor repair, maintenance or reinstatement of missing elements.
- Minor repairs to existing façade tile or stone accents.
- Minor repairs to structural façade elements and awnings.
- New, repairs and replacements of verandahs.
- External signage.

Please note: A Planning Permit or other permits related to your proposal may be required. Please contact the Grants Officer to check if permits are required.

Information you will need to provide as part of your application

You will need to provide the following documents as part of your application:

- Description of works to be completed as part of the application form. A quote for the proposed works.
- Where the application is proposing the painting of a building, the colour palette will need to be provided for approval by Council.
- Photographs of the buildings existing condition will need to be provided including close ups of the affected areas.

Photographs will also need to be provided following the completion of the works if the application is successful.

- A Planning Permit may be required for the proposed works that need to be completed. The permit process, if required, can run concurrently with this application.
- If your building is heritage listed, you will be required to undertake research to provide Council with evidence including photographs or other documentation. Council can assist with this research or provide information on whether your business is located within a heritage building or area.
- Public Liability Insurance is required for all projects and is not funded by the grant program. A Certificate of Currency must be submitted with your application.

What will not be funded?

- Requests for retrospective funding are not eligible for funding. The project activity cannot commence or equipment purchased prior to the funding being approved.
- Ongoing or administrative costs not directly related to the project.
- Equipment purchasing (e.g: ladders, gurneys, scaffolding, and safety barriers) Hiring of equipment is permitted when related directly to the project.
- Applications will not be considered for projects that have already received funding from Council.
- Proposed works where a planning permit has been refused.

Category 5: Small Business Environmental Sustainability Program

Grants up to \$5,000 are available.

Grants are provided on a matching dollar for dollar cash basis

Eligibility

Business must be located in the Colac Otway Shire and have an annual aggregated turnover of less than \$10 million.

What type of activities might be funded?

- Energy efficiency upgrades eg: lighting
- Water saving initiatives
- Upgrades to energy efficient equipment
- Water related public health initiatives
- Use of local suppliers and contractors is strongly encouraged

What will not be funded?

- Projects which receive subsidies from other agencies or the State or Federal Government will not be funded eg: Solar panels and batteries.
- Requests for retrospective funding are not eligible for funding. The project activity cannot commence or equipment purchased prior to the funding being approved.
- Ongoing or administrative costs not directly related to the project.
- Equipment purchasing to undertake the works (e.g: ladders, gurneys, scaffolding, and safety barriers) Hiring of equipment is permitted when related directly to the project.
- Applications will not be considered for projects that have already received funding from Council.
- Proposed works where a planning permit has been refused.

Please note: A planning permit, a building permit or other permits related to your proposal may be required. Please contact the Grants Officer to check if permits are required.

Information you will need to provide as part of your application

You will need to provide the following documents as part of your application:

- Description of equipment purchase or works to be completed as part of the application form.
- Payback period and estimated annual savings on the proposed energy efficient equipment or works.
- A quote for the proposed equipment or works is mandatory.
- Calculate the percentage of works &/or equipment to be procured locally.
- Details of local suppliers/trades to be used to demonstrate the benefit to the local economy.
- A Planning Permit may be required for the proposed works that need to be completed. The permit process, if required, can run concurrently with this application.
- Public Liability Insurance is required for all projects and is not funded by the grant program. A Certificate of Currency must be submitted with your application.

Acquittal at completion

- Keep evidence of payments to suppliers and contractors for the acquittal report.
- Use of local suppliers and contractors is strongly encouraged.
- Photographs of new equipment or completed works will need to be provided following the completion of the project, if the application is successful.

Item: 10.6

Forrest Caravan Park EOI

OFFICER	James Myatt
GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services
ATTACHMENTS	1. DRAFT EOI - Lease - Forrest Caravan Park - Expressions of Interest - PDF [10.6.1 - 19 pages]
PURPOSE	To update Council on the results of community consultation on the Forrest Caravan Park Lease and seek approval of the EOI.

1. EXECUTIVE SUMMARY

The Forrest Caravan Park is an important facility for the township of Forrest as it continues its growth as a tourist destination in the Colac Otway Shire. Approximately 25,000 mountain bikers visit Forrest annually, and many choose to stay at the caravan park when visiting the township to ride the trails. The caravan park is the main provider of accommodation in the township.

The Forrest Caravan Park is currently leased to a private company. The lease was due to expire on 26 April 2021, but Council has given the current tenants a one-year lease extension to April 2022. This lease extension is to allow Council time to prepare and execute an Expression of Interest (EOI) process for a caravan park on the site, which incorporates a high level of community engagement and involvement as befits the level of interest the Forrest community has in the site.

The purpose of this report is to summarise the outcome and key themes from community consultation and seek approval of the EOI document before it is released for submissions. The EOI document incorporates feedback from community consultation as detailed in this report.

2. RECOMMENDATION

That Council:

- 1. Notes feedback from community consultation relating to the future operations of the Forrest Caravan Park.**
- 2. Approves the Expression of Interest (EOI) document to be released on 28 June 2021 with a submission deadline of 2:00pm on 16 August 2021.**
- 3. Authorises officers to evaluate applications to the EOI and enter negotiations with preferred proponents before presenting a final lease to Council for approval in accordance with the provisions of the Local Government Act 2020.**

3. KEY INFORMATION

Lease background

The Forrest Caravan Park has been leased to various operators since 2001 as a 10-year lease with 2 x 5-year options; both options have been executed by tenants. The Caravan Park is currently leased to a local company and the lease expires in April 2022, following a one-year extension provided by Council.

The annual lease value is currently \$3,600 which has seen little change since the original 2001 lease. It is recommended to source an updated valuation once the caravan park wastewater system has been upgraded as directed by the Environmental Protection Authority. Council's Health Protection Unit has identified that there will be ongoing maintenance costs associated with a new and upgraded wastewater management system. Potential lessees will have to factor these costs into their EOI submission.

Some of the facilities at Forrest Caravan Park are in a state of disrepair and require a major redevelopment. It is Officers recommendation to seek a tenant that will invest in capital upgrades to facilities, with Council offering a potential 20-year lease and other concessions to ensure a mutually beneficial lease is achieved. Proponents can submit proposals that seek an adjustment to the key terms set out in the EOI including the 20-year term.

History

In the lead up to the Forrest Caravan Park lease coming up for renewal, Council considered a range of options for the site. These were:

- **Granting a new lease to the current lessees**

This option wasn't pursued primarily because a lot has changed for Forrest since the area was first leased, and Council has a responsibility to ensure any lease granted on Council land gets the best return for ratepayers financially, as well as socially. To ensure confidence in getting the best outcome for the community, a competitive process should be undertaken.

- **Selling the land to a caravan park operator through a competitive process**

Council generally only sells land if it is surplus to its needs, and the Forrest Caravan Park land is a strategic parcel that provides both valuable accommodation options and public open space.

- **Council taking over the operation of the caravan park**

This was not a preferred option because the private sector can more effectively manage these kinds of businesses unencumbered by the bureaucracy of the government sector.

- **Not renewing the lease and return the caravan park to public open space**

While this option would have eliminated the need for Council to outlay funding for the upgrade the wastewater system, it was the least preferred option because of the importance of the caravan park to Forrest's economy.

- **Advertising the caravan park lease by way of Expression of Interest to allow the market to be tested**

This was Council's preferred option as it allows a full exploration of the opportunities available for the site, and an opportunity to maximise returns to Council and the community.

Current status

At its February 2020 meeting Councillors resolved:

That Council:

- 1. Resolves to undertake an Expression of Interest (EOI) process to seek submissions for the lease of the Forrest Caravan Park locate at 1 Station Street, Forrest.***
- 2. Agrees that the term of the lease to be included in the EOI shall be up to 20 years.***
- 3. Consults with the Forrest and district community on the area of land to be included in the EOI for lease, noting that Council is committed to retaining part of the area for public open space.***
- 4. Requires that officers present the EOI document to Council for endorsement prior to its public release.***

Since the Council resolution, officers have:

- Engaged in face-to-face discussions via video conferencing (due to COVID) with 30 people spanning user groups including the current lessees, Forrest and District Community Group, Forrest General Store, Forrest Gateway Project, annuals at the caravan park, Forrest Men's Shed, Forrest Mountain Bike Club, and Forrest Horse Riding Club.
- Conducted an online survey which garnered 159 responses. The survey contained qualitative and quantitative questions which are outlined in more detail as part of this report. This is an excellent response rate for a small community and demonstrates the level of investment the district has in the caravan park.
- Negotiated and executed a one-year lease extension with the current lessees.
- Created a comprehensive list of chattels for the site which previously did not exist, and gained agreement from the current lessees on the list. The chattels document outlines the ownership of all assets on the leased area and broader Forrest Common site. The agreed chattels list will ensure that there is clarity during the EOI process about what facilities or equipment is considered to be part of the caravan park lease (i.e. owned by Council), and what is owned by the current lessees.
- Been a partner to discussions regarding the Forrest Community Plan, which has set out a range of objectives for Forrest's future which incorporates the caravan park and common site.
- Incorporated feedback from community consultation into a draft EOI document.

Community consultation process and key learnings

Community consultation with the Forrest and District community was undertaken by way of small group video conferencing and an online survey containing qualitative and quantitative questions aimed at informing the development of an EOI document.

Engagement with the Forrest and District community revealed there are a diversity of views about the caravan park, its footprint, facilities and operations.

While there will be some aspects of the upcoming EOI that not all members of the community will agree with, there were some strong common themes emerge which will underpin the development of an EOI document.

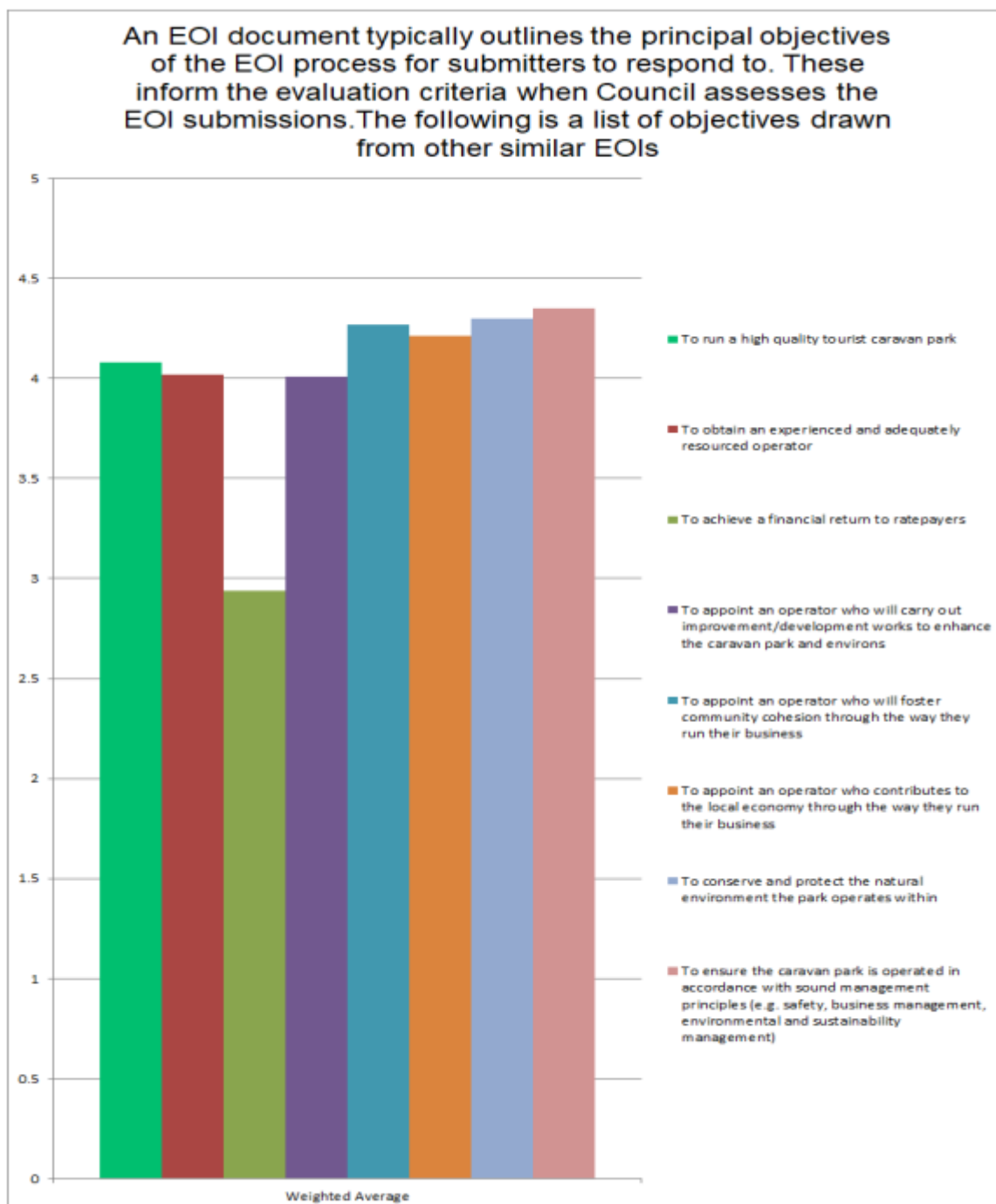
Key issues that the EOI and post EOI negotiation will address include:

- How the public and private amenities are to be managed, including agreed service standards around cleanliness and upkeep.
- Clarity and agreement on the frequency and footprint of 'spillover' camping in the Forrest Common area
- Setting clear expectations on how 'permanent' camp sites are managed, including standards of site upkeep.
- Setting clear expectations around works onsite, including on onsite vans, to ensure no further unpermitted or unsafe work occurs.
- A longer-term plan for the upgrade of public and private facilities onsite, which both need significant upgrades.

Quantitative feedback

Question 1: This question proposed a range of objectives that might be contained in the EOI. The survey asked submitters to score them 1-5, with a score of 5 being very important to them.

The results show that with the exception of achieving a financial return for Council/ratepayers, all of the proposed objectives resound with submitters, thus there is a clear way forward for the EOI's overarching objectives.



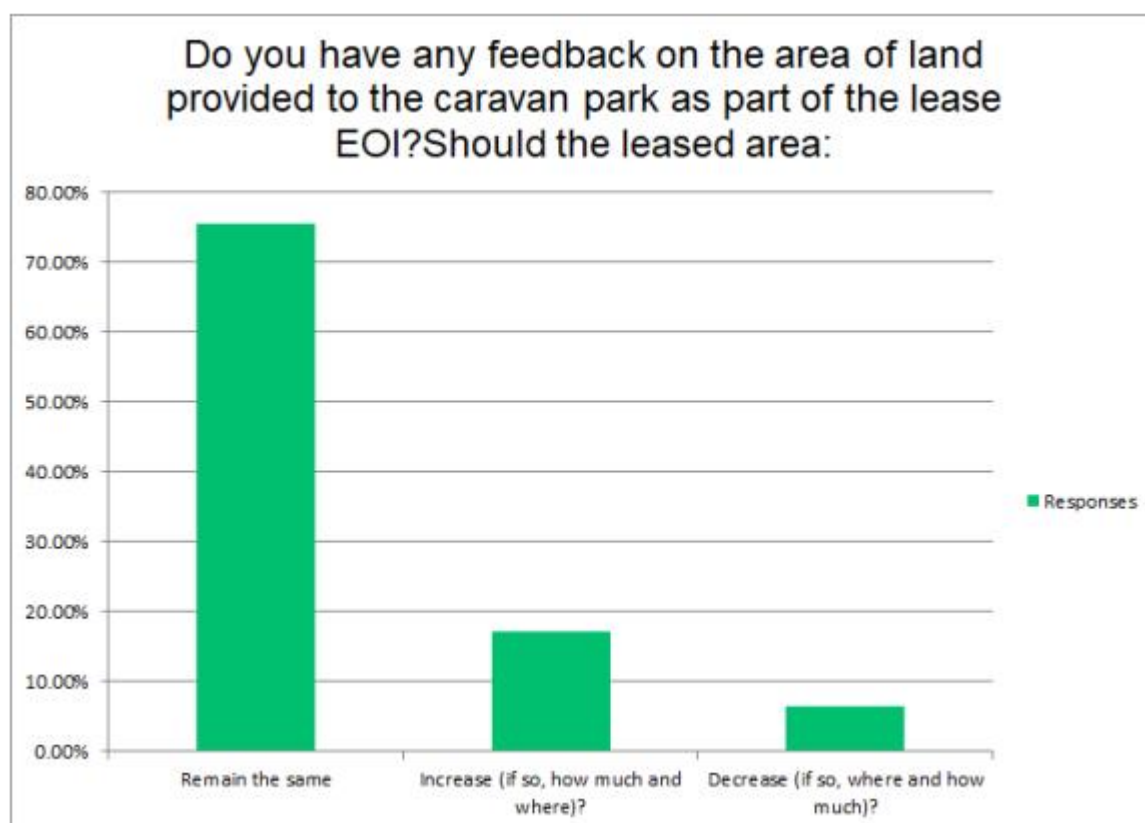
Question 2: Question 2 offered respondents an opportunity to suggest any additional objectives that Council could include in its EOI. Other suggestions included:

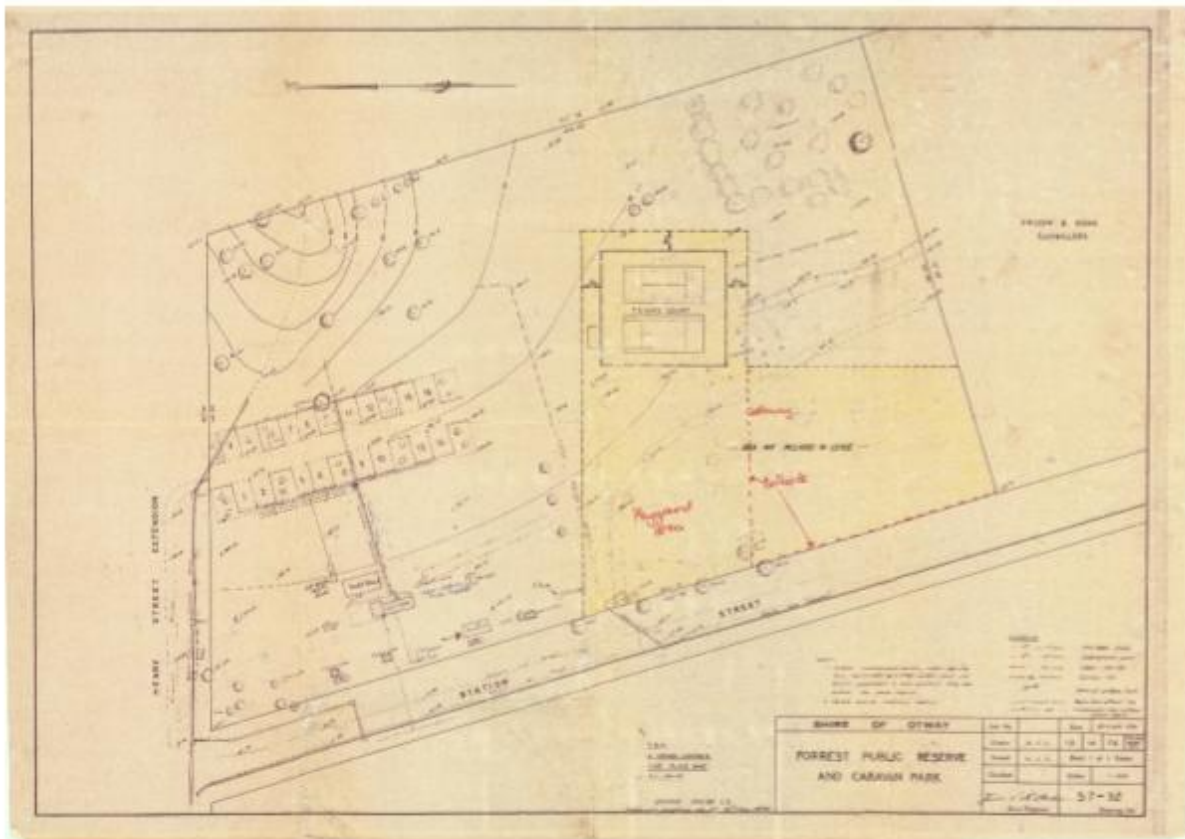
- Competitive pricing for visitors, maintain relaxed feel of the park.
- Ensure a low-impact development that maintains the bush camping feel.
- To maintain a mix of camping, onsite rental and semi-permanent cabins.
- Stricter enforcement of rules in relation to permanent van residents.
- Have a long-term vision of how the caravan park contributes to Forrest's future.
- To support mountain bike opportunities in Forrest.
- To provide cycling friendly infrastructure (e.g. wash area, racks, maintenance station, safe storage for bikes).
- Providing jobs for local people.
- Weight EOIs from local people higher.

There was a strong sentiment towards facilitating mountain bike tourism.

Question 3: This question asked submitters to provide feedback on the area of land provided to the caravan park as part of the lease EOI. The question was accompanied by a map of the leased area and Forrest Common. In the map below, the yellow shaded area which incorporates the tennis courts is known locally as the 'Forrest Common'. The Forrest Common is not in the leased area, but spill over camping is allowed four times a year, by agreement with Council, during busy periods.

A majority of survey respondents believe that the boundaries of the leased area do not need to be changed. Council can move forward with the EOI with confidence that the community in the main is comfortable with the current leased area.



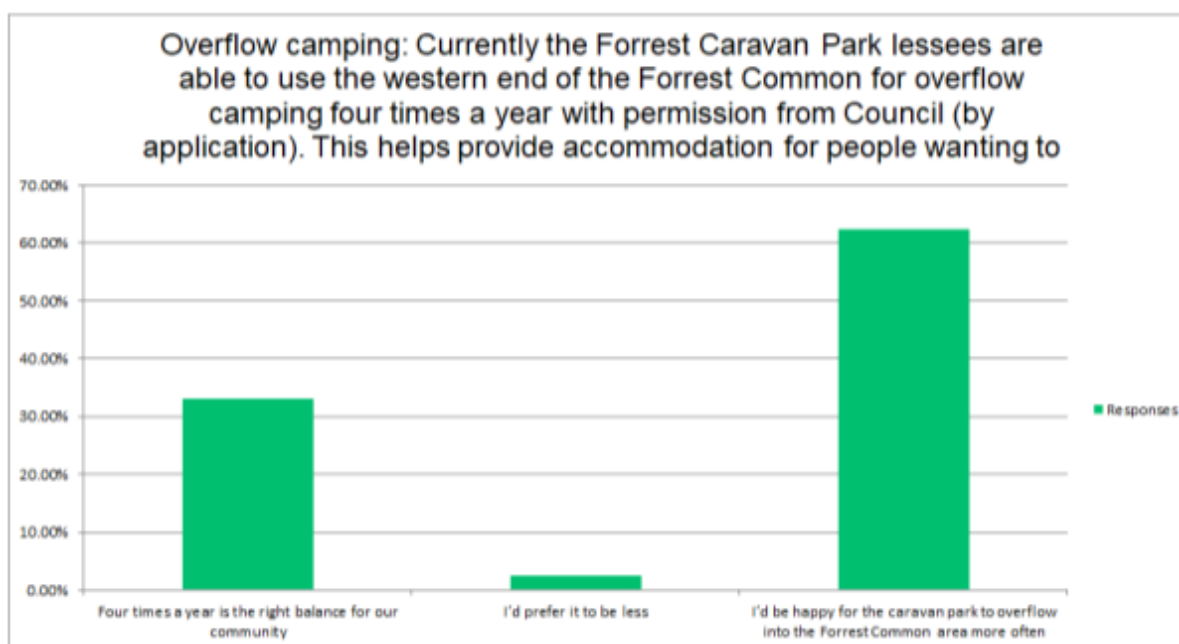


Question 4: This question asked responders to indicate whether they were comfortable with the frequency of overflow camping, which is currently permitted to occur four times a year with agreement from Council. More than 60 per cent of respondents said they would be comfortable with the overflow occurring more often than four times per year. This gives Council scope to potentially offer more frequent overflow in the EOI, which would make the lease more attractive to potential lessees.

It should be noted that Council adopted a Forrest Common Masterplan in December 2019, which includes a bold vision for a large playground, barbecue area, path network and shelters in the southwest corner of the site. The masterplan will cost about \$1.6 million if it is to be implemented in its entirety, and thus will be reliant on Council and the community being able to secure external funding. If funding is secured, this will reduce the potential for overflow camping. As a result, overflow camping can still be included in the EOI document, but with a caveat that this option will cease to be available if funding is secured for Forrest Common playground expansion.

Several respondents remarked that the caravan park currently spills over more than four times per year at the moment (i.e. without permission from Council). Some people told Council officers that they were happy for this to occur, while others are strongly opposed to unpermitted overflow and expressed that it was a source of tension between the current caravan park operators and the community. Overflow camping needs to be more closely managed by Council, and accompanied by clear communication so the community understands what arrangements are in place.

During video conferencing consultations, quite a few respondents indicated verbally that they would be comfortable allowing a higher frequency of overflow (six to eight times per year) if the times corresponded with events or peak periods. The online survey responses reinforce this position.



Qualitative feedback

Below is an overview of the qualitative feedback received, which serves to demonstrate the diversity of views that exist. Officers have extracted some of the key emerging themes from the survey to provide a clearer picture of the feedback that will inform the EOI document; as well as future strategic planning for accommodation in Forrest and use of the current caravan park site.

- **There is strong support for the continuation of a caravan park in Forrest**

The caravan park is considered to be essential to the Forrest economy, particularly the mountain biking economy. During peak periods it accommodates an influx of people that supports the success of local events and business. During low periods, particularly during winter, the 'permanent' caravan park residents are also considered by many to be important to the economy as they support a base level of local spending.

Direct quote extracts from survey:

"I know a lot of people who love exploring trails on foot and bike. They often come from far flung destinations and require affordable short-term accommodation. They usually spend money on other things while they are there also."

"The fact that the CV park is located in the edge/heart of the town means you can access the pub, brewery, general store by foot and then ride to the MTB trails make it a great unique CV park, it helps that the town is small, the area the park is located is a great safe environment for young kids as well"

"People who stay in the town will support the local businesses...shops, pub. If they have to be accommodated further away it will make Forrest less attractive to visit, and reduce visitor numbers for both casual visits and for major events."

"Centrally located within the Otway NP region, it has become a great location for caravaners to stop and explore the region without the need to wrestle with the crowds that the Great Ocean Rd has over the holiday period."

- **The community would like to see caravan park options in Forrest expand**

Whilst acknowledging that growth of the caravan park would be difficult at the current site due to land size constraints, there is a strong appetite for expanding Forrest's caravan park offerings. Several alternative sites were suggested during consultation including the football ground and the former tip site. This has also been identified in the Forrest Community Plan as a priority. Council should consider this feedback as part of its longer-term strategic planning for Forrest, as a larger caravan park in Forrest would support further growth of the local economy and mountain bike network use.

- **Some members of the community are nervous about the concept of the lease going out to Expression of Interest/potentially changing hands**

There is a contingent of respondents, particularly those who hold annual campsites, who are happy with the current caravan park operations and don't want things to change. In particular, they do not want to pay more for their campsites. What is clear is that the EOI process is an opportunity to establish a far more detailed agreement with a lessee than was previously struck when the lease was originally let 20 years ago, which provides better clarity to Council, lessees and the community about all aspects of the lease and the area of land it occupies. Negotiation with potential proponents to the EOI will include standards set about the number of annual campsites as well as maintenance, OH&S and attractiveness of annual sites.

It is noted that the current tenants significantly increased prices recently leading to negative feedback from visitors to the region.

Direct quote extracts from survey:

"Why pay all this money for EOI when the current managers are doing a great job? We love it as it is."

"I feel sometimes these processes make it easy for big entities to sweep in and capitalise on the hard work and effort of operators that are trying to build it up from very little. Big is not always better and I think the cultural aspects and the tone in which the park is run now is an important consideration in the process "

"The beauty of the Forrest Caravan park is it is old skool (sic). As soon as a caravan park becomes commercialised by being taken over by a major player the face of the park and in turn the town changes. It loses its uniqueness and character, which has a sweeping effect on the whole town. Forrest is charming....something like Big4 is anything other than charming"

- **Most (but not all) people like that there is a collection of 'permanent' caravan parks onsite**

There are currently 29 'annuals' at the caravan park (people whose caravans remain onsite all year round). The current lessees have reported to Council that their 'annuals contracts' state that annuals are permitted to reside in their vans for 45 days of the year. At caravan parks on Crown Land, visitors with longer-term onsite van sites can stay for a maximum of 59 consecutive nights and a total of 180 days per calendar year. Potential proponents are required through the EOI to state their expectations for future arrangements with annuals.

Some respondents remarked on the important role 'annuals' play in supporting the Forrest economy and as a volunteer workforce on the Forrest mountain bike trails throughout the year, but in particular during the low season. Other respondents believe that a reduction in annual sites would result in better tourism throughput via increased occupancies. This was a very divisive topic.

Council officers video conferenced with seven annuals, who strongly expressed a desire to keep their vans onsite regardless of whether the lease changes hands. They like the casual atmosphere, the bush setting, the freedom to take their pets to the park and to light fires in drums, and the affordability of the park. There were two annuals who were less than satisfied with the current management arrangements.

During visits to site, officers have observed a range of issues in the annual section of the caravan park which will need to be addressed regardless of who secures a new lease. These include issues with wastewater management, a general lack of maintenance/untidiness, shelters/buildings of questionable structural integrity, and gas, electricity and water infrastructure that may not be up to code. The previous lease document has not given Council a strong grounding to enforce compliance on many of these issues, but a new lease will set clear expectations which are readily enforceable if issues arise.

Direct quote extracts from survey:

"As mentioned earlier, the permanent site holders particularly through the Christmas/ New Year period will block access into the middle road and if you do walk or ride down the road you get the sense of trespassing onto their land! My family and I along with a few others have made Forrest our annual Christmas (mtbing) break for 10+yrs now and will continue to come to Forest. But this sense of entitlement that some (not all) the permanents have I find as a poor reflection on what the region of Forrest truly is."

"I value the current "annuals" and I hope the costs and regulations don't change to make it unaffordable for them."

"Remove permanent tenancy which are a blight on the facility and actively discourage tourism, and are in no way building compliant. How do these tenancies dispose of their sewerage?"

"Removal of permanent privately owned on site caravans annexes and decks in favour of more van/ camper trailer sites for short term visitors to increase occupancy. More efficient use of sites. Resident managers/caretaker."

"Hoping you consider the Annuals (permanent caravan sites) when making decisions. They have put a lot of time, money and effort into their vans, sites. Hoping that you give everyone a fair go that is involved in the park."

- **Many people value the environmental/bush feel, and the casual nature of the park**

Strong feedback was received through the consultation process about the environmental values of the caravan park, and the importance of retaining the 'bush' feel. The EOI includes an expectation that proponents describe how they propose the caravan park will value add to Forrest's current tourism characteristics.

Direct quote extracts from survey:

"The quiet nature of the park, safety for kids to roam freely on their bikes within the park"

"I love the natural feel and the community of annuals within the park. I love that we can bring our dogs, have a fire and the kids can ride their bikes around the gravel roads. It would be sad to see it change to boom gates and jumping pillows."

"Cruisy friendly atmosphere, allowed to have pets and a fire."

"It's relaxed feel. As soon as you come there, you feel instantly like you're on holidays. It's not over run, or over touristed. It meets a nice balance with the friendly permanents, mountain bikers and locals and the few times a year it gets really busy, it manages that well. It doesn't feel impersonal like a 'Big 4' park. It feels like a home away from home, and I hope that doesn't change."

"Location. Friendly operators. Proximity to attractions."

"Natural blending in as part of the village. Minimalistic. Quiet and easy going, no fuss."

"Perfect place for mountain bikers who just want simple."

- **There is almost universal support for upgrades to the public and private (caravan park) amenities in Forrest, as well as the sewerage/septic system at the park.**

Almost all respondents believe the amenities need upgrading, with many also arguing they should be enlarged. Council should consider upgrades to public amenities in Forrest as part of its strategic planning. The EOI clearly states an expectation that proponents will address maintenance or capital investment in facilities.

Many also commented on the wastewater management issues at the site, which will be addressed by Council's planned upgrade of the septic system.

- **There is room for improvement in the management of the Forrest caravan park, both from a Council and an operator perspective**

There was consistent feedback about the management of the caravan park and opportunities for improvement. Many respondents spoken openly about expectations of a quality caravan park experience, including pricing, facilities, standards etc.

EOI Document

The EOI document as attached to this report uses Council's standard lease EOI document with additional terms added relevant to this lease. The key learnings from community consultation outlined above are incorporated into the document. Some elements have been kept broad without a specific expectation set to allow proponents to respond with creative solutions. This includes development options, maintenance and levels of staffing on-site. The assessment of submissions will consider community feedback against these points.

Due to the complexities with current Chattels, wastewater upgrades, amenity infrastructure, development options, site layout and the Forrest Common it is compulsory for any perspective proponents to conduct a site visit / inspection with Council's Manager Economy & Business Enterprises and other authorised representatives from Council prior to submitting an EOI.

Schedule 2 and 3 of the EOI document include site plans and the current proposal for the wastewater upgrade to the caravan park.

Additional Details

Planning

The site is zoned Public Park and Recreation Zone (PPRZ) with a Bushfire Management Overlay (BMO), Erosion Management Overlay (EMO) and a section of the site being an Area of Cultural Heritage Sensitivity. Development of the site as a caravan park is permitted under the zone with a planning

permit required for installation of any cabins and construction of amenity blocks or associated facilities.

Ownership of Access Road

The joint access road to Forrest Caravan Park is a registered road reserve owned by Council. The road reserve is included in point 4.3.10 and Schedule 2 of the EOI document. The EOI document specifies it is the responsibility of the tenant to maintain the road reserve as well as the Forrest Common including mowing the grass, but the road reserve is not within the leasable area to be used for camping.

Asset Condition

It is noted that the EOI document requires proponents to address renovation or development of current facilities at Forrest Caravan Park in any proposal. The EOI does not set specific asset condition standards instead setting an expectation that these standards will be set in negotiation with proponents depending upon the level of redevelopment. Section 4.3.13 requires that these standards will be at a level required for a 'high quality caravan park'. Additionally, section 4.3.16 requires the tenant to conduct an annual arborist report on all canopy trees on-site and rectify any issues that pose a danger to facility users.

4. COMMUNITY CONSULTATION & ENGAGEMENT

Forrest community members are active, engaged and interested in the future of their town.

Council has conducted video conferencing interviews with 30 people to help inform the EOI, completed a mail drop which contained hard copy survey's as well as information about the engagement process and also conducted an online survey which garnered 159 responses.

Officers have also taken part in strategic planning for the Forrest Community Plan, which has set a long-term vision for the town including factors such as the caravan park.

5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

Alignment to Council Plan 2017-2021:

Theme 1 - Our Prosperity

1. Plan infrastructure, assets and land use with a long-term vision for economic growth.
2. Support a thriving economy and industries.

Theme 2 - Our Places

1. Assets and infrastructure meet community needs.
2. Our places are managed for long-term sustainability.

Theme 4 - Our Leadership & Management

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

6. CONSIDERATIONS

ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

The Forrest Caravan Park is the main provider of accommodation in the township. It allows tourists to stay and enjoy a range of coastal and hinterland attractions including the Forrest Mountain Bike Trails. The continuity of caravan park accommodation in Forrest is important to the town's economic future, and the caravan park is highly valued for its place in the natural environment.

The Forrest community has a clear vision for the Forrest Common to become a social and cultural hub. Any new arrangements for the caravan park will need to balance these competing interests.

Due to ongoing issues with wastewater management at the Forrest Caravan Park, Council allocated \$250,000 in its 2019-20 budget for a new treatment system, holding tanks and effluent disposal system. This project has been scoped and designed and is ready to go to tender following the completion of a Cultural heritage Management Plan (CHMP).

LEGAL & RISK

The *Local Government Act 2020* sets out the required process for leasing a property which includes public notification processes on the proposed key terms of a lease. These processes will be followed accordingly, once the EOI process has been undertaken and a preferred lessee is identified.

The property has been leased to various operators since 2001. A lot has changed in Forrest and in the leasing environment in the past two decades, thus putting the lease out to EOI means Council can be fully satisfied that it obtained best value from the lease.

FINANCIAL & BUDGETARY

It is noted that previous rental valuations of the site are not applicable due to upcoming upgrades occurring including to the wastewater system. A rental valuation will be undertaken within 6 months of entering into a new lease.

Rental value will vary depending upon the level of capital investment from lessees and will be confirmed after completion of the EOI process including negotiations.

7. IMPLEMENTATION STRATEGY

COMMUNICATION

When the EOI document is approved, the EOI will be advertised through local and regional outlets.

TIMELINE

Subject to Council approval, the EOI will be released in line with the recommendation of this report.

8. OFFICER DIRECT OR INDIRECT INTEREST

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

Date 27 May 2021



Invitation for Expression of Interest

Lease of the buildings and land known as "Forrest Caravan Park", 1 Station Street Forrest as part of Lot 1 of Title Plan 572740 and Lot 1 on Title Plan 613717

Colac Otway Shire Council

Expressions of Interest close at 2.00pm (Australian Eastern Standard Time) on Friday 20 August 2021.

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Invitation for Expression of Interest

1. Definitions

In this Invitation:

Forrest Caravan Park means the buildings and land as set out in the attached plan in Schedule 2.

Council means Colac Otway Shire Council.

Invitation means this invitation for Expressions of Interest.

Land means the land and building known as Forrest Caravan Park at 1 Station St, Forrest.

Premises means the areas to be leased, as per the Attached plan in Schedule 2.

Proponent means a person or corporate body who lodges a Proposal in accordance with this Invitation.

Proposal means the Proponent's response to this Invitation.

Registration Form means the registration form attached in Schedule 1.

2. Overview and Purposes

2.1 Overview

Council is seeking to secure a tenant to operate the Forrest Caravan Park as a caravan park business.

2.2 Purposes

Council's purposes in undertaking this Invitation are:

2.2.1 to provide sufficient details to enable each Proponent to make an assessment of the premises and prepare an informed proposal; and

2.2.2 to enable Council to identify proposals which meet Council's objectives.

2.3 Background & Key Information

2.3.1 The township of Forrest is the key tourism service centre for the Colac Otway Shire and surrounding region, with a population of 230 (2016 census). The town has a strong economy based on tourism in the heart of the Otway Rainforest; focusing on adventure activities (mountain biking), exploring nature, food and beverage and a growing stopover interest based on significant visitation to the Great Ocean Road. The Forrest Caravan Park site is located on the east side of Forrest which is known as 1 Station St, Forrest. The property is located on Council owned land.

2.3.2 Situated in the breathtaking Great Otway National Park, Forrest was traditionally a timber town before the industry closed in the early 2000's. Forrest was rejuvenated as a tourism town lead by the development of one of Australia's first mountain bike networks which currently receives about 25,000 riders annually and is about to

undergo a major revitalisation project. Forrest is now a regional player in the Tourism industry as a destination for adventure sports, exploring nature and food and wine lead by local breweries.

- 2.3.3 Forrest Caravan Park is currently the main provider of visitor accommodation to the township of Forrest.
- 2.3.4 Council is currently upgrading the wastewater system at Forrest Caravan Park. A map of the proposed wastewater system is included in Schedule 3. The wastewater system will increase the total capacity of the caravan park to approximately 264 patrons (or 115 sites as 91 Caravan / Camping, 24 Permanent Sites, Public Toilet Facilities & Staff). Full details on the waste water plans and timeframes will be provided during the site inspection. Council are advocating to Barwon Water to provide wastewater services to the township of Forrest. If this is installed, it will likely not affect the total capacity of the caravan park. There will be an annual expense associated with maintenance of the septic system that will be the responsibility of the Caravan Park tenants. It is expected a quarterly service by an approved service technician will be required costing \$200-\$300 per service. The proposed system may use an estimated \$10,000 - \$15,000 in electricity per year.
- 2.3.5 Currently there are a number of annual tenants at Forrest Caravan Park that have an ongoing agreement with the existing tenant. It is noted that annual tenants do provide value to the Forrest Community through provision of staff to businesses and volunteers to maintain the Forrest Mountain Bike Network. It is expected that perspective proponents will propose their plans and expectations regarding the option of annual tenants and their premises. There will be an agreed minimum maintenance standard set in negotiation with proponents before a lease is entered into.
- 2.3.6 The Forrest Common is a parcel of land next to the public playspace as seen in Schedule 2 that was purchased by Council numerous years ago. The Forrest Common is currently public open space and is maintained by the tenants of the Forrest Caravan Park. The current lease agreement allows for the tenant to use the Forrest Common for overflow camping 4 times per year upon pre-approval from Council during major events and / or peak season. After community consultation, a new lease will allow for overflow camping into the Forrest Common up to 8 times per year. Proponents are to include in the application preference for Forrest Common usage. The overflow camping agreement may look like:
- (a) A maximum of 8 separate times per year will be considered
 - (b) An application for dates is submitted every 12 months, to assist with long term park bookings
 - (c) 2 periods of 7 days or less are permitted during December and January
 - (d) 1 period of 7 days or less is permitted during February to November
 - (e) 5 periods of 4 days or less are permitted during February to November
 - (f) The Caravan Park (Leased area) must be 100% full before the overflow area is offered to customers
- 2.3.7 In 2019 Council conducted a Forrest Common Masterplan which outlines a proposed development of the public open space for use by the local community, visitors and caravan park residents. There is no current funding allocated to deliver the Forrest Common Masterplan. An overview of the Forrest Common Masterplan can be viewed in Schedule 4.

- 2.3.8 The site includes existing toilet and amenity blocks that are in need of redevelopment. Any amenity and infrastructure developments will remain the property of Colac Otway at the end of the lease. All proposals are to include plans for the capital development, refurbishment and / or maintenance of amenity blocks.
- 2.3.9 It is stated that the current tenant operates a business on the subject land. This invitation is expressly not offering any interest in the current tenant's business interests. The land and buildings offered will be subject to vacant possession and any expression interest shall be proposed on that basis. All cabins currently on-site are owned by the existing tenants and / or sub-tenants. Vacant possession is subject to any negotiation between the current tenant and a successful proponent for existing cabins on site.
- 2.3.10 The site is zoned Public Park and Recreation Zone (PPRZ) with a Bushfire Management Overlay (BMO), Erosion Management Overlay (EMO) with a section of the site being an Area of Cultural Heritage Sensitivity. Development of the site as a caravan park is permitted under the zone with a planning permit required for installation of any cabins and construction of amenity blocks or associated facilities.
- 2.3.11 Table with description of existing site:

Site Information	
Property	Forrest Caravan Park 1 Station St, Forrest
Owner	Colac Otway Shire Council (leased for commercial use)
Allotment Size	Lease area 2.36ha (approx.) Forrest Common 0.35ha (approx.) Public Parking & Tennis Courts 0.45ha (approx.) Joint access road 0.18ha (approx..)
Existing Site Use	Caravan / holiday park consisting of the following: <ul style="list-style-type: none"> - 10 cabins - 2 caravan units and 1 tent site - 24 (powered) and 54 (unpowered) sites - Amenity block In addition: <ul style="list-style-type: none"> - 24 permanent sites - Public toilet facilities

3. Council's Objectives for the Premises

The principal objectives of Council are to:

- 3.1 maximise the financial and/or economic stimulus to Council and the community;
- 3.2 procure a quality caravan park service including investment in capital upgrades for the development of the caravan park facilities;

- 3.3 create a caravan park that adds value to Forrest as a tourism destination for nature experiences, adventure sport and unique food and beverage experiences;
- 3.4 select a well credentialed and financially credible proponent to operate the caravan park with appropriate experience and capability;
- 3.5 achieve a relevant and mutually beneficial lease including development options.
- 3.6 deliver a range of camping and accommodation options

4. The Expression of Interest Process

4.1 Timetable

This Invitation is issued on Friday 25th June 2021 and all Proposals must be submitted by 2:00pm (Australian Eastern Standard Time) on Friday 20th August 2021 (**Closing Date**), in accordance with clause 4.5.1.

4.2 Inspection

It is mandatory for prospective Proponents to inspect the Premises with a Council Officer (Manager Economy & Business Enterprises or authorised representative) prior to the Closing Date. There will be a minimum of 2 Council representatives at all site visits. All site visits will be minuted. All queries regarding inspections should be directed to:

James Myatt
 Manager Economy & Business Enterprises
 Colac Otway Shire Council
 2-6 Rae Street
 COLAC VIC 3250
 Telephone: 03 5232 9400
 Email: EcoDev@colacotway.vic.gov.au

4.3 Key Terms of lease

The lease will contain the following terms (and any other terms required by Council or contained in the Council Lease Template):

- 4.3.1 The term of the lease will be 20 years commencing on or after 28th April 2022.
- 4.3.2 The rent will increase on a schedule that is dependent on level of capital investment as outlined below:
 - (a) For proposals with minimal capital investment in facilities rent will increase by CPI per annum on each anniversary of the commencement date during the initial term, any further term(s) and any period of holding over, and on the commencement date of each further term. There will be an independent valuation of rental value after 10 years to which the rent will change.
 - (b) For development leases with significant capital investment in facilities, rental increase methodology will be negotiated with preferred proponents,
- 4.3.3 The tenant must provide Council with a security deposit equivalent to 3 months' rent.

- 4.3.4 If the tenant is a company other than a public company, the execution of a guarantee and indemnity by each of the directors of the company in a form required by Council.
- 4.3.5 The tenant must pay the following outgoings:
- (a) 100% of all rates and taxes for the area of the Premises;
 - (b) 100% of all outgoings such as electricity, water, septic and gas for the area;
- 4.3.6 The tenant may not place marketing material on or within the grounds without the approval of Colac Otway Shire and relevant Planning permission.
- 4.3.7 The tenant must provide all equipment, accommodation, fixtures etc. necessary for operating the Caravan Park. Ownership of all chattels, fixtures and fittings will be clearly defined in the lease.
- 4.3.8 The tenant must maintain the Premises to an agreed minimum standard (fair wear and tear excepted) at its own cost.
- 4.3.9 At the end of the lease, the tenant must give the Premises back to Council in a condition consistent with the tenant having complied with its repair and maintenance obligations.
- 4.3.10 The tenant must maintain the Caravan Park, Forrest Common and shared access road to an acceptable standard including cutting grass and maintain facilities.
- 4.3.11 The tenant is required to provide Council with annual user figures broken down by month.
- 4.3.12 Agreement for the Tenant to use the Forrest Common Area for overflow camping 8 times per year with prior approval from Council.
- 4.3.13 The tenant must maintain, clean and manage all on-site facilities to an agreed standard required for a high quality caravan park including publicly accessible toilets.
- 4.3.14 All internal infrastructure is the responsibility of the tenant including but not limited to maintenance and renewal.
- 4.3.15 The tenant and any sub-tenant may undertake no major works onsite without the approval of Council. All minor works and maintenance by the tenant and any sub-tenant must be in accordance with the agreed maintenance and condition standards.
- 4.3.16 The tenant is required to undertake an annual arborists report for all canopy trees on the site and rectify any issues occurring that impact the safety of facility users. The annual arborist report is to be provided to Council.
- 4.3.17 The maximum capacity of the facility at any one time is 250 patrons.
- 4.3.18 All other conditions as per Council lease template.

As in Schedule 1, proposals can include requests for alteration to any of the key terms.

4.4 Expression of interest – registration form

Each Proponent must submit a Proposal in the form attached in Schedule 1 of this Invitation. Additional information can be attached if required.

4.5 Proposals

Each Proposal must include the following:

4.5.1 Registration Form

A completed, signed and dated Registration Form.

4.5.2 Financial return to Council

- (a) The proposed rent per annum, plus GST and outgoings.
- (b) Proposed capital investment in the development of existing facilities.

4.5.3 Details of the operation of the Caravan Park including additional benefits to Council and the Community including details of:

- (a) The proponents proposed site plan.
- (b) The proponents investment in fixed accommodation and other supporting infrastructure.
- (c) The proponents plan for the option of medium term and annual tenants.
- (d) Customer service expectations, levels of staff on site, booking systems etc.
- (e) Planned use of the Forrest Common for overflow camping.
- (f) Key terms of operational policies e.g. cancelation policy.
- (g) Proposed pricing model.
- (h) Marketing plan including value add to Forrest as a Mounting Biking and adventure Tourism destination.
- (i) Any additional proposed uses of the site or relevant operational matters.

4.5.4 Details of the Proponent's experience with operating a Caravan Park or similar and details of:

- (a) The Proponent's financial position, including balance sheet and profit and loss statement for the previous financial year if requested;
- (b) Business Plan and cash flow forecast for the proposed business; and
- (c) Any other relevant matters concerning the Proponent, including but not limited to insolvency events.

4.5.5 Proposed changes to lease terms including:

- (a) Any additional key terms of the lease; and
- (b) Any departures from Council's key terms.

4.5.6 Any other information requested in Schedule 1.

4.6 Procedure for Lodgement

4.6.1 All Proposals must be completed in accordance with clause 4.5 and Schedule 1. Proposals may be lodged:

- (a) by electronic submission into the Electronic Tender Box via www.colacotway.vic.gov.au 'current tenders page'

[Note: Proposals can be uploaded into the Electronic Tender Box in Microsoft Word or Adobe PDF document format. Adobe PDF is Council's preferred format for submissions. Submission files should be placed in a .zip format where convenient]; or

- (b) by mail to the Colac Otway Shire Council offices, 2-6 Rae Street, Colac VIC 3250.

Postal address:-
TENDER BOX
Colac Otway Shire Council
PO Box 283
COLAC VIC 3250

4.6.2 Council accepts no responsibility for proposals not being received prior to 2:00pm on the Closing Date. Proposals not received by 2:00pm on the Closing Date will be treated as late.

4.6.3 **Proposals that are late or which are not submitted in accordance with clause 4.6.1 above will not be considered by Council.**

4.7 Variations

Council is under no obligation to provide a Proponent with a further opportunity to respond to this Invitation or allow a Proponent to vary its Proposal, once that Proposal has been lodged.

4.8 More than one Proposal

Proponents may submit more than one Proposal in response to this Invitation.

4.9 Non-conforming Proposals

Council may consider Proposals which do not conform to this Invitation.

4.10 Local Government Act 1989

Proponents acknowledge that Council must comply with sections 190 and 223 of the *Local Government Act 1989* (Vic) before being able to enter into a lease for the Premises.

5. Evaluation Process

5.1 In assessing each Proposal received, Council will use the following evaluation criteria (not listed in any order of importance):

- 5.1.1 Maximise the financial return to Council and / or investment in long term infrastructure at the Caravan Park;
 - 5.1.2 Maximise the social return to Council and the community through an operator that is committed to work with the community and local businesses;
 - 5.1.3 Procure a quality Caravan Park service inclusive of excellent customer service;
 - 5.1.4 Well credentialed Proponent to operate the Caravan Park with appropriate experience and capability;
 - 5.1.5 Well credentialed Proponent who can demonstrate they have capacity to operate the Caravan Park, including suitable business plan and cash flow forecast;
 - 5.1.6 Achieve a relevant and mutually beneficial lease that value adds to Forrest as a tourism destination.
- 5.2 On completion of assessment of Proposals, Council may decide to:
- 5.2.1 proceed to a request for proposals process with short-listed Proponents;
 - 5.2.2 appoint a Proponent as preferred Proponent;
 - 5.2.3 negotiate with any or several of the Proponents; or
 - 5.2.4 terminate this Invitation.
- 5.3 Council will not be bound to engage any Proponent or review any Proposal that does not conform with the requirements set out in this Invitation.
- 5.4 The Proponent acknowledges that Council is not bound to accept the Proposal with the highest proposed rent or any Proposal submitted in respect of this Invitation and may terminate the Expression of Interest process at any time.
- 5.5 The submission of a Proposal does not give rise to any contract governing, or in any way concerning, the Expression of Interest process, or any aspect of the Expression of Interest process. Council expressly disclaims any intention to enter into such a contract.

6. No Fettering of Council's Powers

Nothing in this Invitation shall fetter or restrict the power or discretion of the Council to make or impose requirements or conditions in connection with any use or development of the Premises, or the granting of any planning approval or building permit, the approval or certification of any plans of subdivision or consolidation applicable to the Premises or the issue of a statement of compliance in connection with any such plans.

7. Costs and Expenses

Proponents will be responsible for all costs associated with making and submitting their Proposal in response to this Invitation.

8. Agency

If Proponents are responding through agents, then they must:

- 8.1 note that the agent is acting for and will be remunerated by the Proponent; and
- 8.2 provide formal written confirmation of authority from the Proponent with their response.

Neither Council nor any of its consultants will deal with or recognise any party other than those who have submitted the requested formal authority.

9. Nomination

Where a Proponent proposes forming a company specifically to be the tenant pursuant to any lease, Council may permit that lease to be executed in the name of the Proponent or nominee (or both of them) where the nominee will be the company to be formed, provided that:

- 9.1 such a proposal is clearly identified in the Proposal;
- 9.2 the proposed principals of such company are clearly identified in the Proposal; and
- 9.3 both the Proponent and the principals of that company guarantee the performance of that company pursuant to the provisions of the lease.

10. Confidentiality

Until a Proponent's offer is accepted by entry into a lease, neither the Proponent, nor Council, may disclose the terms of any Proposal, unless:

- 10.1 in the case of proposed disclosure by the Proponent, the Proponent obtains the consent of Council;
- 10.2 in the case of proposed disclosure by Council, Council obtains the consent of the Proponent; or
- 10.3 such disclosure is required for the purpose of the implementation of this Expression of Interest process.

11. Canvassing

- 11.1 The Proponent, its employees and consultants, must not approach, or request any other person to approach, any member, employee, officer or consultant of Council:
 - 11.1.1 to solicit support for its Proposal; or
 - 11.1.2 otherwise seek to influence the outcome of this Invitation.
- 11.2 The Proponent will, to the extent practicable and reasonable, avoid socialising with members, employees, officers or consultants of Council and, where such socialising occurs, refrain from discussing its Proposal or the Invitation.

- 11.3 The Proponent will direct all communications during this Expression of Interest process to Council's nominated representative, in written form, either by post or by email.
- 11.4 If the Proponent breaches this clause 11, Council may, in its sole discretion, disqualify the Proponent from participating in this Expression of Interest process.

12. Conflicts of interest

Proponents must declare to Council any direct or indirect conflict of interest of:

- 12.1 the Proponent;
- 12.2 any agent acting for the Proponent; and
- 12.3 any other consultant acting for the Proponent,
- in respect of Council or this Expression of Interest process.

13. Public statements

A Proponent must not make any public statement, including doing any media releases, in relation to this Expression of Interest process and must refer all enquiries from the media to Council.

14. Disclaimer

- 14.1 Neither Council nor any of its consultants accept any responsibility to any Proponent or other third parties under the law of contract, tort or otherwise for any loss or damage which may arise from anything contained in this Invitation, any matter deemed to form part of this Invitation, the supporting information or documents referred to in this Invitation, or any other information supplied to any Proponent on behalf of Council.
- 14.2 All information given to a Proponent and ultimately the preferred Proponent by Council or its respective officers or agents will be given on an "all care and no responsibility" basis.
- 14.3 By receiving delivery of this Invitation, each organisation and ultimately the Proponent shall, without qualifications, be deemed to have acknowledged acceptance of and shall be bound by the provisions of this clause 14.
- 14.4 Council reserves the right not to proceed with the Invitation and to decline to discuss the Invitation further with any parties. No reimbursement of costs will be paid to persons or organisations preparing Proposals in relation to this Invitation.
- 14.5 No unsuccessful organisation will be entitled to any redress against Council or in the event that Council permits any amendments or additions to any Proposals or enters into any agreement in relation to the Premises with any other person whether an organisation or not.

15. Further Information

- 15.1 All requests for further information regarding this Invitation should be directed to:
- James Myatt

Manager Economy & Business Enterprises
Colac Otway Shire Council
2-6 Rae Street
COLAC VIC 3250
Telephone: 03 5232 9400
Email: EcoDev@colacotway.vic.gov.au

- 15.2 Questions must be received no later than five (5) working days prior to the Closing Date, and will be responded to within two (2) working days of being received by Council.
- 15.3 Unless Council is of the opinion that questions or requests for further information or clarification are specific to a particular Proponent, answers provided to questions or requests for further information or clarification will be made available to all Proponents. Council will not disclose the identity of the Proponent that submitted the question or request for further information or clarification.
- 15.4 Council, in its absolute discretion, reserves the right not to respond to questions or requests for further information or clarification.
- 15.5 After the Closing Date, Council may seek to clarify any aspect of a Proposal that it considers to be unclear, ambiguous or contain contradictory statements on the following basis:
 - 15.5.1 requests for clarification may be issued to Proponents with response time constraints. If the Proponent fails to respond within the requisite timeframe, the answer, once received, may not be admissible;
 - 15.5.2 requests for clarification will be presented in writing to the Proponent's nominated contact person via the email address stated in Schedule 1;
 - 15.5.3 Proponents may be invited to an interview to provide responses to requests for clarification; and
 - 15.5.4 responses to a request for clarification must not change a Proposal and any response attempting to change a Proposal will be withheld from consideration.

Schedule 1 Expression of Interest Registration Form

A. PROPONENTS MUST COMPLETE THE FOLLOWING DETAILS:

1. **Name:**
2. **Registered Office:**
.....
3. **Postal Address:**
.....
4. **Nominated
Contact Person:**
5. **Telephone:**
6. **Facsimile:**
7. **Email Address:**

B. ITEMS TO BE COVERED IN THIS PROPOSAL INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

- Financial & Investment:
 - The proposed rent per annum, plus GST and outgoings
 - Proposed capital investment in the development of existing and / or new facilities (mandatory to address)
 - Proponents investment or provision of fixed accommodation e.g. cabins
 - Caravan Park pricing model
 - The Proponents financial position including balance sheet and profit and loss statement for the previous financial year (if requested)
 - Business Plan and cash flow forecast for the proposed business
 - Any other relevant matters concerning the Proponents, including but not limited to insolvency events.
- Operational
 - The proponents proposed site plan
 - Planned use of the Forrest Common area for overflow camping including number of times per year access is requested
 - The proponents plan for the option of medium term and annual tenants
 - Customer service expectations, including but not limited to levels of staff on site and booking systems
 - Key terms of operational policies, including but not limited to a cancellation policy
 - Marketing plan including value add to Forrest as a Mountain Biking and adventure Tourism destination
 - Any additional proposed uses of the site or relevant operational matters
- Lease Terms
 - Any additional key terms of the lease
 - Any departures from Council's key terms
 - Confirmation of pre-application site visit with James Myatt, Manager Economy & Business Enterprises or authorised representative

Schedule 2 Maps of Lease Area

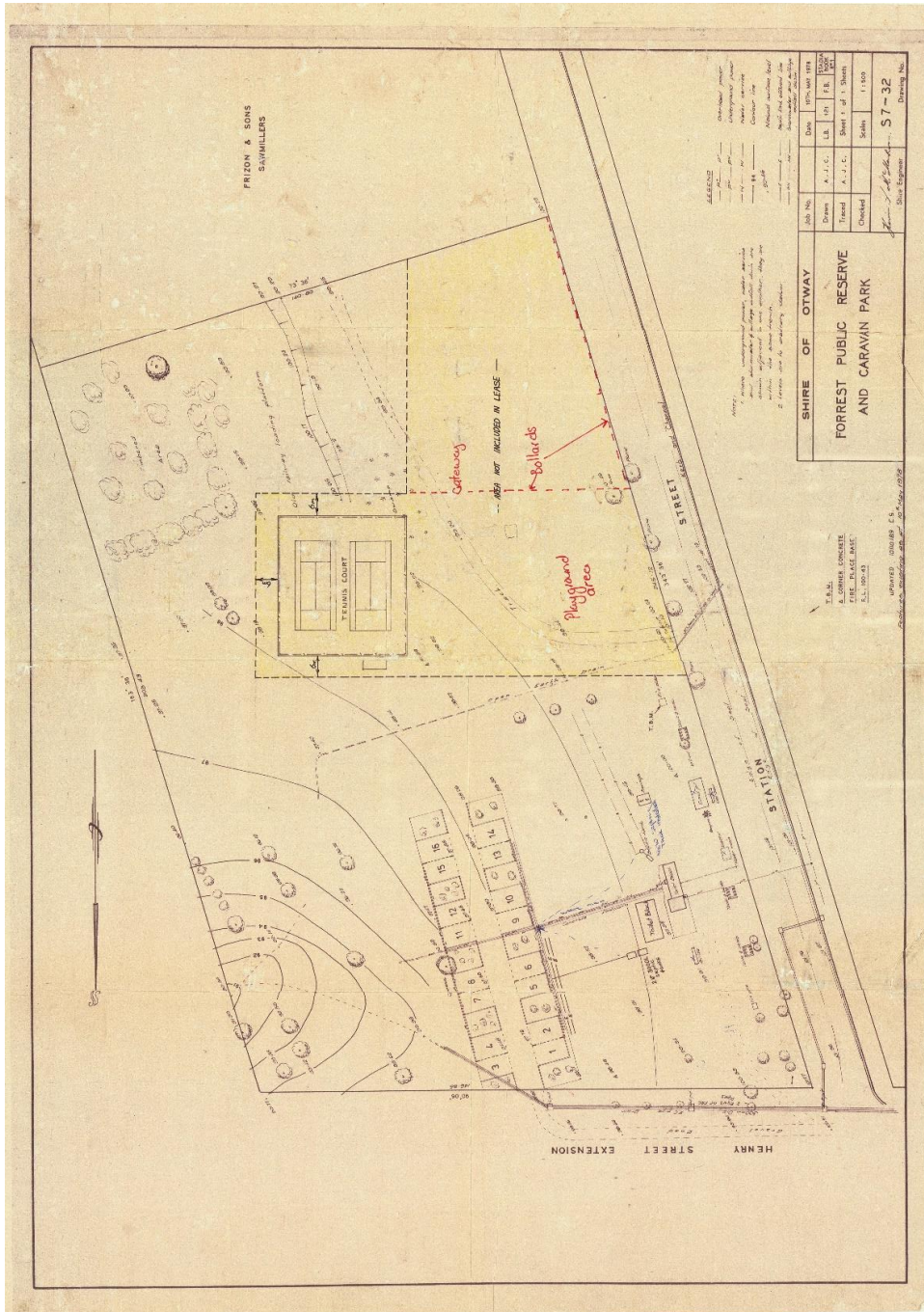


Figure 1 – Historical plan of the leased area for Forrest Caravan Park. Leasable area includes all the land above Station St that is not highlighted in yellow. The area highlighted in yellow forms two areas. The first area includes the tennis courts with a 6m barrier on either side and the car park / playground area between the tennis court and Station St. The other area is the Forrest Common which can be used for camping 8 times per year upon approval from Council. A rough overlay of this map is over current areal imagery in Figure 2.



Figure 2 – Aerial image of Forrest Caravan park with rough boundaries for reference. The blue area is the Forrest Caravan Park Lease area. The dark red / maroon area is road reserve for joint access to multiple properties including primary access to Forrest Caravan Park. The light green areas is a community car park, play space and tennis courts. The dark green area is the Forrest Common.

Schedule 3 Proposed Wastewater System

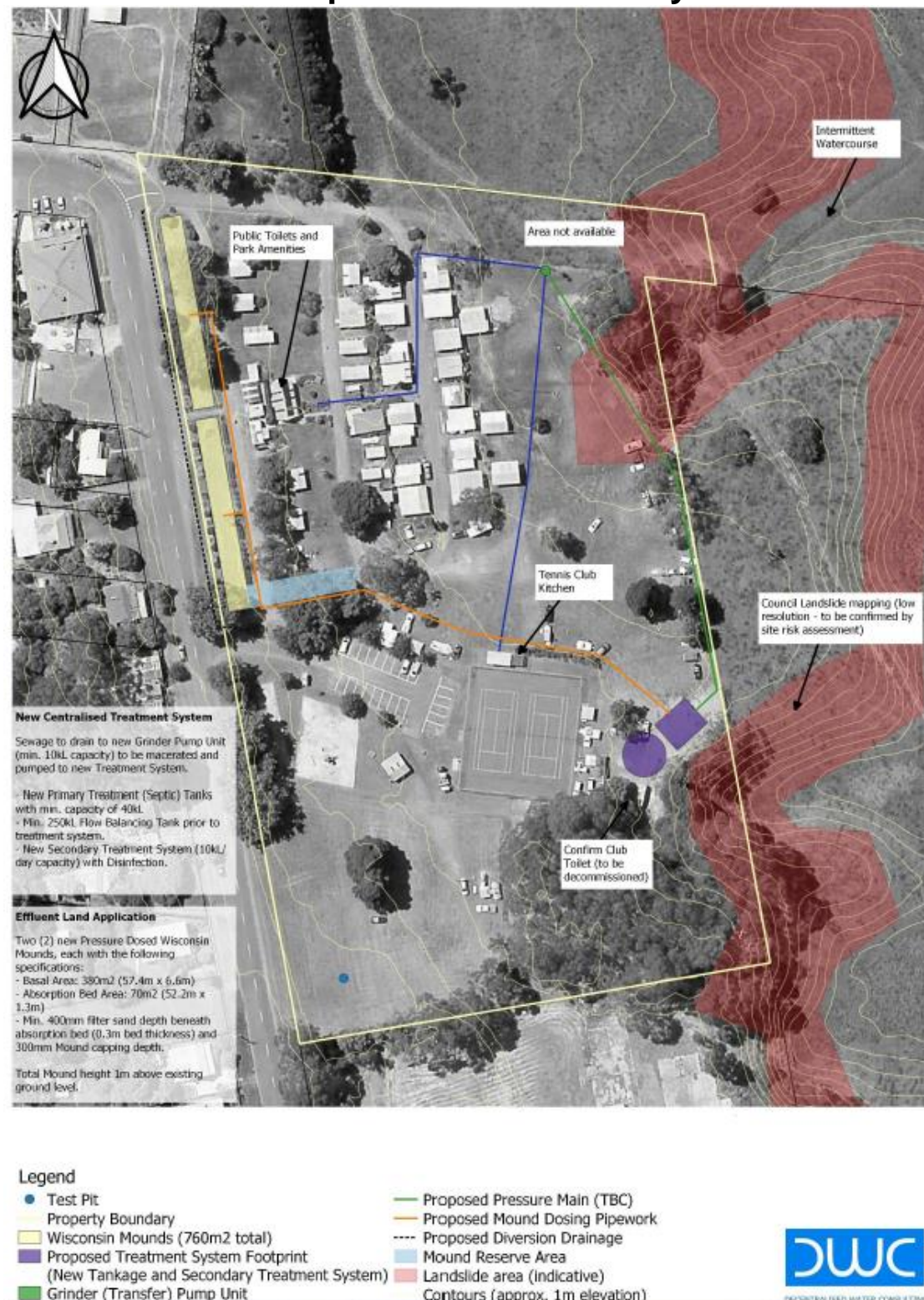


Figure 3 – Forrest Caravan Park – Proposed On-Site Wastewater System.

Schedule 4 Forrest Common Masterplan



MP1-FORREST COMMON DRAFT MASTER PLAN FORREST COMMON COLAC OTWAY SHIRE COUNCIL

Figure 4 – Diagram displaying Forrest Common Masterplan

Item: 10.7

Road Management Plan Review

OFFICER	Gary Van Driel
GENERAL MANAGER	Tony McGann
DIVISION	Environment & Infrastructure
ATTACHMENTS	<ol style="list-style-type: none">1. Road Management Plan 2018 [10.7.1 - 27 pages]2. Road Management Plan 2021 Version Final Draft for Public Exhibition - OCM - June 2021 [10.7.2 - 34 pages]
PURPOSE	For Council to consider the community responses and recommendations to the draft 2021 Road Management Plan.

1. EXECUTIVE SUMMARY

In accordance with the *Road Management Act 2004* (RMA), Council must review its Road Management Plan (RMP) within 6 months of the Council elections or by 30 June the following year, whichever occurs later.

To comply with the RMA, Council underwent an internal review process which involved input from internal stakeholders and Council's Insurers. As a result, multiple minor changes were proposed to the current RMP dated 2018.

These changes are proposed to align the existing RMP with current legislation as well as improve the layout and logic of the RMP. The Audit and Risk Committee were briefed on the progress of the review in February 2021 and following a period of public consultation, will be presented with the updated RMP with any proposed changes in May 2021.

Engagement with the community on these proposed changes is a crucial part of the revision process. As such, Council formally resolved at its Ordinary Council Meeting on 24 February 2021 to place the draft RMP on public exhibition for 6 weeks, such period ending on 8 April 2021.

At the end of the public exhibition period (8 April 2021), three submissions have been received from the community. One of these generates a recommendation for some additional wording to the draft RMP (see below).

It is recommended that:

- A 5th bullet point be added to both Sections 6.7 “Levels of Service” and 8 “Coordination of Works” as follows: “The management and protection of Council’s roadsides with respect to native vegetation and the removal of noxious weeds in accordance with Council’s Roadside Vegetation Management Plan and the Colac Otway Shire Environmental Management Plan Code of Practice (December 2016 Version 1)”
- The Roadside Vegetation Management Plan and the Colac Otway Shire Environmental Management Plan Code of Practice (December 2016 Version 1) be added to the list of references in Section 10
- Council adopts the draft RMP with these changes as the final RMP 2021

2. RECOMMENDATION

That Council adopts the revised Road Management Plan 2021 as attached to this report.

3. KEY INFORMATION

The purpose of the RMP is to outline Council's standards and policy decisions as a Road Authority. The RMP sets the service standard that balances levels of risk that are reasonable for the road related assets with usage and cost-effectiveness. These road related assets include roads, kerbs, footpaths, signage, traffic management devices and stormwater drains.

In accordance with the RMA and the *Road Management (General) Regulations 2016*, Council is required to conduct a review of its RMP within the period of six months after each general election (or by the next 30 June).

The 2018 RMP has been reviewed based on:

- Compliance with current legislation such as the introduction of the new *Local Government Act 2020* is a transition process that extends into 2021 and some sections of the *Local Government Act 1989* are currently noted as “continuing indefinitely”
- Consideration of the draft findings in the independent auditor Crowe report
- Clarity and logic – to ensure that the document is easy to read and understand and is succinct in its content
- Comparisons of RMPs with several abutting/nearby coastal municipalities to identify common approaches, differences in inspection frequencies, intervention levels, target response times etc
- Comments from key internal stakeholders consulted in the review process
- Comments from the community subsequent to the publicly exhibited draft RMP
- Comments from Council’s insurer.

At the end of the public exhibition period (8 April 2021), three (3) submissions were received:

1. Submission related to the condition of the Colac-Forrest and Forrest Skenes Creek Road which is a designated main road maintained by the Department of Transport. The submitter was advised that Council regularly pass on community concerns regarding the condition of its main road network. No changes are recommended to the RMP.

2. Submission related to concerns regarding the management of native vegetation and noxious weeds on Council roads generally. The submitter was advised that a number of policies relating to the RMP (eg. Street Tree Management Policy, Environmental Sustainability Policy, Asset Management Policy), generally cover the protection of native vegetation and Council's roadsides, though there is no specific wording as such. It is recommended that more specific wording is included in the RMP as follows:
 - A 5th bullet point be added to both Sections 6.7 "Levels of Service" and 8 "Coordination of Works" as follows: "The management and protection of Council's roadsides with respect to native vegetation and the removal of noxious weeds"
3. Submission relating to the traffic in Montrose Avenue, Apollo Bay. This does not affect the RMP. The issues raised have been referred to the Infrastructure Department for investigation

The aforementioned changes have been incorporated into the draft 2021 RMP which was submitted to the Audit and Risk Committee on 12 May 2021.

4. COMMUNITY CONSULTATION & ENGAGEMENT

The public exhibition period commenced on 25 February 2021 and ended on 8 April 2021.

5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

Alignment to Council Plan 2017-2021:

Theme 1 - Our Prosperity

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

Theme 2 - Our Places

1. Assets and infrastructure meet community needs.

Theme 3 - Our Community

1. Increase social connection opportunities and community safety.

The review of the Road Management Plan is supported by the following Council policies:

- Asset Management Policy (Council Policy No. 13.7 – updated 23 October 2013)
- Risk Management Policy (Council Policy RM-04 – updated 24 October 2018)
- Customer Service Policy/Guidelines (Council Policy No. 2.6 – updated 24 July 2013)
- Closure of Unused Government Roads, Licencing of an Unused Road or Water Frontage (Council Policy No. 13.1 – updated 23 October 2013)
- Installation and Use of Stock Underpasses (Council Policy No. 13.4 – updated 23 October 2013)
- Street Tree Management (Council Policy No. 13.6 – updated 23 October 2013)
- Installation and Usage of Cattle Grids (Council Policy No. 13.10 – updated 23 October 2013)
- Special Rate and Special Charges (Council Policy No. 11.3 – updated 23 October 2013).

6. CONSIDERATIONS

ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

Road Management Plan activities may potentially interact with existing roadside vegetation. Council must ensure it complies to requirements regarding native vegetation removal.

LEGAL & RISK

The review of the Road Management Plan is a legislative requirement and is supported by Council's Risk Management Policy.

FINANCIAL & BUDGETARY

Not applicable. It is not expected that any of the proposed changes to the RMP will impact on the budget.

7. IMPLEMENTATION STRATEGY

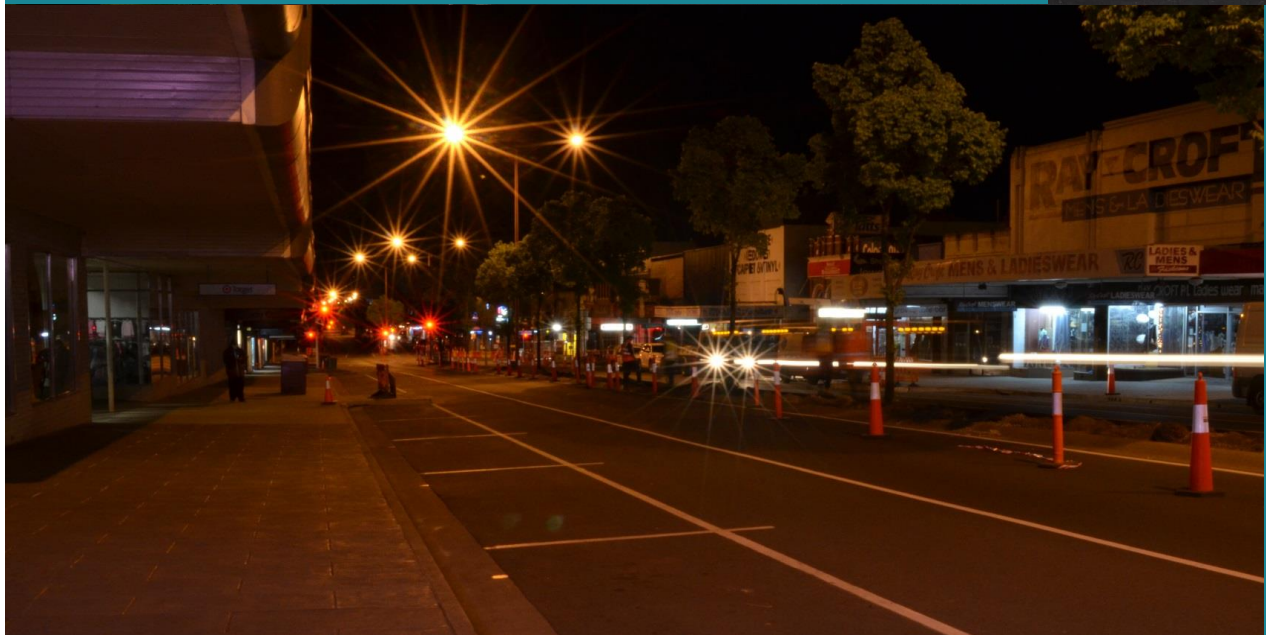
The RMP needs to be adopted by Council within 6 months of the election of a new Council or by 30 June in the ensuing year, whichever is later.

8. OFFICER DIRECT OR INDIRECT INTEREST

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



Road Management Plan



Colac Otway Shire
2018

Road Management Plan

GENERAL

Distribution

The General Manager of Infrastructure and Services shall be responsible for the:

- Control of this Plan,
- Distribution of the Plan, and
- Control and issue of any amendments.

Amendment Register

Issue	Date	Details	Amendment By
Version 1.1	April, 2006	Amendment No. 1	Gary Dolan General Manager, Infrastructure & Services
Version 2.0	June, 2009	Amendment No. 2	Neil Allen General Manager, Infrastructure & Services
Version 3.0	September, 2013	Amendment No. 3	Adam Lehmann Acting General Manager, Infrastructure & Services
Version 4.0	January, 2018	Amendment No. 4	Tony McGann General Manager, Infrastructure and Leisure Services.

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1. INTRODUCTION

1.1 Background

Colac Otway Shire is the road authority for those roads within the municipality for which it accepts management responsibility. Colac Otway Shire exercises its duty of care to the public in a number of ways, including planning and undertaking repairs and maintenance to the road network that it manages. Colac Otway Shire demonstrates its duty of care through having in place a reasonable regime to:

- Inspect the road network to discover defects; and
- Plan and implement repairs to overcome these defects

Where a dangerous condition in the road network is shown to exist, Council may satisfy its duty of care to road users by taking one or more of the following actions, depending on the circumstances of any particular case:

- Prioritising the condition in a capital works or maintenance program;
- Installing appropriate signs warning of the dangers;
- Closing the road; or
- Repairing the dangerous condition completely.

1.2 Legislative Requirements

This Municipal Road management plan (referred to hereafter as the 'Plan') has been prepared in accordance with the Road Management Act, 2004, one of the key purposes of which is to reform the law relating to road management in Victoria. The plan reflects the purposes and objectives of the council as required by the local Government Act 1989.

The Colac Otway Shire Council is the designated 'Coordinating Road Authority' for municipal roads within the Shire and is responsible for their care and management.

As the coordinating Road authority, Council must ensure that if a road is reasonably required for public use that it is kept open for public use and may, at its discretion, carry out work on the road. Council is under no obligation to do any specific work on any road and, in particular, is not obliged to carry out any surface or drainage work on any road other than specified in the Road management Plan.

1.3 Duties of the Road User

A road user has specific duties in the respect to the use of a public highway, including having regards to the rights of other road users. A road user must also take all due care to avoid causing the risk of damage to a public highway or any infrastructure located in the road reserve.

A person who drives a motor vehicle on a public highway must drive in a safe manner having regard to all the relevant factors including the:

- Standard of construction of the road;
- Prevailing weather conditions;
- Level of visibility;
- Condition of the motor vehicle;
- Traffic conditions;
- Relevant road laws and advisory signs; and
- Physical and mental condition of the driver.

The *Road Safety Act 1986* requires other road users (other than those driving a motor vehicle) to use a road in a safe manner, having regard to all the relevant factors. Other obligations of road users are also set out in the *Road Safety Act 1986* in regard to relationships with other road users and damage to road infrastructure.

1.4 Purpose of the Road Management Plan

The Road Management Plan ('the Plan') sets the relevant standards and policy decisions in relation to the discharge of Council's duties in the performance of its road management functions.

This Plan details the management systems that Council will implement to maintain, upgrade and operate its physical road assets cost-effectively.

Colac Otway Shire through the Plan accomplishes its duties by combining engineering principles with sound business practices, and providing tools to facilitate an organised logical approach to decision making.

1.5 Codes of Practice

Council is guided in the application of the Plan through Codes of Practice, as part of the Act. The codes set out benchmarks of good practice in relation to the road management duties of councils and allow scope for individual councils to set standards and allocate road maintenance priorities according to their particular level of resources.

The Plan includes the matters that relevant Codes of Practice specify.

A Code of Practice cannot:

- Impose a duty;
- Direct how operations may be done;
- Create an enforceable legal right; or
- Impose a liability or penalty

2. COUNCIL OBJECTIVES/POLICY

The Colac Otway Shire is committed to continual improvement in the way it manages its road network and associated assets. A fundamental component of this task is the maintenance of or the management of the ongoing performance and condition of this infrastructure.

This Plan provides a vision for how Council plans to manage its road network. This vision will ensure that the community is provided with a road system that returns optimum economic benefit for the life of the asset while recognising social, safety, environmental and user needs.

This document provides a policy framework to guide Council's management of the road infrastructure under its authority. It defines roles and responsibilities for decision making, outlines the way management requirements should be assessed, and addresses appropriate methodologies for roads based funding.

2.1 Key Stakeholders

A stakeholder represents any groups or individuals having an interest, in this case, the service provided by Council's road network.

The stakeholders in the management of Council's road and other related assets are many and often their needs are wide-ranging. The relevant key stakeholders are:

- Local residents including private car drivers, cyclists, pedestrians, etc.;
- Industrial and commercial operators and other transport services;
- Emergency services;
- Enforcement agencies;
- Primary producers;
- Land developers;
- Other Government Departments;
- Tourists and visitors to the area;
- Utilities as prescribed in section 3 of the Road Management Act 2004; and
- Council as the custodian of the network, including all internal and external support staff.

Road Management Plan (Version 3.0)
Date Adopted:
File Ref: 11/95398

The community's needs and expectations are becoming more demanding manifested by demands for services that provide better quality, value for money, environmental awareness and relevant value adding.

2.2 Council Plan

The Council Plan outlines the principles that support Council's commitments and serves as a standard by which community outcomes can be assessed. The Council Plan is a dynamic document which is updated annually to reflect changing priorities and impacts of external factors.

The Colac Otway Shire's Road Management Plan is consistent with Council's commitment to providing and maintaining infrastructure and assets that meet community needs now and in the future, whilst providing Best Value to the community. The specific objectives of Council's vision are:

- To ensure sound road management decisions;
- To ensure that Council's road assets perform effectively throughout their service lives; to appropriate standards, which have been set with due consideration of community expectations;
- To enable a sound basis for establishing road funding requirements; and
- To ensure sound allocation decisions between capital works and maintenance.

2.3 Risk Management Policy

The purpose of this policy is to provide a framework for risk management, and to define the responsibilities of staff and management in the risk management process. The Colac Otway Shire is committed to managing risk by logically and systematically identifying, analysing, assessing, treating and monitoring risks that are likely to adversely impact on Council's operations.

For all significant risks associated with Council's road infrastructure appropriately planned actions are determined and implemented. These actions include capital development, maintenance and/or operational enhancement.

3. COLAC OTWAY MUNICIPAL PUBLIC ROAD REGISTER

3.1 Register of Municipal Public Roads

The Road Management Act 2004 requires Council to keep and maintain a register of municipal public roads, and ancillary areas for which it has the responsibility for managing operational functions.

Public Roads are municipal roads which meet the definition as prescribed under the Road Management Act 2004 and have been determined by Council, acting as a Coordinating Road Authority, to be roads reasonably required for general public use. The definition of a municipal road under the Road Management Act 2004 includes any road within the municipality which is not a State road, including any road which:

- Is a road referred to in section 205 of the Local Government Act 1989, which indicates certain roads for which Council is responsible for care and management;
- Is a road declared by VicRoads to be a municipal road under section 14(1)(b) Road Management Act 2004; and
- Is part of a Crown land reserve under the Crown Land (Reserves) Act 1978 and has the relevant municipal council as the committee of management.

Council's Register of Municipal Public Roads is available for public inspection upon request. This document may be viewed at both the Colac and Apollo Bay Customer Service Centres during normal business hours.

Assets on municipal public roads that the Colac Otway Shire is responsible for and which this Road Management Plan incorporates include:

- Road surface, pavement, and earth formation;
- Surface and underground drainage systems;
- Signs, guideposts, line marking, barriers, and retaining walls;
- Footpaths and shared pathways;
- Parking areas,
- Bridges and major drainage structures, and
- Other road related infrastructure.

3.1.1 Criteria for Determining Whether a Road is reasonably required for General Public Use

A road is considered a Public Road when Council has made a decision that the road is reasonably required for general public use and hence included in the Municipal Public Road Register.

When deciding on which roads should be included or not included on the Register the very broad test is 'is the road reasonably required for general public use?' This test can be refined into more specific criteria that will provide a fair, consistent and justifiable guide for Council when deciding on which areas need to be added to the Register.

For a road to "be reasonably required for general public use", consideration should be given, but not necessarily limited to the following:

- The number and nature of separately owned and occupied properties abutting onto the road or requiring the road for access purposes;
- Whether the properties which abut the road or require the road for access purposes have alternative access rights;
- Whether the road connects into, and forms part of, the wider network of Public Roads;
- Whether the road contains assets owned and managed by public service authorities (gas, electricity, telecommunications, sewerage, water); and
- Whether the road is safe for public access (no horizontal or vertical alignment issues, existing pavement, suitable drainage, no large trees or obstacles restricting vision).

All roads included in the Register of Public Roads will be maintained to a standard as specified in the Road Management Plan. Council is not obliged to undertake any works on roads that are not registered as Public Roads.

Developers generally fund the construction of new infrastructure e.g. roads, footpaths, drainage, etc. as part of new subdivision developments. This leads to an expansion in Council's asset portfolio for which it is responsible for.

The Colac Otway Shire assumes responsibility of public highways created through expansion at registration of subdivision, providing that all infrastructure is constructed to meet Council's minimum specifications.

A public highway is not a public road for the purposes of the Act unless and until it is registered on Council's register of municipal public roads.

Council reserves the right to review the status of public highways as public roads, should they not appear on its register of public roads.

3.2 Road Discontinuance

Council may in accordance with Schedule 10(3) of the Local Government Act 1989 discontinue a public highway or part of a public highway via a notice published in the Government Gazette.

If a road or part of a public road is discontinued, Council must specify all details in its register of public roads.

3.3 Road Naming and Renaming

Where a road is required to be named or renamed the Local Government Act 1989 provides an administrative procedure for Road Renaming.

3.4 Road Hierarchy

Colac Otway Shire is a unique municipality with major topographical, climatic and geological differences within the shire that have a direct impact on the ability of Council to provide a suitable road network. If Council is to provide a sustainable road network system, its Road Classification system must take into account these differences. A Classification system and Hierarchy was adopted as part of this Plan.

The Colac Otway Planning Scheme, Victorian Grants Commission and VicRoads definitions were reviewed for applicability to the Urban and Rural areas of the Colac Otway Shire.

3.4.1 Local Road Classification

The classification system detailed below takes into consideration the above key issues and establishes a clear distinction between each classification. The classification system is primarily based on the functions of **Primary, Secondary, and Minor** within the road system.

Road Network

Hierarchy Identifier	Name	Explanatory Notes	Road Surface
P	Primary	<ul style="list-style-type: none"> ▪ Direct linkage between significant population centres and major traffic generators and supplementary to arterial road system within the municipality ▪ High heavy vehicle count ▪ Access to major industries and tourism nodes ▪ Generally >100 vpd 	Generally a sealed surface, may be an unsealed surface
S	Secondary	<ul style="list-style-type: none"> ▪ Carry moderate volumes of traffic and provide access by linking local areas to primary and arterial roads. ▪ Also provide links between the various minor roads. ▪ Cater for, but may restrain, service and heavy Vehicles. ▪ Minimum two clear traffic lanes 	May be either sealed or unsealed surface
M	Minor	<ul style="list-style-type: none"> ▪ Carry only local traffic ▪ Primary function is to provide property access ▪ Medium usage access to rural properties generating regular and consistent vehicle usage. Generally >30 vpd. ▪ Rural bus route minimum standard ▪ In the case of access to a single property with a residence, the road will only be maintained to the closest boundary of that property, ▪ Occasional usage property access routes ▪ Maintained infrequently (less than annual) ▪ Dry weather road only. All year round access is not guaranteed. ▪ Occasional usage primary access to non-residential rural properties generating sporadic vehicle usage. 	May be either sealed or gravel surface, in some cases just formed or natural surface

Footpath Network

Hierarchy Identifier	Name	Explanatory Notes	Footpath Surface
P	Primary	Primary footpaths provide connectivity between the different communities to the most popular destinations, including shopping precincts, community facilities, medical facilities, sporting facilities, transport hubs, etc. Primary footpaths have a width of at least 1.5 metres. Statutory shared paths are classified as Primary.	Concrete or other approved equivalent surface
L	Local	Local footpaths provide public pedestrian access between residences and primary footpath network as well as linkages between property frontages in residential areas.	Concrete or other approved equivalent surface

3.5 Demarcation of Responsibility

Council is responsible for the majority of the roads within the municipality. These are known as Local Roads and are listed on Council's Register of Municipal Public Roads.

The register of municipal public roads and associated maps define the roads for which Council has operational duties as a road authority. Operational functions for the purposes of this road management plan relate to the establishment of standards for the construction, inspection, maintenance and repair of road infrastructure.

Various infrastructure assets, for which Council has no management responsibility, may exist in the road network within the municipality. These assets are owned and managed by service authorities, individuals and other statutory bodies.

3.5.1 VicRoads

VicRoads is the coordinating road authority for the declared arterial road network within the municipality. Section 37 of the *Road Management Act 2004* sets out those parts of the arterial road network for which Council is the responsible road authority, across urban and rural areas.

Arterial roads located in the Colac Otway Shire are as follows:

Beech Forrest Road	Cororooke Road
Birregurra Road	Forrest Apollo Bay Road
Birregurra Deans Marsh Road	Gellibrand River Road
Birregurra Forrest Road	Great Ocean Road
Birregurra Road	Lavers Hill Cobden Road
Colac Ballarat Road	Princes Highway
Colac Carlisle Road	Skenes Creek Road
Colac Forrest Road	Timboon Colac Road
Colac Lavers Hill Road	Warncoort Birregurra Road

In the situation where the public road is an arterial road within an urban area, VicRoads is the coordinating road authority, excepting the following instances where Council has responsibility for all local components of the road system. These are:

- Service road traffic lanes and shoulders,
- Pathways outside of through carriageways and central medians,
- Indented parking bays and any other part of the roadway located 'kerb to kerb' that could not be made available for through traffic (being located either on the side of the road, in the outer separator or in the central median), and adjacent kerb and channel,
- Drainage pits and underground drainage outside of through carriageways or outer separators and underground drainage that is part of a municipal drainage scheme,
- Off road bicycle paths,
- Road markings for all parking bays, plus road markings on service roads,
- Local signage including street name signs, local direction signs, parking signs for the control of stopping or parking, and advance warning (but not advance direction) signs on municipal roads,
- Pedestrian fencing outside of central medians,
- Tactile Ground Surface Indicators (TGSIs) in footpaths and kerb ramps and at bus stops (except at central medians), and

(An urban area is defined in section 3 of the *Road Management Act 2004*.)

In the situation where the public road is an arterial road outside an urban area, VicRoads is the coordinating road authority; however Council is responsible for service roads, off road bicycle paths, pathways, associated local signage, and underground drainage that is part of a municipal drainage scheme.

For definition of the limits of responsibility between VicRoads and Council, where local roads

intersect with arterial roads in an urban and rural environment, refer to the Code of Practice for Operational Responsibility for Public Roads.

3.5.2 Department of Environment, Land, Water & Planning

Within the municipality a number of roads exist of Crown Land, in such areas as parks and forests, for which Department of Environment, Land, Water & Planning (DELWP) or Parks Victoria has management responsibility.

3.5.3 Adjoining Municipalities

The Act requires that a road authority be responsible for the operational functions of a road. In the instance of boundary roads with other municipalities, the responsibility is allocated according to an agreement between each municipality.

3.5.4 Rail Operators

The *Rail Safety Act 2006* requires rail operators and road managers to identify and assess risks that may arise from operations at certain interfaces (i.e. rail crossings), and seek to enter into safety interface agreements to manage those risks.

Within the Colac Otway Shire, V/Line and Australian Rail Track Corporation, as rail operators, are generally responsible for installing and maintaining all infrastructure located at rail crossings (e.g. crossing position signs together with other signs, barriers, gates, flashing lights, etc).

Council is generally responsible for the erection and maintenance of advance warning signs and all pavement markings associated with the approaches to rail crossings on municipal roads

3.5.5 Service Authorities

Many Utility Agencies utilise a road for their infrastructure. Non-road infrastructure within the road reserve is the responsibility of the person or body that is responsible for the provision, installation, maintenance, or operation of that particular asset.

A listing of typical utility assets found within a road reserve, and the relevant management authority is given below.

Asset Type	Management Responsibility
Street Lights	Powercor
Telecommunication infrastructure assets	Telstra
Gas infrastructure assets	Tenix Gas
Water & Sewerage infrastructure assets	Barwon Water
Electricity infrastructure assets	Powercor
Traffic Signal Installations	VicRoads
Rail Crossings	V/Line and Australian Rail Track Corporation

Assets or services within a municipal public road for which Council is not responsible for include gas pipes, water and sewerage pipes, cables, electricity poles, public telephones, and mail boxes.

3.5.6 Other Assets

In relation to provision of access from adjoining properties, there are a number of assets within a road reserve for which Council has no obligation to construct or maintain. Assets of these types are described as follows:

3.5.6.1 Vehicle Crossings

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Generally in urban areas the adjoining property owner is responsible for maintaining the portion of a vehicle crossing (i.e. driveway) located between the carriageway and the abutting footpath. Where there is no footpath, the property owner is responsible for that part of the driveway which extends from carriageway to the fence line. This also applies to vehicle crossings located in rural areas where the property owner is responsible for all of that part of the driveway between the road edge and the fence line.

The construction of a vehicle crossing and ongoing maintenance is to be carried out to meet Council's requirements. The property owner is also responsible for the maintenance of the immediate surrounds impacted on by the vehicle crossing to ensure that it is in a safe condition.

3.5.6.2 Nature Strips, Infill Areas and Vegetation

Nature strips and infill areas are those residual areas between the edge of road or back of kerb and the property boundary not occupied by a footpath or vehicle crossing. These are normally sown to grass and may contain other features such as street trees and utility poles and underground services.

Nature strips are not recognised as a road related asset and are therefore not formally inspected or maintained to a standard defined under Council's Road Management Plan. Council will only undertake works on a nature strip where there is a safety issue either reported as a customer request or identified through programmed inspection activities.

Responsibility for maintenance of the nature strip areas is generally left to the abutting property owner as part of the presentation of their property and general appearance of the local streetscape.

Service authorities are required to reinstate any disturbed nature strip areas to a condition which existed prior to any excavation works in relation to the installation or maintenance of their infrastructure.

Street trees within the road reserve are managed by Council, however an abutting owner has the responsibility to keep a road or footpath clear of vegetation growing from their property. Council may direct the property owner to trim any overhanging branches under provisions of its Local Laws.

3.5.6.3 Property Stormwater Drains

Property stormwater drains are constructed within the road reserve from the property boundary to a discharge outlet in the kerb, table drain or connected directly to Council's underground drainage system. Property drainage lines directly benefits the property and as such are the responsibility of the owner of the property being served to maintain.

3.5.6.4 Stock Underpasses

A stock underpass is generally a box culvert type structure constructed for the purpose of providing a safe under road crossing.

A landowner that constructs a stock underpass on a local road must first sign a section 173 Agreement (Planning and Environment Act 1987) with Council that includes requirements for the landowner to maintain the structure. A cattle underpass shall be designed in accordance with all relevant VicRoads Guidelines, Australian Standards, and other applicable design codes.

Council has a responsibility to maintain the road pavement areas, seal markings and guideposts across the stock underpass. Responsibility for the maintenance of the structure, including attachments such as guardrail, stock lanes, fencing and stock underpass drainage remains with the landowner for the duration of the agreement.

Regardless of maintenance obligations, Council has a duty of care to ensure that these assets are in a condition safe to the general community.

3.5.6.5 Cattle Grids

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A cattle grid is a type of obstacle used to prevent livestock from passing along a road which penetrates the fencing surrounding an enclosed piece of land.

The landowner benefiting from the use of a cattle grid is required to enter into a section 121 Agreement (Road Management Act 2004) for the construction, maintenance, repair, and insurance of the cattle grid. This agreement defines the roles and responsibilities of both Council and the landowners for the ongoing management of the cattle grid.

Cattle grids located on municipal roads are to be inspected and maintained in accordance with Council's relevant policy.

3.5.6.6 Fire Access Tracks

Designated fire access tracks throughout the Colac Otway Shire are specific purpose access tracks not intended for general access and provide only occasional access to non-residential property.

These are maintained by Council where Council has agreed to do so as a community emergency service and they are listed in the Municipal Fire Prevention Strategy. Fire access tracks are maintained to the standard as defined by Municipal Fire Prevention Plan and as funded by the Municipal Fire Prevention budget.

4. INSPECTION STANDARDS AND SERVICE LEVELS.

There are two main components of the Council's maintenance programs, these are:

- Proactive Routine Maintenance – programmed routine maintenance and repair work; and
- Reactive Maintenance – work carried out to rectify defects that are identified as exceeding 'tolerable levels' or where an emergency response is required.

4.1 Strategies for Planning Maintenance Work

A systematically planned approach is undertaken to ensure maintenance is effective. This includes the implementation of a maintenance strategy for key asset types, such as pavements, bridges, drainage, and other road related infrastructure.

For a particular asset type, the maintenance strategy includes the following considerations:

- A sound maintenance policy as a basis for planning all maintenance activity on that asset type;
- Consideration at both the design and constructions phases in order to reduce potential maintenance problems and in-service costs;
- A maintenance management system, including:
 - A current inventory for the asset type in question (e.g. pavements, signs, bridges, etc);
 - A regime of asset inspections to satisfy adopted schedules;
 - An effective asset condition and inspection recording system to produce informed decisions with regard to maintenance requirements; and
 - Maintenance performance criteria for the road network with consideration of community expectations.

4.2 Maintenance Policies

Council's maintenance policies for specific asset types are based upon the following principles:

- Road infrastructure assets being maintained to ensure that their whole-of-life performance is maximised, having regard to safety, community benefits, environmental and funding considerations,
- A collaborative approach taken to improve the performance and reduce maintenance costs of Council's road assets through team work by the Infrastructure and Services Units,
- A systematic, efficient and sustainable approach to maintenance management and work practices utilising best practice,

- Regular planned inspections of Council's assets undertaken to identify and monitor their overall condition over time, and
- Accessible information systems implemented for inventory control, condition identification of selected assets, and recording of inspections, service requests and all actions relating to maintenance activities.

4.3 Prioritising Works

Maintenance activities are objectively planned in order to achieve cost and operational efficiencies. The works program and schedule is based on seasonal/annual events and routine servicing. The most effective maintenance is based on forecasting a need and scheduling the available and proper resources and corrective actions at the appropriate time to achieve best results.

4.4 Maintenance Records

Accurate data is collected in order to make reliable judgments in relation to future network maintenance needs which consider funding requirements. Council's maintenance records are computer-based for ease of transfer, communication, and analysis.

4.5 Asset Inspections

In order for Council to carry out effective planning and competent management of its road infrastructure, both in a strategic and operational sense, it is essential to collect maintenance-related information through disciplined and regular inspections of the whole of the network. Council's inspection activities can be grouped into the following categories based on definition and purpose:

- Routine Inspections;
- Condition Inspections
- Request Inspections; and
- Incident Inspections.

4.5.1 Routine Inspections

Inspections undertaken in accordance with the formal inspection schedule to determine if road asset complies with the levels of service as specified by the Maintenance Performance Criteria. Identified defects are rated against the criteria adopted for routine maintenance works on the asset. These performance criteria indicate the magnitude of the undesirable condition for each defect requiring remedial action.

A record of each street/road is completed detailing the name of the inspector, the inspection date, time, road name/asset description and report of any defects found that are at the 'tolerable' defects level as defined by Council's Maintenance Performance Criteria.

4.5.2 Condition Inspections

Condition inspections are undertaken specifically to identify deficiencies in the structural integrity of the various components of the road infrastructure that if untreated, are likely to adversely affect network values. The deficiencies may well impact on short-term serviceability as well as the ability of the component to continue to perform at the level of service for the duration of its intended useful life.

The condition inspection process must also meet the requirements for accounting regulations and asset management. Regular or periodic assessment, measurement and interpretation of the resulting condition data is required so as to determine the need for any preventive or remedial action and is used in the development of relevant programs of rehabilitation or renewal works.

The table below details the type of programmed and reactive inspections undertaken by Council in relation to its road infrastructure assets.

4.5.3 Request Inspections

A maintenance request is any request to undertake maintenance on an infrastructure asset. Customers or users of the asset generally make these requests. To provide the highest level of service, Council's objective in relation to maintenance requests is to inspect and prioritise the work requests within the time frames as specified.

Upon record of a request for maintenance or report of a defect received from the public, Council Officers or Councillors, an inspection will be carried by an appropriately experienced Council Officer within **5 working days** of notification, dependent on assessed urgency. As with routine maintenance inspections, any recorded defects beyond the maintenance performance criteria for that particular asset will be prioritised and rectified to satisfy established response times.

If works identified are beyond what is considered maintenance, then the project will be referred to and be considered for inclusion in Council's Capital Investment Program. Council reviews projects for its Capital Investment Program annually, in conjunction with its budget planning process.

4.6 Inspection Performance Criteria

Asset Class	Hierarchy	Routine Inspections
Road Network * Includes sealed and unsealed roads	Primary	3 times/year
	Secondary	Once every 8 months
	Minor	Once per year
	Urban Primary & Secondary	Night Inspection - Once per year
Footpath	Primary	12 months
	Local	12 months
Kerb & Channel	All Road Categories (where applicable)	12 months
Bridges	All Road Categories	Level 1 Inspection (Basic visual inspection) - 12 months
Road Furniture	Guard Rail	As per frequency for road category
	Traffic Management Devices	As per frequency for road category
	Signs & Other Furniture	As per frequency for road category
Vegetation	Roadside Vegetation	As per frequency for road category
	Urban Vegetation	As per frequency for footpath category

Note* - Relates only to the inspection of relevant assets associated with the approaches to rail crossings located on all municipal roads, as defined by applicable Safety Interface Agreements.

4.7 Levels of service

The foundation of the Road Management Plan includes setting of appropriate and reasonable standards as they relate to maintenance and construction of road assets.

Council has established maintenance and construction performance criteria that are equitable, sustainable and reflect the requirements for management of its road assets.

The defined levels of service have regard to:

- Community needs and aspirations;
- Industry standards;
- The need to provide a safe and efficient road network; and
- The Council's and its community's ability to fund such standards.

The implementation of an equitable road classification system also enables the community to readily identify the road system and have clear expectations as to the standard of construction and maintenance of the road system.

4.8 Community Consultation

An important objective of this Plan is to match the level of service provided by Council's road infrastructure with the expectations of its community given financial, technical and legislative constraints.

Council, as a continued improvement process, will measure and review both its capacity to deliver road services and actual performance of its road network against a number of key outcome areas. These are:

- Annual Community Satisfaction Survey Outcomes (Council Plan – Performance Indicators),
- Levels of expenditure and funding gaps,
- Analysis of Customer requests and responses (MERIT), and
- Ongoing development of Council Policies

Community input into service delivery needs to be considered against its willingness to fund a desired level of service. It is also important that any decision to adopt any changes to the defined maintenance and construction performance criteria is in the best interest of the overall community.

5. EXCEPTIONAL CIRCUMSTANCES

Council, under a normal operating environment, will make every endeavour to deliver all aspects of its Road Management Plan.

However, in the event of natural disasters and other events including, but not limited to, fires, floods, droughts or similar, together with human factors, such as a lack of Council staff or suitably qualified Contractors, because of section 83 of the Victorian Wrongs Act 1958, as amended, Council reserves the right to suspend compliance with its Road Management Plan.

In the event that the CEO of Council, has to, pursuant to section 83 of the above Act, consider the limited financial resources of Council and its other conflicting priorities, meaning the standards Council's Plan cannot be met, the General Manager Infrastructure and Leisure Services will be advised in writing that some, or all, of the services delivered under the Plan are to be suspended until further notice.

Once the events beyond the control of Council have abated, or if the events have partly abated, Council's CEO will provide direction to the General Manager Infrastructure and Leisure Services as to which aspects of Council's Plan are to be reactivated and when.

5.1 Unmade Road Reserves and Upgrading Roads Adjacent to Development

There are many road reserves within the shire which are currently unmade. These road reserves by

definition are unmade or natural surface roads. In some cases these roads may be graded periodically as fire access tracks or for other purposes. For the purposes of Council's Road Management Plan, these roads are also considered to be unmade roads by virtue that they have not been fully developed by Council or built by others to meet Council's Standards. In other cases unmade road reserves may be totally untouched and unused.

There are also many roads within the municipal area which are categorised as 'lower category' roads (e.g. Minor road) in accordance with Council's local road hierarchy. Roads of this nature are generally made to a very low standard and are graded periodically consistent with Council's standards.

Where a request is received or a development application is lodged which requires the construction of an unmade road reserve or for the upgrade of an existing 'lower category' road to a 'higher category', Council will give consideration for the work to be carried out provided that the developer or proponent is prepared to meet the full cost of construction.

All construction will be carried out to Council's specification, Council will then undertake to maintain the road thereafter should it be deemed to be a public road.

6. COORDINATION OF WORKS

The primary purpose of public highway is for use by the public for transport. The provision of utility infrastructure is to be managed in such a way so as to minimise, as far as reasonably practicable, interference with a road primary purpose. In particular:

- Ensure that risks to the safety and property of road users and the public are minimised;
- Minimise any damage to roads and related infrastructure;
- Minimise disruption to road users; and
- Require that roads and related infrastructure be reinstated by utility and service providers to a condition as near as practicable to their prior condition.

6.1 Road Openings

For private individuals, upon completion of a Non-Utility Minor Works within Municipal Road Reserves Application Form and payment of the appropriate fee, Council's consent to works is generally issued.

Council's consent to works allows contractors to perform civil works in a road reserve or make a connection to a drain, water main, gas, sewer or telecommunications service, or construct a vehicle crossing.

The issue of consent signifies to Council that the proponent undertakes to comply with the relevant conditions of Council's general conditions of consent. These conditions also relate to all temporary and permanent reinstatement works.

Council Officers inspect the works after four weeks from the date of proposed opening to ensure that reinstatement works have been completed adequately and that the area of works has not exceeded that as indicated on the application for consent.

Council requires that road crossings be bored rather than opened trenched unless consent is granted and a satisfactory length of pavement is reconstructed.

6.2 Service Authorities

Service Authorities are required under the relevant legislation to provide Council with prior notification of planned works before commencement. Works are usually completed under the service authority's powers related to the respective Act relevant to the utility. This usually negates the requirement for the service authority to seek a 'Works on Road' permit from Council, however Council requires that the completed work reinstates the site to an equal or better state than existed prior to the works.

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Council may make comment, in writing, regarding the impact of the proposed works on native vegetation, Council assets, safety and location. For Service Authorities, no Road Opening Permit is required for works; however a consent notice is issued providing Council with a record of the works.

Where Council is not satisfied with some aspects of the proposal outlined in the notice, it may provide consent to the works proceeding, subject to the utility/service provider complying with certain conditions. These conditions may involve:

- Management of traffic,
- Timing of works to minimise disruption to road users, and
- Timing and quality of reinstatement, etc.

In such cases Council will provide advice to the utility/service provider that it consents to the proposed works subject to certain conditions.

7. PLAN IMPROVEMENT & MONITORING

The Act requires that Council's Road Management Plan be formally reviewed at prescribed intervals. However, it is proposed that Council review the performance of its Plan more frequently as part of the continuous improvement process being applied to Council activities. Improvements to work processes and practices, utilization of plant and other resources will be identified from time to time and implemented where possible or referred to the next Plan review.

7.1 Reviewing the Road Management Plan.

The Road Management (general) Regulations 2016 (Vic) requires councils to review their Road Management Plan within 6 months of a Council general election or 30 June following an election whichever comes latest.

Council elections occur every 4 years which is a suitable review period.

Any revised plan will be subject to the consultation and approval processes as detailed in Part 3 of the Road Management (general) Regulations 2016.

7.2 Performance Measures

The following performance measures have been adopted to provide an indication of the levels of service meet community requirements in terms of satisfaction of delivery.

Performance Measure	Target
Routine inspections completed as per schedule	100% as specified
Response times for remedial work as assessed against Council's Maintenance Performance Criteria*	85% as specified

*Note – Includes provision of appropriate warning of an identified hazard to make safe.

8. REFERENCES

Colac Otway Shire Council Plan
Asset Management Policy
Risk Management Policy
Strategic Resource Plan

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Road Asset Management Plan
Bridge Asset Management Plan
Infrastructure Design Manual
Code of practice No S201- Road management Plan.
Code of practice No S117-Management of infrastructure in road reserves.
Code of Practice No S 351-Worksite safety traffic management.
Code of Practice No S 174-Operational responsibilities for public roads.
ARRB Unsealed roads manual 2009.

APPENDIX A

Maintenance Performance Criteria & Response

DEFECTS RESPONSE CODES

Response Code	Target Response Time	Action, Response & Control
2D	Within 2 working days of defect identification via inspection or notification	Inspect and make safe defect within defined target response time
1W	Within 1 week of defect identification via inspection or notification	Inspect and make safe defect within defined target response time
2W	Within 2 weeks of defect identification via inspection or notification	Inspect and make safe defect within defined target response time
3W	Within 3 weeks of defect identification via inspection or notification	Inspect and make safe defect within defined target response time
1M	Within 1 month of defect identification via inspection or notification	Inspect and make safe defect within defined target response time
2M	Within 2 months of defect identification via inspection or notification	Inspect and make safe defect within defined target response time
3M	Within 3 months of defect identification via inspection or notification	Inspect and make safe defect within defined target response time
PW	Programmed Works - Long term maintenance works program (3-5 years) Developed on a priority basis having regard to available resources and annual budget limitations.	
N/A	Not Applicable	
*	Appropriate response within 1 working day if defect is assessed as exposing the travelling public to a high level of risk exposure. Inspect, rectify defect if practicable, or provide appropriate warning. [#]	

Note – Where, because of the nature of the repair, availability of resources required or existing workload, it is not possible to rectify a defect within its prescribed response time, appropriate warning of the hazard is to be provided until necessary repairs can be completed.

An appropriate warning may include, but is not limited to –

- Provision of warning signage,
- Traffic control action,
- Diversion of traffic around the site,
- Lane closure,
- Restriction of use of road by vehicles of a certain size (e.g. Load limit), or
- Temporary Road Closure.

An intermediate response of this type is to manage any risk associated with a particular defect until further remedial action may be undertaken.

MAINTENANCE PERFORMANCE CRITERIA

DEFECT	DEFINITION/DESCRIPTION	INTERVENTION LEVEL	TARGET RESPONSE TIMES		
			Primary	Secondary	Minor
SEALED ROADWAY MAINTENANCE					
Minor Patching					
Potholes	Surface patching of potholes in travelled way using bituminous and other appropriate materials to restore riding surface to a smooth condition.	Repair when pothole exceeds 50mm in depth or 300mm in diameter.	2W*	3W*	1M*
Seal Edge Breaks	Repair of fretting along edge of seal to maintain correct overall pavement width.	Repair when edge break exceeds 100mm from the average existing seal width, or when drop off of pavement exceeds 75mm measured over a 20m length.	2W*	3W*	1M*
Stripped Seals	Loss of aggregate from a seal which can become sticky in hot weather and slippery when wet or frosty.	Emergency treatment where wearing course becomes hazardous to traffic, particularly on horizontal curves or approaches to intersections, or not waterproof. Other areas to be considered within annual reseal program	PW*	PW*	PW*
Bleeding Surface	Surfaces resulting from too much bitumen on the surface, which becomes 'sticky' in hot weather, and often slippery in wet or frosty weather.		PW*	PW*	PW*
Slick Surfaces	Slick, fatty or smooth surfaces resulting from loss of aggregate or the wearing down of the aggregate with age, accompanied by an upward movement of bitumen to form a hard, smooth surface with little grip to motor tyres in wet weather		PW*	PW*	PW*
Surface Waving or Shoving	Surface waving or shoving is caused by traffic shoving on unstable bitumen mixtures, resulting in shallow waves and hollows. Surface patching and regulation of adjacent surface irregularities <5sqm	When rutting depression holds water or exceeds 75mm under a 3m straight edge longitudinally.	2W*	3W*	1M*
Deformation or Heaving and Depressions	Depressions in the traffic lanes, with bulging of the surface outside the wheel tracks. Surface patching and regulation of adjacent surface irregularities	When depression holds water or mounding exceeds 75mm under a 3m straight edge longitudinally	2W*	3W*	1M*
aggregate*, dirt, or debris at critical locations	When accumulation of debris of more than 50mm depth for over 5 lineal metres of wheel path.	Sweeping/cleaning of pavement surface including; intersections, kerb & channel, etc *Note – Removal of access resealing aggregate or excess asphalt after spraying/laying is the responsibility of the relevant contractor under direction of the Services and Operations Department	1M*	1M*	1M*

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DEFECT	DEFINITION/DESCRIPTION	INTERVENTION LEVEL	TARGET RESPONSE TIMES		
			Primary	Secondary	Minor
UNSEALED ROADWAY MAINTENANCE					
Potholes-	The application of gravel or appropriate material to potholes exceeding 300mm in diameter or 65mm in depth where moisture content is unsuitable for regular grading.	Repair when pothole exceeds 65mm in depth or 300mm in diameter.	2W*	3W*	1M*
Corrugations, rutting of pavement	Treatment to reduce corrugations, potholes, and rutting to maintain shape and crossfall of unsealed roadways and road shoulders and restore trafficable surface condition.	Road surface, scoured, potholed, rutted, corrugated to depth of 65mm over 30% of any 1km length of road. Treatment may include spot gravelling with appropriate materials. *Note - Grading of unsealed roads will only take place when moisture content of pavement materials is sufficient to maintain cohesiveness of soil aggregates.	N/A	N/A	2 per year*
Shoulders, potholed, rutted, holding water, pavement	Unsupported drop from pavement > 100mm measured over a 20m length. Insufficient shoulder material to maintain shoulder at pavement levels, over 40% of road length.	The regular grader maintenance of unsealed shoulders in accordance with the appropriate intervention levels, including spot gravelling to avoid pavement drop off, reworking existing materials to remove shoulder surface irregularities and maintain shoulder shape *Note - Grading of unsealed shoulders will only take place when moisture content of materials is sufficient to maintain cohesiveness of soil aggregates.	2W	3W	1M
ROAD RELATED INFRASTRUCTURE					
Damaged or illegible Signs including Statutory, Guide and warning Signs. <small>(excluding rail crossing signs)</small>	The minor repair, re- erection, straightening, and cleaning of signs and sole purpose supports.	<ul style="list-style-type: none">▪ Straighten sign support when it becomes noticeable that it is not vertical.▪ Replace when damage renders either the sign or support ineffective.▪ Clean/ replace the sign face when:<ul style="list-style-type: none">– There is a noticeable accumulation of dirt.– Graffiti covers more than 10% of sign or message on sign is defaced▪ Replace missing or if incorrect sign is in place.▪ Replace if sign is illegible at 150m under low beam or in daylight	1W	1W	1W
Signs – Rail Crossing Warning Signs <small>(includes only those signs on the approach to a crossing for which Council is responsible)</small>			2W	2W	2W

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DEFECT	DEFINITION/DESCRIPTION	INTERVENTION LEVEL	TARGET RESPONSE TIMES		
			Primary	Secondary	Minor
Damaged Guard Rail	The re-alignment, repair and replacement of isolated guardrail sections less than 10m in length, posts and hardware that is defective. Includes the cleaning of guardrail.	Replace damaged guard rail sections, end terminals and support posts, subject to the availability of materials.	1M*	2M*	2M*
Missing/damaged Guide Posts / Delineators	Reinstatement, repair, cleaning of guide posts and delineators to ensure safe and acceptable condition.	Any missing or damaged guide posts (where existing) making them substantially ineffective in a hazardous location for the travelling public	2W	3W	1M
Kerb & Channel Damage	Repair of damaged kerb and channel due to concrete deterioration or damage.	Replace or undertake repairs when: <ul style="list-style-type: none"> – Uplift section of 35mm in tray and water ponds for greater than 10m in: – Channel – Lateral displacement of top of kerb and tilted tray by more than 50mm – Broken pieces greater than 200mm missing 	1YR*	1YR*	1YR*
Drainage Pit Lid – Damaged or Missing, or Pit Surround – Damaged or Missing	Replacement or reseating of pit lid or surround.	Damaged or missing pit lids, surrounds, or grates in pedestrian areas and traffic lanes.	2D	2D	2D
Pavement Markings					
Centre Line	Defined as remarking of all illegible/defective road marked symbols, signs, line work where existing.	When markings lack definition, loss of reflectivity and/or legibility at safe sight distances at critical locations.	3 Year Program		
STAT Cons			6W*	6W*	6W*
School Crossings			6W*	6W*	6W*
Railway Crossings			6W*	6W*	6W*
Parking Bays		Reinstate line marking to ensure effective visibility.	2 Year Program		
Bicycle Lanes			3 Year Program		

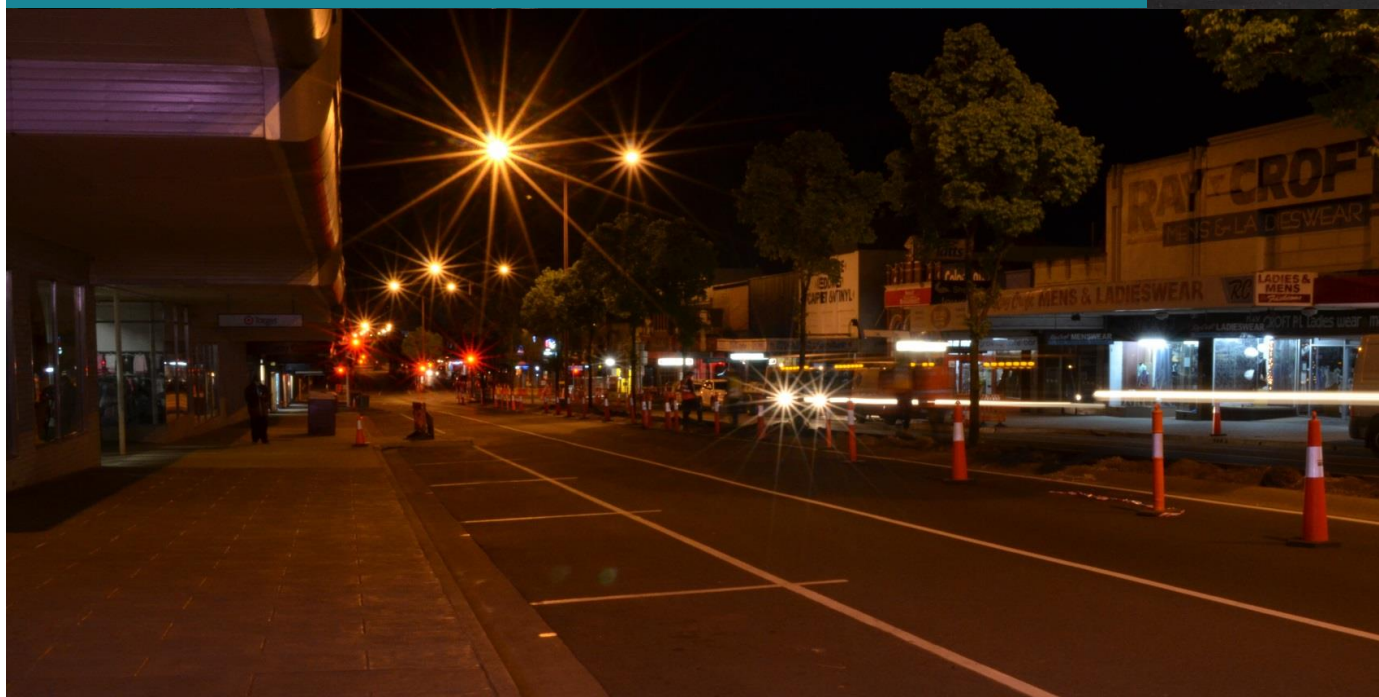
VEGETATION MAINTENANCE					
Tree & Shrub Obstruction - Roadway	The cyclic maintenance of trees and shrubs in road reserves not in urban areas, control provides for fuel reduction as part of annual fire prevention program.	Prune road side trees to comply with the following clearance limits: <ul style="list-style-type: none"> – Height Clearance: min.4.6m above carriageway – Lateral Clearance: in line with guide posts, back of shoulder, or kerb – Maintenance of safe sight distances at intersections and curves. 	1M*	2M*	PW*
Tree & Shrub Obstruction - Other	Prune trees and/or shrubs to provide for long term desired height, lateral and sight clearances.	Tree obstructing safe sight distances, restricts viewing of warning signage, or assessed to be in an unsafe condition causing hazard to traffic or public.	2W	1M	2M

DEFECT	DEFINITION / DESCRIPTION	INTERVENTION LEVEL	TARGET RESPONSE	
			Primary	Local
FOOTPATH AND SHARED USE PATH MAINTENANCE				
Displacements	Replacement, repair, regulation and surface patching of footpath.	Repair or regulate footpath surface where vertical displacement between concrete bays or segmented pavers (including Bricks) exceeds 20mm.	1W	1M
Potholes (Sealed Surface)	Repair of potholes in hard paved areas.	Repair or regulate where potholes exceed 25mm in depth.	1W	1M
Potholes (Unsealed Surface)	Potholes in unsealed surfaces.	Repair when pothole exceeds 25mm in depth or 300mm in diameter or likely to deteriorate rapidly	1W	1M
Depressions/ scouring	Regulation of subsided areas exceeding 1-sqm and less than 5-sqm.	Repair or regulate where depressions exceed 30mm in depth over a 2 metre straight edge.	1W	1M
Footpath –Tree & Shrub Obstruction	Street tree and/or shrub shaping to maintain desired height, lateral and sight clearances.	Trees and shrubs with branch thickness of 10mm or more or any branch with thorns to comply with the following clearance limits: <ul style="list-style-type: none">– Height Clearance: min. 2.0 m above footpath– Lateral Clearance: min. across greater than 30% of footpath width	1M	2M
Footpath - Vegetation Control	The control of vegetation growth	Areas where grass encroaches across greater than 30% of footpath width or obstructs viewing of signage.	1M	2M

DEFECT	DEFINITION / DESCRIPTION	INTERVENTION LEVEL	TARGET RESPONSE	
			Primary	Local
Edge Repair	Treatment to reduce depressions, holes or drop-off at the interface (edge) of constructed asphalt, concrete or brick paved footpaths.	Provide repair of depressions exceeding 75mm in depth at the interface of the nature strip and surrounding constructed paths with topsoil, gravel or sand	1W	1M



Road Management Plan



Colac Otway Shire
2021

Road Management Plan

GENERAL

Distribution

The General Manager of Environment and Infrastructure shall be responsible for the:

- Control of this Plan,
- Distribution of the Plan, and
- Control and issue of any amendments.

Amendment Register

Issue	Date	Details	Amendment By
Version 1.1	April, 2006	Amendment No. 1	Gary Dolan General Manager, Infrastructure & Services
Version 2.0	June, 2009	Amendment No. 2	Neil Allen General Manager, Infrastructure & Services
Version 3.0	September, 2013	Amendment No. 3	Adam Lehmann Acting General Manager, Infrastructure & Services
Version 4.0	January, 2018	Amendment No. 4	Tony McGann General Manager, Infrastructure and Leisure Services.
Version 5.0	TBA	Amendment No. 5	Tony McGann General Manager, Environment and Infrastructure.

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1 INTRODUCTION

Colac Otway Shire is the road authority for those roads within the municipality for which it accepts management responsibility. Colac Otway Shire exercises its duty of care to the public in a number of ways, including proactive and reactive inspections as well as long-term planning and undertaking repairs and maintenance to the road network that it manages. Colac Otway Shire demonstrates its duty of care through having in place a reasonable regime to:

- Inspect the road network to discover defects that exceed stated intervention levels; and
- Plan and implement repairs to address these defects

Where a defect is found that exceeds a stated intervention level, Council may satisfy its duty of care to road users by taking one or more of the following actions, depending on the circumstances of any particular case:

- Prioritising the condition in a capital works or maintenance program;
- Installing appropriate signs warning of the dangers;
- Closing the road; or
- Repairing the defect to bring it back to below the stated intervention level

2 PURPOSE

The Road Management Plan (referred to hereafter as the 'Plan') sets the relevant standards and policy decisions in relation to the discharge of Council's duties in the performance of its road management functions.

This Plan details the management systems that Council will implement to maintain, upgrade and operate its physical road assets cost-effectively.

Colac Otway Shire through the Plan accomplishes its duties by combining engineering principles with sound business practices and providing tools to facilitate an organised logical approach to decision making.

3 LEGISLATIVE REQUIREMENTS

3.1 Local Government Act 1989 & Local Government Act 2020

During the time that the Plan is being reviewed, the Local Government Act 1989 (hereafter after referred to as the "LGA 1989") is gradually being replaced by the Local Government Act 2020 (hereafter referred to as the "LGA 2020"). The staggered introduction of the LGA 2020 is occurring over the current period up to 1 July 2020.

There are a number of sections of the LGA 1989 that are currently listed as continuing indefinitely.

It is therefore necessary that the transition between the LGA 1989 and LGA 2020 is carefully monitored throughout the life of the Plan in case the transition arrangements change over time.

Where a section of either the LGA 1989 or LGA 2020 is mentioned in the Plan, this is the appropriate current provision that is to be applied to the Plan.

Section 205 of the LGA 1989 is noted as continuing indefinitely and provides for "Councils to have the care and management of certain roads" and that "This section is subject to the Road Management Act 2004".

3.2 Road Management Act 2004

This Plan has been prepared in accordance with the Road Management Act, 2004 (referred to hereafter as the "Act").

Pursuant to Section 36 of the Act, the Colac Otway Shire Council is the designated 'Coordinating Road Authority' for municipal roads within the Shire and is responsible for their care and management.

As the Coordinating Road Authority, Council must ensure that if a road is reasonably required for public

use that it is kept open for public use and may, at its discretion, carry out work on the road. Council is under no obligation to do any specific work on any road or footpath other than as specified in the Plan.

3.3 Codes of Practice

Council is guided in the application of the Plan through Codes of Practice, as part of the Act. The codes set out benchmarks of good practice in relation to the road management duties of councils and allow scope for individual councils to set standards and allocate road maintenance priorities according to their particular level of resources.

The following Codes of Practice apply (and can be found on the VicRoads website):

- Road Management Plans
- Operational Responsibility for Public Roads
- Management of Infrastructure in Road Reserves
- Worksite Safety Traffic Management

3.4 Statutory Responsibilities of the Road User of the Road User

A road user has specific duties in the respect to the use of a public highway, including having regards to the rights of other road users. A road user must also take all due care to avoid causing the risk of damage to a public highway or any infrastructure located in the road reserve.

A person who drives a motor vehicle on a public highway must drive in a safe manner having regard to all the relevant factors including the:

- Standard of construction of the road;
- Prevailing weather conditions;
- Level of visibility;
- Condition of the motor vehicle;
- Traffic conditions;
- Relevant road laws and advisory signs; and
- Physical and mental condition of the driver.

The Road Safety Act 1986 requires other road users (other than those driving a motor vehicle) to use a road in a safe manner, having regard to all the relevant factors. Other obligations of road users are also set out in the Road Safety Act 1986 in regard to relationships with other road users and damage to road infrastructure.

4 COUNCIL OBJECTIVES & POLICIES

The Colac Otway Shire is committed to continual improvement in the way it manages its road network and associated assets. A fundamental component of this task is the maintenance of or the management of the ongoing performance and condition of this infrastructure.

This Plan provides a vision for how Council plans to manage its road network. This vision aims to ensure that the community is provided with a road system that returns optimum economic benefit for the life of the asset while recognising social, safety, environmental and user needs.

This document provides a policy framework to guide Council's management of the road infrastructure under its authority. It defines roles and responsibilities for decision making, outlines the way management requirements should be assessed, and addresses appropriate methodologies for roads-based funding.

A number of Council policies and plans support the road management process, as described below.

4.1 Council Plan

The Council Plan outlines the principles that support Council's commitments and serves as a standard by which community outcomes can be assessed. The Council Plan is a dynamic document which is updated annually to reflect changing priorities and impacts of external factors.

This Plan is consistent with Council's commitment to providing and maintaining infrastructure and assets that meet community needs now and in the future, whilst providing best value to the community. The specific goals of Council's vision are¹:

- Assets and infrastructure meet community needs;
- Our places are managed for long term sustainability;
- Towns and places are welcoming and attractive;
- Leadership in natural environment through good management practices;
- Delivering our capital works program; and
- Emergency management is coordinated locally and on a regional basis

4.2 Risk Management Policy

The purpose of this policy is to provide a framework for risk management, and to define the responsibilities of staff and management in the risk management process. The Colac Otway Shire is committed to managing risk by logically and systematically identifying, analysing, assessing, treating and monitoring risks that are likely to adversely impact on Council's operations.

For all significant risks associated with Council's road infrastructure appropriately planned actions are determined and implemented. These actions include capital development, maintenance and/or operational enhancement.

4.3 Other Relevant Council Policies

The following Council policies support the road management process and in particular the applicability to the assets described in Section 5.6.6 "Other Assets".

- Asset Management (Council Policy No. 13.4)
- Customer Service (Council Policy No. 2.6)
- Street Tree Management (Council Policy No. 13.6)
- Special Rate and Special Charges (Council Policy No. 11.3)

4.4 Key Stakeholders

A stakeholder represents any groups or individuals having an interest, in this case, the service provided by Council's road network.

The stakeholders in the management of Council's road and other related assets are many and often their needs are wide-ranging. The relevant key stakeholders are:

- Local residents including private car drivers, cyclists, pedestrians, etc.;
- Industrial and commercial operators and other transport services;
- Emergency services;
- Enforcement agencies;
- Primary producers;
- Land developers;
- Other Government Departments;
- Tourists and visitors to the area;
- Utilities as prescribed in section 3 of the Road Management Act 2004; and
- Council as the custodian of the network, including all internal and external support staff.

The community's needs and expectations are becoming more demanding manifested by demands for services that provide better quality, value for money, environmental awareness and relevant value

¹ The current Council Plan is the version titled 2017-2021 (revised 22 July 2020) and may be subject to change with the development of the new Council Plan (due for adoption in 2021).

adding. However, it should be noted that the Act does not require a road authority to upgrade any road to a standard higher than it was originally constructed.

5 PUBLIC ROADS NETWORK

5.1 Municipal Public Roads Register

The Road Management Act 2004 requires Council to keep and maintain a Municipal Public Roads Register, and ancillary areas for which it has the responsibility for managing operational functions.

Public Roads are municipal roads which meet the definition as prescribed under the Road Management Act 2004 and have been determined by Council, acting as a Coordinating Road Authority, to be roads reasonably required for general public use. The definition of a municipal road under the Road Management Act 2004 includes any road within the municipality which is not a State road, including any road which:

- Is a road referred to in section 205 of the Local Government Act 1989, which indicates certain roads for which Council is responsible for care and management;
- Is a road declared by the Department of Transport to be a municipal road under section 14(1)(b) of the Act: and
- Is part of a Crown land reserve under the Crown Land (Reserves) Act 1978 and has the relevant municipal council as the committee of management.

Council's Register of Municipal Public Roads is available for public inspection upon request. This document may be viewed at both the Colac and Apollo Bay Customer Service Centres during normal business hours, or on Council's website.

Assets on municipal public roads that the Colac Otway Shire is responsible for and which this Road Management Plan incorporates include:

- Road surface, pavement, and earth formation;
- Surface drainage systems on the road reserve;
- Signs, guideposts, line marking, barriers, and retaining walls;
- Footpaths and shared pathways;
- Parking areas,
- Other road related infrastructure.

Note: Bridges and major drainage structures are not included in the Plan as they are subject to an annual Level One inspection by an accredited person who may not necessarily be a Council staff member.

A public highway is not a public road for the purposes of the Act unless and until it is registered on Council's Municipal Public Roads Register.

Council reserves the right to review the status of public highways as public roads, should they not appear on its Municipal Public Roads Register. For example, Council may wish to create a new road on an unused road reserve that is not part of a development.

5.1.1 Criteria for Determining Whether a Road is reasonably required for General Public Use

A road is considered a Public Road when Council has made a decision that the road is reasonably required for general public use and hence included in the Municipal Public Road Register.

When deciding on which roads should be included or not included on the Register the very broad test is 'is the road reasonably required for general public use?' This test can be refined into more specific criteria that will provide a fair, consistent and justifiable guide for Council when deciding on which areas need to be added to the Register.

For a road to "be reasonably required for general public use", consideration should be given, but not necessarily limited to the following:

- The number and nature of separately owned and occupied properties abutting onto the road or requiring the road for access purposes;

- Whether the properties which abut the road or require the road for access purposes have alternative access rights;
- Whether the road connects into, and forms part of, the wider network of Public Roads;
- Whether the road contains assets owned and managed by public service authorities (gas, electricity, telecommunications, sewerage, water); and
- Whether the road is safe for public access (no horizontal or vertical alignment issues, existing pavement, suitable drainage, no large trees or obstacles restricting vision).

5.1.2 Maintenance Standards

All roads in the Municipal Public Road Register including footpaths and bridges will be maintained to a standard as specified in this Plan.

5.1.3 Funding of Public Road Works

Council is not obliged to undertake any works on roads that are not registered as Public Roads. With regards to a private street scheme, whereby the road is constructed as part of a Special Charge project, it is assumed that as soon as the road is handed over to Council after the Defects Liability Period, the road is then added to the Register of Public Roads.

Developers generally fund the construction of new infrastructure e.g. roads, footpaths, drainage, etc. as part of new subdivision developments. This leads to an expansion in Council's asset portfolio for which it is responsible.

The Colac Otway Shire assumes responsibility of public highways created through expansion at registration of subdivision, providing that all infrastructure is constructed to meet Council's minimum specifications.

5.2 Sealing of Unsealed Roads

Council has developed a process for the assessment of whether a road should be sealed or unsealed.

5.2.1 Traffic volume criteria

- Unsealed roads that carry in excess of 250 vehicles per day will be automatically referred to the long-term Capital Improvement Program for prioritisation for sealing in accordance with the Capital Works Evaluation Guidelines.
- Unsealed roads that carry less than 100 vehicles per day will generally not be considered for sealing unless there is a contribution from adjacent landowners in accordance with the Special Rates and Charges Scheme provisions.
- Unsealed roads that carry between 100 and 250 vehicles per day must meet at least 5 of the following criteria before being considered for sealing unless there is a contribution from adjacent landowners in accordance with the Special Rates and Charges Scheme provisions:
 - Casualty crash 5 year history
 - Longitudinal gradient in excess of 5%
 - Heavy vehicles percentage in excess of 15%
 - School bus route
 - Development density greater than 50 houses per kilometre
 - Average house setback less than 20m from road reserve (dust problems)
 - Reactive maintenance more than 3 times per annum

5.2.2 Other criteria

The following criteria may also be used to determine the justification of whether a road should be sealed or left unsealed.

- Links to existing sealed roads
- Road hierarchy classification
- Planning Scheme and future development potential Infrastructure Services

- Traffic generators
- Customer request history
- Road condition and maintenance costs
- Road geometry and road safety
- Roadside vegetation and biodiversity

5.3 Road Discontinuance

Council may, in accordance with Section 12 of the Act, discontinue a public highway or part of a public highway via a notice published in the Government Gazette.

If a road or part of a public road is discontinued, Council must specify all details in its register of public roads.

5.4 Road Naming and Renaming

Where a road (including footpath or bridge) is required to be named or renamed, either Schedule 10 of the LGA 1989 (whilst in force) or Section 11(7) of the LGA 2020 may be used.

5.5 Road Hierarchy

Colac Otway Shire is a unique municipality with major topographical, climatic and geological differences within the shire that have a direct impact on the ability of Council to provide a suitable road network. If Council is to provide a sustainable road network system, its Road Classification system must take into account these differences. A Classification system and Hierarchy was adopted as part of this Plan.

The Austroads Guide to Traffic Management – Part A – Network Management Strategies, Colac Otway Planning Scheme, Victorian Grants Commission and VicRoads definitions were reviewed for applicability to the Urban and Rural areas of the Colac Otway Shire.

The classification system adopted is as follows:

- Primary Roads
- Secondary Roads
- Minor Roads
- Other Roads – Fire Access Track etc.

These are detailed in Section 5.5.1.

The road hierarchy is applied to the defects shown in Appendix A Maintenance Performance Criteria.

5.5.1 Local Road Classification

The classification system detailed below takes into consideration the above key issues and establishes a clear distinction between each classification.

Road Network

Hierarchy Identifier	Name	Explanatory Notes	Road Surface
P	Primary	<ul style="list-style-type: none"> • Direct linkage between significant population centres and major traffic generators and supplementary to arterial road system within the municipality • High heavy vehicle count • Access to major industries and tourism nodes • Generally >250 vpd 	Usually a sealed surface
S	Secondary	<ul style="list-style-type: none"> • Carry moderate volumes of traffic and provide access by linking local areas to primary and arterial roads. • Also provide links between the various minor roads. • Cater for, but may restrain, service and heavy vehicles. • Minimum two clear traffic lanes • Generally 100-250vpd 	May be either sealed or unsealed surface
M	Minor	<ul style="list-style-type: none"> • Carry only local traffic • Primary function is to provide property access • Medium usage access to rural properties generating regular and consistent vehicle usage.. • Rural bus route minimum standard • In the case of access to a single property with a residence, the road will only be maintained to the closest boundary of that property, • Occasional usage property access routes • Maintained infrequently (less than annual) • Generally <100vpd 	May be either sealed or gravel surface, in some cases just formed or natural surface

OR	Other Roads - Fire Access Track (No Primary Access to Residential Property)	<ul style="list-style-type: none"> Perform a very low order public access function Specific purpose access tracks not intended for general access Provide only occasional access to non-residential property. Single vehicle access and low speed. Dry weather road only. All year-round access is not guaranteed Fire Tracks or emergency access points only maintained by Council where Council has agreed to do so as a community emergency service and they are listed in the Municipal Fire Prevention Strategy 	May be gravel surface, formed or natural surface.
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Footpath Network

Hierarchy Identifier	Name	Explanatory Notes	Footpath Surface
P	Primary	Primary footpaths provide connectivity to the most popular destinations, including shopping precincts, community facilities, education facilities and schools, medical facilities, sporting facilities, transport hubs, etc. Primary footpaths have a width of at least 1.5 metres. Shared paths are 2.5m wide as per Austroads Standards and are classified as Primary for intervention level and target response time purposes.	Concrete or other approved equivalent surface
L	Local	Local footpaths provide public pedestrian access between residences and primary footpath network as well as linkages between property frontages in residential areas.	Concrete or other approved equivalent surface. "Equivalent" means an all-weather hard surface compliant with AS1428.1-2009 <i>Design for access and mobility, Part 1: General requirements for access - New building work</i>

Road Management Plan (Version 5.0)
Date Adopted: TBC
File Ref: D21/37799

5.6 Demarcation of Responsibility

Council is responsible for the majority of the roads within the municipality. These are known as Local Roads and are listed on Council's Register of Municipal Public Roads.

The Register of Municipal Public Roads and associated maps define the roads for which Council has operational duties as a road authority. Operational functions, for the purposes of this road management plan, relate to the establishment of standards for the construction, inspection, maintenance and repair of road infrastructure.

Various infrastructure assets, for which Council has no management responsibility, may exist in the road network within the municipality. These assets are owned and managed by service authorities, individuals and other statutory bodies.

The Plan does not apply in the case of non-road infrastructure as defined in Section 3 "Definitions" of the Act.

5.6.1 Department of Transport

The Department of Transport is the coordinating road authority for the declared arterial road network within the municipality pursuant to Section 36 of the Act. Section 37 of the Act sets out those parts of the arterial road network for which Council is the responsible road authority, across urban and rural areas.

Arterial roads located in the Colac Otway Shire are as follows:

Route No.	Road Name	Route No.	Road Name
C159	Beech Forrest-Lavers Hill Road	C161	Gellibrand River Road
C159	Beech Forrest-Mount Sabine Road	C147	Grassy Vale Road
C119	Birregurra Road	B100	Great Ocean Road
C152	Birregurra-Deans Marsh Road	B140	Hamilton Highway
C119	Birregurra-Forrest Road	C163	Irrewillipe Road
C157	Cape Otway Lighthouse Road	C156	Lavers Hill-Cobden Road
C146	Colac-Ballarat Road	A1	Princes Highway (West)
C161	Colac-Carlisle Road	C119	Skenes Creek Road
C154	Colac-Forrest Road	C163	Timboon-Colac Road
C155	Colac-Lavers Hill Road	C159	Turtons Track
C155	Corangamite Lake Road	C152	Warncoort-Birregurra Road
C119	Forrest-Apollo Bay Road		

In the situation where the public road is an arterial road within an urban area, the Department of Transport is the Coordinating Road Authority, excepting the following instances where Council has responsibility for all local components of the road system. These are:

- Service road traffic lanes and shoulders
- Pathways outside of through carriageways and central medians

- Indented parking bays and any other part of the roadway located 'kerb to kerb' that could not be made available for through traffic (being located either on the side of the road, in the outer separator or in the central median), and adjacent kerb and channel
- Drainage pits that are in the road reserve
- Off road bicycle paths within the road reserve
- Road markings for all parking bays, plus road markings on service roads
- Local signage including street name signs, local direction signs, parking signs for the control of stopping or parking, and advance warning (but not advance direction) signs on municipal roads
- Tactile Ground Surface Indicators (TGSIs) in footpaths and kerb ramps and at bus stops (except at central medians), and
- Pedestrian fencing outside of central medians, and fences, barriers etc. and vegetation in the central median

(An urban area is defined in section 3 of the *Road Management Act 2004*).

In the situation where the public road is an arterial road outside an urban area, the Department of Transport is the Coordinating Road Authority; however Council is responsible for service roads, off road bicycle paths within the road reserve, pathways, associated local signage, and underground drainage that is part of a municipal drainage scheme.

For definition of the limits of responsibility between VicRoads and Council, where local roads intersect with arterial roads in an urban and rural environment, refer to the Code of Practice for Operational Responsibility for Public Roads.

5.6.2 Department of Environment, Land, Water & Planning

Within the municipality, a number of Crown Land roads exist in areas such as parks and forests, for which Department of Environment, Land, Water & Planning (DELWP) or Parks Victoria has management responsibility. In cases where such roads are maintained by Council, either in part or whole, to provide access to a resident(s), a memorandum of understanding should exist between the Council and the relevant authority.

5.6.3 Adjoining Municipalities

The Act requires that a road authority be responsible for the operational functions of a road. In the instance of boundary roads with other municipalities, the responsibility is allocated according to an agreement between each municipality.

5.6.4 Rail Operators

The *Rail Safety Act 2006* requires rail operators and road managers to identify and assess risks that may arise from operations at certain interfaces (i.e. rail crossings), and seek to enter into safety interface agreements to manage those risks.

Within the Colac Otway Shire, V/Line and VicTrack, as rail operators, are generally responsible for installing and maintaining all infrastructure located at rail crossings (e.g. crossing position signs together with other signs, barriers, gates, flashing lights, etc.).

Council is generally responsible for the erection and maintenance of advance warning signs and all pavement markings associated with the approaches to rail crossings on municipal roads.

Council is responsible for road maintenance up to 3 metres from the nearest rail track on the approach to a level crossing.

5.6.5 Service Authorities

Many utility agencies utilise a road for their infrastructure. Non-road infrastructure within the road reserve is the responsibility of the person or body that is responsible for the provision, installation, maintenance, or operation of that particular asset.

A listing of typical utility assets found within a road reserve, and the relevant management authority is given below.

Asset Type	Management Responsibility
Street Lights	Powercor
Telecommunication infrastructure assets	Telstra, Optus and NBN
Gas infrastructure assets	Tenix Gas and SP Ausnet
Water & Sewerage infrastructure assets	Barwon Water and Wannon Water
Electricity infrastructure assets	Powercor
Traffic Signal Installations	Department of Transport
Rail Crossings	V/Line and VicTrack

Assets or services within a municipal public road for which Council is not responsible for include gas pipes, water and sewerage pipes, cables, electricity poles, bus shelters, public telephones, and mail boxes.

5.6.6 Other Assets

In relation to provision of access from adjoining properties, there are a number of assets within a road reserve for which Council has no obligation to construct or maintain. Assets of these types are described as Non-Road Infrastructure and include the following:

5.6.6.1 Vehicle Crossings

Generally, in urban areas, the adjoining property owner is responsible for maintaining the portion of a vehicle crossing (i.e. driveway) located between the carriageway and the abutting footpath. Where there is no footpath, the property owner is responsible for that part of the driveway which extends from carriageway to the fence line. This also applies to vehicle crossings located in rural areas where the property owner is responsible for all of that part of the driveway between the edge of the road shoulder and the fence line.

The construction of a vehicle crossing and ongoing maintenance is to be carried out to meet Council's requirements. The property owner is also responsible for the maintenance of the immediate surrounds impacted on by the vehicle crossing to ensure that it is in a safe condition. This includes the conduit under the vehicle crossing if it was installed by the property owner.

The respective zones of maintenance responsibility for urban and rural roads are shown in *Figures 1, 2 and 3* below.

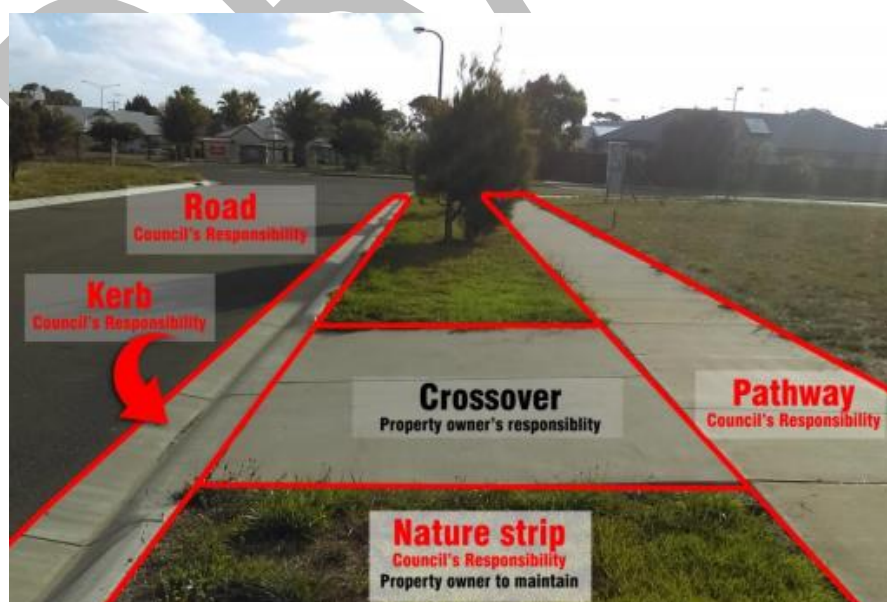


Figure 1 – Zones of Responsibility – Urban Street



Figure 2 – Zones of Responsibility – Rural Road with Paved Entrance



Figure 3 – Zones of Responsibility – Rural Road with Gravel Entrance

5.6.6.2 Roadside Assets

Nature strips and infill areas are those residual areas between the edge of road or back of kerb and the property boundary not occupied by a footpath or vehicle crossing. These are normally sown to grass and may contain other features such as street trees and utility poles and underground services.

Section 107 of the Act specifically excludes responsibility for a road authority to inspect, maintain or repair roadside areas. Council will only undertake urgent works on a nature strip where there is an unreasonable safety risk reported by a customer and confirmed via a reactive Council inspection, or identified through programmed inspections of nearby/adjacent road related assets

Responsibility for maintenance of the nature strip areas is generally left to the abutting property owner as part of the presentation of their property and general appearance of the local streetscape.

Service authorities are required to reinstate any disturbed nature strip areas to a condition which existed prior to any excavation works in relation to the installation or maintenance of their infrastructure.

Street trees within the road reserve are managed by Council, however an abutting owner has the responsibility to keep a road or footpath clear of vegetation growing from their property. Council may direct the property owner to trim any overhanging branches under provisions of its Local Laws.

Council's Street Tree Management Policy provides guidance on the responsibility of landowners in respect of vegetation growing on their property or having been planted on the road reserve by them.

Council's Local Law No.2 enables Council to enforce the requirements of the policy and this section of the Plan on the landowner.

5.6.6.3 Property Stormwater Drains

Property stormwater drains are constructed within the road reserve from the property boundary to a discharge outlet in the kerb, table drain or connected directly to Council's underground drainage system. Property drainage lines directly benefit the property and as such are the responsibility of the owner of the property being served to construct and maintain.

5.6.6.4 Stock Underpasses

A stock underpass is generally a box culvert type structure constructed for the purpose of providing a safe under road crossing and is constructed at the cost of the landowner.

A landowner that constructs a stock underpass on a local road must first seek the permission of Council and sign a section 173 Agreement (Planning and Environment Act 1987) with Council that includes requirements for the landowner to maintain the structure. A stock underpass shall be designed in accordance with all relevant VicRoads Guidelines, Australian Standards, and other applicable design codes.

Council has a responsibility to maintain the road pavement areas, seal markings and guideposts across the stock underpass. Responsibility for the maintenance of the structure, including attachments such as guardrail, stock lanes, fencing and stock underpass drainage remains with the landowner for the duration of the agreement.

Regardless of maintenance obligations, Council has a duty of care to ensure that these assets are in a condition safe to the general community as per the requirements of Council's Installation and Use of Stock Underpass Guidelines that are part of this Plan, refer Appendix B.

5.6.6.5 Cattle Grids

A cattle grid is a type of obstacle used to prevent livestock from passing along a road which penetrates the fencing surrounding an enclosed piece of land.

The landowner benefiting from the use of a cattle grid is required to enter into a section 121 Agreement (Road Management Act 2004) for the construction, maintenance, repair, and insurance of the cattle grid. This agreement defines the roles and responsibilities of both Council and the landowners for the ongoing management of the cattle grid.

Cattle grids located on municipal roads are to be inspected and maintained in accordance with Council's Installation and Usage of Cattle Grids Guidelines that are part of this Plan, refer Appendix C.

5.6.6.6 Fire Access Tracks

Designated fire access tracks throughout the Colac Otway Shire are specific purpose access tracks, not intended for general access and provide only occasional access to non-residential property.

These are maintained by Council where Council has agreed to do so as a community emergency service under the Municipal Fire Prevention Plan.

They are specifically catered for under the Hierarchy Identifier "OR – Other Roads – Fire Access Tracks etc." in Section 5.5.1.

5.6.6.7 Unmade Road Reserves & Upgrading Roads Adjacent to Development

There are many road reserves within the shire which are currently unmade. These road reserves, by definition, are unmade or natural surface roads. In some cases, these roads may be graded periodically as fire access tracks or for other purposes. For the purposes of Council's Road Management Plan, these roads are also considered to be unmade roads by virtue that they have not been fully developed

by Council or built by others to meet Council's Standards. In other cases, unmade road reserves may be totally untouched and unused.

There are also many roads within the municipal area which are categorised as 'lower category' roads (e.g. Minor Road and Other Road) in accordance with Council's local road hierarchy. Roads of this nature are generally made to a very low standard and are graded periodically consistent with Council's standards.

Where a request is received or a development application is lodged, which requires the construction of an unmade road reserve or for the upgrade of an existing 'lower category' road to a 'higher category', Council will give consideration for the work to be carried out provided that the developer or proponent is prepared to meet the full cost of construction.

All construction will be carried out to Council's specification, Council will then undertake to maintain the road thereafter, should it be deemed to be a public road.

6 INSPECTION STANDARDS AND SERVICE LEVELS

There are two main components of the Council's inspection programs, these are:

- Proactive Routine Inspections – programmed routine inspections to identify defects that exceed the stated intervention levels for repair; and
- Reactive Inspections – inspections carried out following reports by the public of defects they identify. These inspections are to determine if the reported defect exceeds the stated intervention levels requiring repair or where an emergency response is required.

6.1 Strategies for Planning Maintenance Work

A systematically planned approach is undertaken to ensure maintenance is effective. This includes the implementation of a maintenance strategy for key asset types, such as pavements, bridges, drainage, and other road related infrastructure.

For a particular asset type, the maintenance strategy includes the following considerations:

- A sound Asset Management Policy as a basis for planning all maintenance activity on that asset type;
- Consideration at both the design and constructions phases in order to reduce potential maintenance problems and in-service costs;
- A maintenance management system, including:
 - A current inventory for the asset type in question (e.g. pavements, signs, bridges, etc);
 - A regime of asset inspections to satisfy adopted schedules;
 - An effective asset condition and inspection recording system to produce informed decisions with regard to maintenance requirements; and
 - Maintenance performance criteria for the road network with consideration of community expectations.

6.2 Maintenance Policies

Council's maintenance policies for specific asset types are based upon the following principles:

- Road infrastructure assets being maintained to ensure that their whole-of-life performance is maximised, having regard to safety, community benefits, environmental and funding considerations,
- A collaborative approach taken to improve the performance and reduce maintenance costs of Council's road assets through teamwork by the Infrastructure and Services Units,
- A systematic, efficient and sustainable approach to maintenance management and work practices utilising best practice,
- Regular planned inspections of Council's assets undertaken to identify and monitor their overall condition over time, and

- Accessible information systems implemented for inventory control, condition identification of selected assets, and recording of inspections, service requests and all actions relating to maintenance activities.

6.3 Prioritising Works

Maintenance activities are objectively planned in order to achieve cost and operational efficiencies. The works program and schedule is based on seasonal/annual events and routine servicing.

The most effective maintenance is based on forecasting a need and scheduling the available and proper resources and corrective actions at the appropriate time to achieve best results.

6.4 Maintenance Records

Accurate data is collected in order to make reliable judgments in relation to future network maintenance needs which consider funding requirements. Council's maintenance records are computer-based for ease of transfer, communication, and analysis.

6.5 Asset Inspections

In order for Council to carry out effective planning and competent management of its road infrastructure, both in a strategic and operational sense, it is essential to collect maintenance-related information through disciplined and regular inspections of the whole of the network.

Council's inspection activities can be grouped into the following categories based on definition and purpose:

- Routine Inspections;
- Condition Inspections
- Reactive Inspections; and
- Incident Inspections.

6.5.1 Routine Inspections

Inspections undertaken in accordance with the formal inspection schedule to determine if road asset complies with the levels of service as specified by the Maintenance Performance Criteria. Identified defects are rated against the stated intervention levels of the asset. These performance criteria indicate the need for remedial action.

A record of each street/road is completed detailing the name of the inspector, the inspection date, time, road name/asset description and report of any defects found that exceed the stated intervention level as defined by Council's Maintenance Performance Criteria.

6.5.2 Condition Inspections

Condition inspections are undertaken specifically to identify deficiencies in the various components of the road infrastructure that if untreated, are likely to adversely affect network values and operational lifespan. The deficiencies may well impact on short-term serviceability as well as the ability of the component to continue to perform at the level of service for the duration of its intended useful life.

The condition inspection process must also meet the requirements for accounting regulations and asset management. Regular or periodic assessment, measurement and interpretation of the resulting condition data is required so as to determine the need for any preventive or remedial action and is used in the development of relevant programs of rehabilitation or renewal works.

It is important to note that condition inspections are not intended to identify individual defects as this is done by way of the Routine and Request inspections.

The table in Section 6.6 details the type and frequency of programmed and reactive inspections undertaken by Council in relation to its road infrastructure assets.

6.5.3 Reactive Inspections

A maintenance request is any request to undertake maintenance on an infrastructure asset. Customers or users of the asset generally make these requests. To provide the highest level of service, Council's objective in relation to maintenance requests is to inspect and prioritise the work requests within the timeframes as specified.

Upon record of a request for maintenance or report of a defect received from the public, Council Officers or Councillors, an inspection will be carried out by an appropriately experienced Council Officer within *5 business days* for all roads and footpaths. As with routine inspections, any recorded defects beyond the stated intervention level for that particular asset will be prioritised and rectified to satisfy established response times.

If works identified are beyond what is considered maintenance, then the project will be referred to and be considered for inclusion in Council's Capital Investment Program. Council reviews projects for its Capital Investment Program annually, in conjunction with its budget planning process.

If the works exceed the stated intervention level, the defects must be fixed in a temporary manner to ensure that the environment is safe for road users.

6.6 Inspection Performance Criteria

Asset Class	Hierarchy	Routine Inspections
Road Network (includes sealed and unsealed roads and any roadside vegetation)	Primary	4 months
	Secondary	8 months
	Minor	12 months
	Urban Primary & Secondary	Night Inspection - Once per year
Footpath	Primary	12 months
	Local	12 months
Kerb & Channel	All Road Categories (where applicable)	12 months
Bridges (not included in Maintenance Performance Criteria in Appendix A)	All Road Categories	12 months - Level 1 Inspection (Basic visual inspection)
Road Safety Devices	Guard Rail	As per frequency for road category
	Traffic Management Devices	As per frequency for road category
	Signs & Other Road Safety Devices	As per frequency for road category
	Urban Vegetation	As per frequency for footpath category

6.7 Levels of service

The foundation of the Road Management Plan includes setting of appropriate and reasonable standards as they relate to maintenance and construction of road assets.

Council has established maintenance and construction performance criteria that are equitable, sustainable and reflect the requirements for management of its road assets.

The defined levels of service have regard to:

- Community needs and aspirations;
- Industry standards;
- The need to provide a safe and efficient road network; and
- The Council's and its community's ability to fund such standards.
- The management and protection of Council's roadsides with respect to native vegetation and the removal of noxious weeds in accordance with Council's Roadside Vegetation Management

Plan and the Colac Otway Shire Environmental Management Plan Code of Practice (December 2016 Version 1)

The implementation of an equitable road classification system also enables the community to readily identify the road system and have clear expectations as to the standard of construction and maintenance of the road system.

6.8 Community Consultation

An important objective of this Plan is to match the level of service provided by Council's road infrastructure with the expectations of its community given financial, technical and legislative constraints.

Council, as a continued improvement process, will measure and review both its capacity to deliver road services and actual performance of its road network against a number of key outcome areas. These are:

- Annual Community Satisfaction Survey Outcomes (Council Plan – Performance Indicators),
- Levels of expenditure and funding gaps,
- Analysis of Customer requests and responses (currently MERIT), and
- Ongoing development of Council Policies.

Community input into service delivery needs to be considered against its willingness to fund a desired level of service. It is also important that any decision to adopt any changes to the defined maintenance and construction performance criteria is in the best interest of the overall community.

7 EXCEPTIONAL CIRCUMSTANCES

Council, under a normal operating environment, will make every endeavour to deliver all aspects of its Road Management Plan.

However, in the event of natural disasters and other events including, but not limited to, fires, floods, droughts or similar, together with human factors, such as a lack of Council staff or suitably qualified Contractors, because of section 83 of the Victorian Wrongs Act 1958, as amended, Council reserves the right to suspend compliance with its Road Management Plan.

In the event that the CEO of Council, has to, pursuant to section 83 of the above Act, consider the limited financial resources of Council and its other conflicting priorities, meaning the standards Council's Plan cannot be met, the General Manager Environment and Infrastructure will be advised in writing that some, or all, of the services delivered under the Plan are to be suspended until further notice.

Once the events beyond the control of Council have abated, or if the events have partly abated, Council's CEO will provide direction to the General Manager Infrastructure and Leisure Services as to which aspects of Council's Plan are to be reactivated and when.

8 COORDINATION OF WORKS

The primary purpose of a public highway is for use by the public for transport. The provision of utility infrastructure is to be managed in such a way so as to minimise, as far as reasonably practicable, interference with a road's primary purpose. In particular:

- Ensure that risks to the safety and property of road users and the public are minimised;
- Minimise any damage to roads and related infrastructure;
- Minimise disruption to road users; and
- Require that roads and related infrastructure be reinstated by utility and service providers to a condition as near as practicable to their prior condition.
- The management and protection of Council's roadsides with respect to native vegetation and the removal of noxious weeds in accordance with Council's Roadside Vegetation Management Plan and the Colac Otway Shire Environmental Management Plan Code of Practice (December 2016 Version 1)

8.1 Road Openings

For private individuals, upon completion of a Non-Utility Minor Works within Municipal Road Reserves Application Form and payment of the appropriate fee, Council's consent to works is generally issued.

Council's consent to works allows contractors to perform civil works in a road reserve or make a connection to a drain, water main, gas, sewer or telecommunications service, or construct a vehicle crossing.

The issue of consent signifies to Council that the proponent undertakes to comply with the relevant conditions of Council's general conditions of consent. These conditions also relate to all temporary and permanent reinstatement works.

Council Officers inspect the works after four weeks from the date of proposed opening to ensure that reinstatement works have been completed adequately and that the area of works has not exceeded that as indicated on the application for consent.

Council requires that road crossings be bored rather than opened trenched unless consent is granted and a satisfactory length of pavement is reconstructed.

8.2 Service Authorities

Service Authorities are required under the relevant legislation to provide Council with prior notification of planned works before commencement. Works are usually completed under the service authority's powers related to the respective Act relevant to the utility. This usually negates the requirement for the service authority to seek a 'Works on Road' permit from Council, however Council requires that the completed work reinstates the site to an equal or better state than existed prior to the works.

Council may make comment, in writing, regarding the impact of the proposed works on native vegetation, Council assets, safety and location. For Service Authorities, no Road Opening Permit is required for works; however a consent notice is issued providing Council with a record of the works.

Where Council is not satisfied with some aspects of the proposal outlined in the notice, it may provide consent to the works proceeding, subject to the utility/service provider complying with certain conditions. These conditions may involve:

- Management of traffic,
- Timing of works to minimise disruption to road users, and
- Timing and quality of reinstatement, etc.

In such cases Council will provide advice to the utility/service provider that it consents to the proposed works subject to certain conditions.

9 PLAN IMPROVEMENT & MONITORING

The Act requires that Council's Road Management Plan be formally reviewed at prescribed intervals. However, it is proposed that Council review the performance of its Plan more frequently as part of the continuous improvement process being applied to Council activities. This is particularly relevant where the Local Government Act 2020 is gradually replacing the requirements of the Local Government Act 1989.

Improvements to work processes and practices, utilization of plant and other resources will be identified from time to time and implemented where possible or referred to the next Plan review.

9.1 Reviewing the Road Management Plan.

The Road Management (general) Regulations 2016 (Vic) requires councils to review their Road Management Plan within 6 months of a Council general election or by 30 June following an election whichever comes latest.

Council elections occur every 4 years which is a suitable review period.

Any revised plan will be subject to the consultation and approval processes as detailed in Part 3 of the Road Management (general) Regulations 2016.

9.2 Performance Measures

The following performance measures have been adopted to provide an indication of the levels of service meet community requirements in terms of satisfaction of delivery.

Performance Measure	Target
Routine inspections completed as per schedule	100% as specified
Response times for remedial work as assessed against Council's Maintenance Performance Criteria	90% as specified

10 REFERENCES

- Local Government Act 1989
- Local Government Act 2020
- Road Management Act 2004
- Road Safety Act 1986
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015
- Register of Municipal Roads
- Colac Otway Shire Council Plan
- Strategic Resource Plan
- Transportation Asset Management Plan
- Bridge Asset Management Plan
- Asset Management Policy
- Risk Management Policy
- Customer Service Policy
- Closure of Unused Government Roads, Licensing of an Unused Road or Water Frontage Policy
- Installation and Use of Stock Underpasses Policy
- Street Tree Management Policy
- Installation and usage of Cattle Grids Policy
- Special Rate and Special Charges Policy
- Local Law No.2
- Infrastructure Design Manual
- Code of practice No S201- Road management Plan.
- Code of practice No S117-Management of infrastructure in road reserves.
- Code of Practice No S 351-Worksite safety traffic management.
- Code of Practice No S 174-Operational responsibilities for public roads.
- ARRB Unsealed roads manual 2009.
- Roadside Vegetation Management Plan
- Colac Otway Shire Environmental Management Plan Code of Practice (December 2016 Version 1)

APPENDIX A

MAINTENANCE PERFORMANCE CRITERIA

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DEFECTS RESPONSE CODES

Response Code	Target Response Time	Action, Response & Control
2D	Within 2 business days of defect identification by Council having exceeded stated intervention level	Repair or adopt temporary measure within defined target response time
1W	Within 1 week of defect identification by Council having exceeded stated intervention level	Repair or adopt temporary measure within defined target response time
2W	Within 2 weeks of defect identification by Council having exceeded stated intervention level	Repair or adopt temporary measure within defined target response time
3W	Within 3 weeks of defect identification by Council having exceeded stated intervention level	Repair or adopt temporary measure within defined target response time
1M	Within 1 month of defect identification by Council having exceeded stated intervention level	Repair or adopt temporary measure within defined target response time
2M	Within 2 months of defect identification by Council having exceeded stated intervention level	Repair or adopt temporary measure within defined target response time
3M	Within 3 months of defect identification by Council having exceeded stated intervention level	Repair or adopt temporary measure within defined target response time
PW	Programmed Works - Long term maintenance works program (3-5 years) Developed on a priority basis having regard to available resources and annual budget limitations.	
N/A	Not Applicable	
*	Appropriate response within 1 working day if any hazard/defect identified or reported that presents an immediate risk to the health and safety of the public and/or road/footpath users. #	

Note – Where, because of the nature of the repair, availability of resources required or existing workload, it is not possible to rectify a defect within its prescribed response time, appropriate temporary measures are to be provided until necessary repairs can be completed.

An appropriate temporary measure may include, but is not limited to –

- Provision of warning signage,
- Traffic control action,
- Diversion of traffic around the site,
- Lane closure,
- Restriction of use of road by vehicles of a certain size (e.g. Load limit), or
- Temporary Road Closure.

An intermediate response of this type is to manage any risk associated with a particular defect until further remedial action may be undertaken.

MAINTENANCE PERFORMANCE CRITERIA

DEFECT	DEFINITION/DESCRIPTION	INTERVENTION LEVEL	TARGET RESPONSE TIMES			
			Primary	Secondary	Minor	Other
SEALED ROADWAY MAINTENANCE						
Minor Patching						
Potholes	Surface patching of potholes in travelled way using bituminous and other appropriate materials to restore riding surface to a smooth condition.	Repair when pothole exceeds 50mm in depth and 300mm in diameter.	2W*	3W*	1M*	N/A
Seal Edge Breaks & Drop Offs	Repair of fretting along edge of seal to maintain correct overall pavement width.	Repair when edge break exceeds 100mm from the average existing seal width, or when drop off of pavement exceeds 75mm measured over a 20m length.	2W*	3W*	1M*	N/A
Stripped Seals	Loss of aggregate from a seal which can become sticky in hot weather and slippery when wet or frosty.	Emergency treatment where wearing course becomes hazardous to traffic, particularly on horizontal curves or approaches to intersections, or not waterproof. Other areas to be considered within annual reseal program	PW*	PW*	PW*	N/A
Bleeding Surface	Surfaces resulting from too much bitumen on the surface, which becomes 'sticky' in hot weather, and often slippery in wet or frosty weather.		PW*	PW*	PW*	N/A
Slick Surfaces	Slick, fatty or smooth surfaces resulting from loss of aggregate or the wearing down of the aggregate with age, accompanied by an upward movement of bitumen to form a hard, smooth surface with little grip to motor tyres in wet weather.		PW*	PW*	PW*	N/A
Surface Waving or Shoving	Surface waving or shoving is caused by traffic shoving on unstable bitumen mixtures, resulting in shallow waves and hollows. Surface patching and regulation of adjacent surface irregularities <5sqm	When rutting depression holds water or exceeds 75mm under a 3m straight edge longitudinally.	2W*	3W*	1M*	N/A

DEFECT	DEFINITION/DESCRIPTION	INTERVENTION LEVEL	TARGET RESPONSE TIMES			
			Primary	Secondary	Minor	Other
Deformation or Heaving and Depressions	Depressions in the traffic lanes, with bulging of the surface outside the wheel tracks. Surface patching and regulation of adjacent surface irregularities	When depression holds water or mounding exceeds 75mm under a 3m straight edge longitudinally	2W*	3W*	1M*	N/A
Aggregate*, dirt, or debris at critical locations	When accumulation of debris of more than 50mm depth for over 5 lineal metres of wheel path.	Sweeping/cleaning of pavement surface including; intersections, kerb & channel, etc *Note – Removal of excess resealing aggregate or excess asphalt after spraying/laying is the responsibility of the relevant contractor under direction of the Services and Operations Department	2D*	1W*	1M*	N/A
UNSEALED ROADWAY MAINTENANCE						
Potholes-	The application of gravel or appropriate material to potholes exceeding 300mm in diameter and 65mm in depth where moisture content is unsuitable for regular grading.	Repair when pothole exceeds 65mm in depth and 300mm in diameter.	2W*	3W*	1M*	6M
Corrugations, rutting of pavement	Treatment to reduce corrugations, potholes, and rutting to maintain shape and crossfall of unsealed roadways and road shoulders and restore trafficable surface condition.	Road surface, scoured, potholed, rutted, corrugated to depth of 65mm over 30% of any 1km length of road. Treatment may include spot gravelling with appropriate materials. *Note - Grading of unsealed roads will only take place when moisture content of pavement materials is sufficient to maintain cohesiveness of soil aggregates.	N/A	N/A	2 per year*	12 months

DEFECT	DEFINITION/DESCRIPTION	INTERVENTION LEVEL	TARGET RESPONSE TIMES			
			Primary	Secondary	Minor	Other
Shoulders - potholes, rutting, holding water	Unsupported drop from pavement > 100mm measured over a 20m length. Insufficient shoulder material to maintain shoulder at pavement levels, over 40% of road length.	<p>The regular grader maintenance of unsealed shoulders in accordance with the appropriate intervention levels, including spot gravelling to avoid pavement drop off, reworking existing materials to remove shoulder surface irregularities and maintain shoulder shape</p> <p>*Note - Grading of unsealed shoulders will only take place when moisture content of materials is sufficient to maintain cohesiveness of soil aggregates.</p>	2W	3W	1M	6M
ROAD RELATED INFRASTRUCTURE						
Damaged or illegible signs including Statutory and Warning Signs. (excluding rail crossing signs)	<p>The minor repair, re- erection, straightening, and cleaning of signs and sole purpose supports.</p> <p>Note: Council usually holds a limited range and number of signs in stock. If a sign must be ordered, the date of the order and date of receipt of the sign must be recorded. The Target Response Time may be altered to allow for the time lag involved</p>	<ul style="list-style-type: none"> ▪ Straighten sign support when it becomes noticeable that it is not vertical. ▪ Replace when damage renders either the sign or support ineffective. ▪ Clean/ replace the sign face when: <ul style="list-style-type: none"> – There is a noticeable accumulation of dirt. – Graffiti covers more than 10% of sign or message on sign is defaced ▪ Replace missing or if incorrect sign is in place. ▪ Replace if sign is illegible at 150m under low beam or in daylight 	1W	1W	1W	1W
Signs – Rail Crossing Warning Signs (includes only those signs on the approach to a crossing for which Council is responsible)			2W	2W	2W	2W
Tourist & Services Signs (includes street fingerboard signs)			1M	1M	1M	1M

DEFECT	DEFINITION/DESCRIPTION	INTERVENTION LEVEL	TARGET RESPONSE TIMES			
			Primary	Secondary	Minor	Other
Damaged Guard Rail	The re-alignment, repair and replacement of isolated guardrail sections less than 10m in length, posts and hardware that is defective. Includes the cleaning of guardrail.	Replace damaged guard rail sections, end terminals and support posts, subject to the availability of materials.	1M*	2M*	2M*	2M*
Missing/damaged Guide Posts / Delineators	Reinstatement, repair, cleaning of guide posts and delineators to ensure safe and acceptable condition.	Any missing or damaged guide posts (where existing) making them substantially ineffective in a hazardous location for the travelling public	2W	3W	1M	1M
Pavement Markings						
Centre Line	Defined as remarking of all illegible/defective road marked symbols, signs, line work where existing.	When markings lack definition, loss of reflectivity and/or legibility at safe sight distances.	3 Year Program			
Give Way and Stop Holding Lines			6W*	6W*	6W*	N/A
School Crossings			6W*	6W*	6W*	N/A
Railway Crossings			6W*	6W*	6W*	N/A
Parking Bays		Reinstate line marking to ensure effective visibility.	2 Year Program			N/A
Bicycle Lanes			3 Year Program			N/A
ROAD RELATED DRAINAGE						
Kerb & Channel Damage	Repair of damaged kerb and channel due to concrete deterioration or damage.	Replace or undertake repairs when: – Uplift section of 35mm in tray and water ponds for greater than 10m in channel – Lateral displacement of top of kerb and tilted tray by more than 50mm – Broken pieces greater than 200mm missing	1YR*	1YR*	1YR*	N/A

DEFECT	DEFINITION/DESCRIPTION	INTERVENTION LEVEL	TARGET RESPONSE TIMES			
			Primary	Secondary	Minor	Other
Drainage Pit Lid or Surround – Damaged or Missing	Replacement or reseating of pit lid or surround.	Damaged to the point where the structural integrity has been significantly compromised or missing pit lids, surrounds, or grates in pedestrian areas and traffic lanes.	2D	2D	2D	N/A
Surface Drains	Cleaning and minor reshaping of isolated ditches and surface drains >50 m long to maintain adequate drainage. Includes verge drains and back drains.	Reshape when there is ponding in drains or the drain is not functioning to 80% capacity.	At least annually	At least annually	At least annually	At least annually
Sub-Surface Drains	The removal of dirt and debris from sub-surface drain outlets and pits to ensure water is removed from subgrade. Includes checking of rodent and flood flaps.	Inspect and clean subsoil drains annually . Inspect known problem areas and free flowing subsoil drains at scheduled intervals.	At least annually	At least annually	At least annually	At least annually
Culvert/Pit Cleaning	The removal of dirt and debris from culverts and pits to maintain adequate drainage.	Inspect and clean culverts and pits based on Annual Program. Inspect regularly known problem areas after heavy rain, and mouths of pits keeping such free of blockages. Inspect catch basins after heavy rains.	At least annually	At least annually	At least annually	At least annually
Kerb & Channel Cleaning	Clearance of any debris fouling the surface between the face of the kerb and 2.4-metres from the invert of the channel.	Clearance of kerb and channel undertaken to ensure effective drainage.	1M	1M	1M	N/A
VEGETATION MAINTENANCE						
Vegetation Obstruction - Roadway	The cyclic maintenance of trees, shrubs and grasses in road reserves not in urban areas, control provides for fuel reduction as part of annual fire prevention program.	Prune roadside trees, shrubs and grasses to comply with the following clearance limits: <ul style="list-style-type: none"> Height Clearance: min.4.6m above carriageway Lateral Clearance: in line with guideposts, back of shoulder, or kerb Maintenance of safe sight distances at intersections and curves. 	1M*	2M*	PW*	PW*

DEFECT	DEFINITION/DESCRIPTION	INTERVENTION LEVEL	TARGET RESPONSE TIMES			
			Primary	Secondary	Minor	Other
Vegetation Obstruction - Other	Prune trees and/or shrubs and/or grasses to provide for long term desired height, lateral and sight clearances.	Tree, shrub or grasses obstructing safe sight distances, restricts viewing of warning signage, or assessed to be in an unsafe condition causing hazard to traffic or public.	2W	1M	2M	6M

DEFECT	DEFINITION/DESCRIPTION	INTERVENTION LEVEL	TARGET RESPONSE TIME	
			Primary	Local
FOOTPATH AND SHARED USE PATH MAINTENANCE				
Displacements	Replacement, repair, regulation and surface patching of footpath.	Repair or regulate footpath surface where vertical displacement between concrete bays or unstable segmented paving areas exceeds 20mm.	1W	1M
Potholes (Sealed Surface)	Repair of potholes in hard paved areas.	Repair or regulate where potholes exceed 25mm in depth.	1W	1M
Potholes (Unsealed Surface)	Potholes in unsealed surfaces.	Repair when pothole exceeds 25mm in depth and 300mm in diameter	1W	1M
Depressions/ scouring	Regulation of subsided areas exceeding 1-sqm and less than 5-sqm.	Repair or regulate where depressions exceed 30mm in depth over a 2 metre straight edge.	1W	1M
Footpath – Vegetation Obstruction	Street tree and/or shrub and/or grasses shaping to maintain desired height, lateral and sight clearances.	Prune street trees, shrubs and grasses to comply with the following clearance limits: <ul style="list-style-type: none">• Height Clearance: min. 2.4m above footpath• Lateral Clearance: min. 500mm from edge of path	1M	2M
Footpath - Vegetation Control	The control of vegetation growth	Areas where tree, and/or shrub and/or gr grass encroaches across greater than 30% of footpath width or obstructs viewing of signage.	1M	2M
Footpaths/Shared Paths/Bike Paths Edge Repairs	Treatment to reduce depressions, holes or drop-off at the interface (edge) of constructed asphalt, concrete or brick paved footpaths/shared paths/bike paths.	Provide repair of depressions exceeding 50mm in depth at the interface of the nature strip and surrounding constructed footpaths/shared/bike paths with topsoil, gravel or sand	1W	1M
Unstable Segmented Paving Areas	The maintenance of paved areas of various construction.	Distressed area where: <ul style="list-style-type: none">– There are loose, missing, or dislodged pavers,– This is vertical displacement greater than 20mm, or– There are gaps exceeding 25mm Consideration given to replacement of paved areas within annual programs.	1W	1M

DEFECT	DEFINITION/DESCRIPTION	INTERVENTION LEVEL	TARGET RESPONSE TIME	
			Primary	Local
Shared Use Pathway Signs – Guide, Information, Regulatory & Warning	The minor repair, re-erection, straightening, and cleaning of signs and sole purpose supports.	<ul style="list-style-type: none"> ▪ Straighten sign support when it becomes noticeable that it is not vertical. ▪ Replace when damage renders either the sign or support ineffective. ▪ Clean/ replace the sign face when: <ul style="list-style-type: none"> ○ there is a noticeable accumulation of dirt. ○ Message on sign is defaced by graffiti etc. ○ Replace missing or if incorrect sign is in place. 	2W	1M

APPENDIX B – INSTALLATION AND USE OF STOCK UNDERPASS GUIDELINES

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APPENDIX C - INSTALLATION AND USAGE OF CATTLE GRIDS GUIDELINES

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Item: 10.8

Policy Review - Draft Communications Policy

OFFICER	Sarah Osborne
CHIEF EXECUTIVE	Peter Brown
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none">1. 20200715 Draft Communications Policy [4XBI] [10.8.1 - 7 pages]2. 2.7- Social- Media- Policy (3) [10.8.2 - 7 pages]
PURPOSE	To present the draft Communications Policy to Council for endorsement for public consultation.

1. EXECUTIVE SUMMARY

The draft Communications Policy (draft Policy) is a new, consolidated policy that aims to provide a clear framework for consistent, accurate messaging for all print, verbal and online communications.

The Policy combines key points from Council's Social Media Policy (adopted in 2014) and both the Media Relations and the Web Content Operational Policies, to create a succinct overarching guideline for communications for employees and Councillors.

The draft Policy recognises the rapid evolution of media. Since the adoption of the Social Media Policy in 2014, online platforms have become a primary platform for timely communications.

The draft Policy also incorporates broad policy on:

- Spokespeople
- Advertising
- Use of logos
- Distribution of communications, including via traditional methods such as print media and radio, and electronic platforms including website, radio, email, SMS
- Databases.

2. RECOMMENDATION

That Council:

- 1. Endorses the draft Communications Policy for a six week exhibition and consultation period, in line with Council's Community Engagement Policy;***
- 2. Considers any feedback from the exhibition and consultation period at a future Councillor Briefing and Council meeting;***
- 3. Resolves to adopt the draft Communications Policy where no feedback is received, and revoke the attached Social Media Policy, without further resolution of Council.***

3. KEY INFORMATION

The Social Media Policy was adopted in 2014 when Council's use of social media was minimal and print media provided the greatest coverage and met community engagement expectations and statutory requirements.

Colac Otway Shire Council now has almost 5,800 Facebook followers and relies on social media for timely messaging, while maximising communications to our diverse audience through Instagram, Council's website, local print media (including community newsletters), and commercial and community radio.

The draft Policy combines key points from Council's Social Media Policy and both the Media Relations and the Web Content Operational Policies, to create a succinct overarching guideline for communications for employees and Councillors.

Support for an overarching Communications Policy with an operational policy to assist employees with procedures and guidelines for media and web tasks would allow for regular reviews to reflect rapidly changing online resources and meet community expectations.

One succinct policy guiding all communications would provide Councillors and Council officers with a comprehensive resource to reference. It is recommended that Council revoke the Social Media Policy 2014, following adoption of the draft Policy.

A Communications Operational Procedure has also been drafted, the purpose of which is to provide guidelines for the Communications Department's operations to ensure accurate, consistent and compliant delivery of external and internal communication. The Procedure also guides staff and Councillor communication on Council matters to protect the reputation of the Council and ensure consistent messaging. Given the new operational procedure incorporates relevant elements of both the Media Relations (2011) and Web Content (2011) Operational Policies, it is recommended these be retired as part of the review process by the Executive Management Team.

Key points

To reflect the changing media landscape, the draft Communications Policy acknowledges the significant role that Council's website and social media now plays in its proposed Policy Statement: Colac Otway Shire Council recognises online communications is an effective way to engage with the community.

The addition of reference and guidelines for a Council news publication via email paves the way for the creation of a database to distribute news electronically, in addition to communication through newspaper, radio, community newsletters and television.

References to Public Relations have been replaced with Communications, reflecting a change in role and general terminology across Local Government and other industries.

The draft Policy provides guidelines for SMS messaging to a database.

4. COMMUNITY CONSULTATION & ENGAGEMENT

Following endorsement from Council, the draft Policy will be placed on public exhibition for a period of six weeks in accordance with the Community Engagement Policy. Any feedback received will be considered at a Councillor Briefing, and the draft Policy will then be brought back to Council for further consideration/adoption.

In the event no feedback is received, it is proposed Council resolve to adopt the draft Policy and revoke the Social Media Policy without further resolution of Council.

5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

Alignment to Council Plan 2017-2021:

Theme 1 - Our Prosperity

3. Strengthen partnerships with key stakeholders to benefit the whole community.

Theme 2 - Our Places

6. Emergency management is coordinated locally and on a regional basis.

Theme 4 - Our Leadership & Management

2. Openness and accountability in decision making.

3. Organisational development and legislative compliance.

4. Provide value for money services for our community.

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

6. CONSIDERATIONS

ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

A consolidated, up-to-date Communications Policy would guide timely, consistent and accurate communications across all platforms, providing significant benefits for our well-informed community.

LEGAL & RISK

Not applicable.

FINANCIAL & BUDGETARY

Not applicable.

7. IMPLEMENTATION STRATEGY

The draft Policy was considered by the Audit and Risk Committee (ARC) in August 2020. The ARC noted the report and did not have any feedback.

Following endorsement from Council, the draft Policy will be placed on public exhibition for a period of six weeks in accordance with the Community Engagement Policy. Any feedback received will be considered at a Councillor Briefing, and the draft Policy will then be brought back to Council for further consideration/adoption.

In the event no feedback is received, it is proposed Council resolve to adopt the draft Policy and revoke the Social Media Policy without further resolution of Council.

COMMUNICATION

The public exhibition of the draft Policy and opportunity for feedback will be advertised through print and digital media platforms.

TIMELINE

- | | |
|--|---------------------------|
| • Councillor Briefing | 10 June 2021 |
| • Ordinary Council Meeting | 24 June 2021 |
| • Six weeks public exhibition | 30 June to 11 August 2021 |
| • Councillor Briefing (if required) | 1 September 2021 |
| • Ordinary Council Meeting (if required) | 22 September 2021 |

8. OFFICER DIRECT OR INDIRECT INTEREST

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



Council Policy

POLICY NUMBER DRAFT COMMUNICATIONS POLICY

PURPOSE

The purpose of this policy is to provide understanding and guidance for the appropriate use of communications tools, including verbal, printed, and online platforms, by Colac Otway Shire employees, Councillors and contractors while conducting Council business.

The Communications Policy is an important document to protect Council's reputation by ensuring consistency and accuracy in the information Council places in the public realm.

SCOPE

This policy applies to elected Councillors, the Executive Management Team and employees including full-time, part-time, contract, casual, work experience and trainees, contractors, and volunteers of Colac Otway Shire. This policy may also apply to agencies and individuals who provide services to Council and may be included in relevant external supplier contracts.

In all forms of communication, including verbal, printed or digital, Councillors, employees and contractors must adhere to the highest standards of ethical practice and professional competence. This policy should be read in conjunction with all related documents.

DEFINITIONS

Council	Colac Otway Shire Council being a body corporate constituted as a municipal Council under the Local Government Act 2020
Councillors	Individuals holding the office of a member of Colac Otway Shire Council
Council Officer	Chief Executive and staff of Council appointed by the Chief Executive
Print media	Printed publications including, but not limited to, newspapers and community newsletters
Broadcast media	Television, commercial radio, community radio
Online	Websites, social media and other digital platforms
Social media	The definition of social media continues to evolve as platforms and technologies develop. Overall, it refers to any web-based practices that can be used to share content. This includes, but is not limited to, Facebook, Instagram, Twitter, YouTube, and Blogs
Email	Electronic method of exchanging digital messages across the internet or other computer networks.

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CM reference		Date of adoption	
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REFERENCES

Council Plan

Colac Otway Shire Councillor Code of Conduct

Colac Otway Shire Council Employee Code of Conduct

Local Government Act 2020

Colac Otway Shire Style Guide

Copyright Act 1968 (Cth)

Privacy and Data Protection Act 2014 (Vic)

Privacy Act 1988 (Cth)

Public Records Act 1973 (Vic)

Web Content Accessibility Guidelines version 2 (WCAG 2.0)

STATEMENT OF POLICY

Council recognises that the key to building positive and lasting partnerships with the community requires effective two-way communication. It is Colac Otway Shire Council's policy to communicate openly and honestly as a transparent organisation and to maximise public knowledge of our activities.

Council is committed to developing and implementing communication policies, practices and resources that:

- * Inform the community of key Council decisions, services, programs and initiatives.
- * Promote transparency and accountability of Council's decision-making processes.
- * Promote opportunities for the community to participate in Council activities.
- * Promote accessibility by the community to Councillors and Council officers.
- * Build civic pride through a positive image of Colac Otway Shire Council.

Councillors and employees of Colac Otway Shire will demonstrate standards of conduct and behaviour that are consistent with relevant legislation, regulations and policies.

Council communicates with key stakeholders through a variety of channels to engage with their needs, concerns, ideas and aspirations to ensure Colac Otway Shire is delivering services in accordance with community needs and expectations.

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Council accepts the important role of the media to report on issues of interest to the community and its right to scrutinise Council activities. Council will strive to maintain positive and respectful relationships with media outlets.

Councillors and employees will adhere to the communications requirements of Colac Otway Shire's Election Period Policy during the Election Period, prior to Local Government elections.

KEY COMMUNICATION METHODS

Media Releases & Statements

The Mayor and Chief Executive Officer are Council's official spokespeople for all media enquiries/statements/releases in relation to Council decisions, policy, service levels or major issues.

The Communications Department is responsible for coordinating, approving and distributing all media releases, photo opportunities and media briefings following appropriate authorisation.

Council staff will not provide information directly to the media (either verbally or via a media release/statement) without authorisation and all media enquiries will be referred to the Communications Department.

The Chief Executive Officer, the Manager Governance & Communications or the Communications Coordinator can authorise an officer to speak where appropriate.

The Mayor may provide approval for another Councillor to comment on Council matters and/or decisions, where appropriate.

All statements and information will be provided to the Communications Department so they can be recorded and issued.

Media releases are distributed by the Communications Department to media outlets and posted on Council's website.

Websites

Colac Otway Shire, COPACC, Great Ocean Road Visitor Information Centre & Bluewater websites provide a range of content specific to the services, events and programs offered by Colac Otway Shire; they also provide an avenue to distribute information to the community and media.

Content published on Council's websites aims to conform to Level AA of the Web Content Accessibility Guidelines version 2 (WCAG 2.0).

All content must be approved by the Communications Department and relevant officers trained in the use of the website, through a work-flow process prior to it being published online.

The development of additional sub-sites, including social media pages, is discouraged, and all requests must be approved by the Communications Coordinator.

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Publications

The Communications Department prepares and issues publications to residents, as well as other editorial and advertising content to inform the community.

Publications can appear in print media, online and can be distributed via email to residents who have requested to be listed on a Colac Otway E-News database.

Media Releases and Colac Otway E-News will be distributed via email if requested.

Subscription information is listed on Council's website to encourage sign-up. Privacy and anti-spamming legislation must be adhered to, including the ability to opt-in\unsubscribe from the Colac Otway's E-News.

SMS

SMS will be used at times to contact residents who consent to be listed on a database for the purpose of being contacted by Council.

It is vital that the wording in a text message is clear and concise and does not exceed 160 characters.

Abbreviations can be used if necessary; however, care must be taken to ensure that this is understood by a wide audience.

It must be identified in the text that the message is from Colac Otway Shire and provide some form of contact detail, whether that is an email address, physical address or a telephone number.

An opt-out system will be made available and people who request not to be contacted by SMS will be removed from the database.

Social Media

Colac Otway Shire Council recognises online communications are an effective way to engage with the community. Council creates specific content that captures the attention and meets the expectations of a target audience in each digital platform, and is in line with Colac Otway Shire's Council Plan.

The Communications Coordinator and Officer are authorised to manage content and maintain dialogue with the community, posting only as Colac Otway Shire on each platform, and are permitted to authorise other officers to manage content and maintain dialogue.

COPACC, Bluewater and Tourism (VIC) Managers are authorised to manage content and maintain dialogue with the community, posting only as administrators through each platform, and are permitted to authorise other officers to manage content and maintain dialogue.

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Administrators using social media will:

- Adhere to Colac Otway Shire Council codes of conduct, policies and procedures.
- Behave with caution, courtesy, honesty and respect.
- Comply with relevant laws and regulations.
- Reinforce the values of Colac Otway Shire Council.

The following content is not permitted on Council's social media sites at any time:

- Abusive, offensive or sexually explicit material.
- Content which is false or misleading.
- Confidential information about Council or third parties.
- Copyright or Trademark protected materials.
- Discriminatory material on the grounds of race, gender or religion.
- Illegal material or materials designed to encourage law breaking.
- Material that could compromise council, employee or system safety.
- Material which would breach legislation.
- Material which would bring the Council into disrepute.
- Personal details or references to Councillors, Council staff or third parties, which may breach privacy laws.
- Spam, meaning the distribution of unsolicited bulk electronic messages.
- Statements which may be considered to be bullying or harassment.

Councillors, employees and contractors will meet the same expectations as administrators listed above, when commenting on a Council matter on any social media post, and Council will not tag individual Councillors or employees in posts.

Councillors, employees and contractors will not speak on behalf of Council on personal social media accounts, without authorisation of the Mayor or Chief Executive Officer.

Failure to adhere to the above guidelines may result in disciplinary action.

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All content published or communicated by or on behalf of Colac Otway Shire Council using social media will be monitored and recorded.

The Communications Department will monitor social media for relevant contributions that impact on the municipality, its operations and reputation.

Colac Otway Shire Council reserves the right to remove, where possible, content that violates this policy or any related policies. This policy will be published and promoted to Councillors, employees and contractors.

Advertising

Council will advertise to communicate information and promote community engagement, events, activities and services to both the local community and beyond. Advertising is recognised as a key tool for marketing purposes.

Advertising will be placed within the channel most appropriate to reach the target audience with the relevant content and includes (but is not limited to):

- Commercial Radio
- Community Radio
- Print Media
- Community Newsletters.

All public advertisements must be authorised by the Communications Department and meet the Colac Otway Shire Style Guide requirements.

Branding Requirements

The Communications Department is the custodian of the Colac Otway Shire brand and Style Guide; all representations of the brand must be authorised by the Communications Department prior to being distributed.

Third parties wishing to use the Colac Otway Shire branding in any form of promotional or advertising material must seek the relevant approvals from the Communications Department prior to printing.

Logo Usage

Colac Otway Shire logos must appear on all Council communications including correspondence, publications, forms, advertisements, displays, signage, electronic communications and any other relevant communication platforms.

The Colac Otway Shire logo is to be used in line with Style Guide. Approval must be sought by the Communications Department prior to using a logo. Using a Council logo without permission is in breach of Council's copyright and intellectual property.

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Signage

All Colac Otway Shire signs are to adhere to the standards outlined in the Colac Otway Shire Style Guide.

RELATED DOCUMENTS

Information Privacy Policy

Confidential Information Policy

Community Engagement Policy

Election Period Policy

Public Transparency Policy

DOCUMENT CONTROL

Policy owner		<<State position title, not person's name>>	Division	
Adopted by council			Policy Number	
File Number			Review date	

Uncontrolled when printed

CM reference		Date of adoption	
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COUNCIL POLICY

Council Policy Title:	Social Media Policy
Council Policy ref. no:	2.7
Responsible Department:	Executive
Date of adoption/review:	26 February 2014

1. Policy statement

Council is committed to engaging with the community and recognises that social media affords Council another avenue to communicate. Social media can complement Council's existing communication methods and further improve information, access and delivery of key services.

2. Purpose

The purpose of this policy is to provide understanding and guidance for the appropriate use of social media platforms and tools by users for the purpose of conducting Council business.

3. Scope

This policy applies to all councillors, employees, contractors, agents and volunteers of Colac Otway Shire Council who use social media in relation to their involvement with Council.

This policy will also apply to agencies and individuals who provide services to Council and will be included in all relevant external supplier contracts.

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

- Inform appropriate use of social media tools for Colac Otway Shire Council
- Promote effective and productive community engagement through social media
- Minimise miscommunication or mischievous communications
- Help Council manage the inherent challenges of speed and immediacy

The policy applies to those digital spaces where people may comment, contribute, create, forward, post, upload and share content, including:

- Blogs
- Bulletin boards
- Citizen journalism and news sites
- Forums and discussion boards
- Instant messaging facilities
- Microblogging sites (e.g. Twitter)

- Online encyclopaedias (e.g. Wikipedia)
- Podcasts
- Social networking sites (e.g. Facebook, MySpace, Bebo, Friendster, LinkedIn)
- Video and photo sharing sites (e.g. Flickr, YouTube)
- Video podcasts
- Wikis
- Any other websites that allow individuals to use simple publishing tools or new technologies emerging from the digital environment.

As it is not possible to list all specific sites or kinds of social media outlets, the absence of a reference to a particular site or kind of social media activity does not limit the application of this policy.

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

- the author publishes information in their personal capacity and not on behalf of, or in association with Colac Otway Shire Council, and
- no reference or inference is made to Council, its councillors, staff, policies and services, suppliers or other stakeholders or council related issues.

This policy should be read in conjunction with other relevant policies and procedures of Colac Otway Shire Council.

4. Legislative and Policy Framework

Councillors and staff of Colac Otway Shire Council are expected to demonstrate standards of conduct and behaviour that are consistent with relevant legislation, regulations and policies. A list of relevant legislation and documents which may be used as a guide is included in at point 8.

5. Using Social Media

When engaging with social media Users are expected to:

- Adhere to Colac Otway Shire Council codes of conduct, policies and procedures
- Behave with caution, courtesy, honesty and respect
- Comply with relevant laws and regulations
- Reinforce the values of Colac Otway Shire Council.

The following content is not permitted on Council's social media sites at any time:

- Abusive, profane or sexual language
- Content which is false or misleading
- Confidential information about Council or third parties
- Copyright or Trademark protected materials
- Discriminatory material in relation to a person or group based on age, colour, creed, disability, family status, gender, nationality, marital status, parental status, political opinion/affiliation, pregnancy or potential pregnancy, race or social origin, religious beliefs/activity, responsibilities, sex or sexual orientation
- Illegal material or materials designed to encourage law breaking
- Material that could compromise council, employee or system safety
- Material which would breach applicable laws (defamation, privacy, trade practices, financial rules and regulations, fair use, trademarks)
- Material which would bring the council into disrepute

- Personal details or references to councillors, council staff or third parties, which may breach privacy laws
- Spam, meaning the distribution of unsolicited bulk electronic messages
- Statements which may be considered to be bullying or harassment

Further guidelines for Councillors

Councillors must comply with the Council Code of Conduct when using social media related to the Colac Otway Shire Council.

Further guidelines for staff, and other Users identified in this Policy excepting Councillors

Authorisation

Ensure appropriate authorisation has been obtained before using social media including but not limited to uploading content and acting as a spokesperson on behalf of Council.

Expertise

Do not comment outside your area of expertise. Do not commit Council to actions or undertakings.

Disclosure

Only discuss publicly available information. Do not disclose confidential information, internal discussions or decisions of Council, employees or third parties. This includes publishing confidential, personal or private information where there is sufficient detail for potential identification of councillors, Council staff or third parties.

Accuracy

Be accurate, constructive, helpful and informative. Correct any errors as soon as practicable. Do not publish information or make statements which you know to be false or may reasonably be taken to be misleading or deceptive.

Identity

Be clear about professional identity or any vested interests. Do not use fictitious names or identities that deliberately intend to deceive, mislead or lie. Do not participate anonymously or covertly via a third party or agency.

Opinion

Clearly separate personal opinions from professional ones and be mindful of Council's Employee Code of Conduct when discussing or commenting on council matters. In general, don't express personal opinions using Council # tags or other identifications. Only where this is not possible, consider using a formal disclaimer to separate official council positions from personal opinions and distance council from comments made by public and other outside interests.

Privacy

Be sensitive to the privacy of others. Seek permission from anyone who appears in any photographs, video or other footage before sharing these via any form of social media. If asked to remove materials do so as soon as practicable. Ensure you comply with all laws and regulations relating to privacy.

Intellectual Property

Seek permission from the creator or copyright owner, to use or reproduce copyright material including applications, audio tracks (speeches, songs), footage (video), graphics (graphs,

charts and logos), images, artwork, photographs, publications or music. Also seek permission before publishing or uploading material in which the intellectual property rights, such as Trademarks, are owned by a third party e.g. company logos. Seek permission from the website's owner wherever possible before linking to another site (including a social media application).

Defamation

Do not comment, contribute, create, forward, post, upload or share content that is malicious or defamatory. This includes statements which may negatively impact the reputation of another.

Reward

Do not publish content in exchange for reward of any kind.

Transparency

Do not seek to buy or recompense favourable social media commentary. Encourage online publishers to be open and transparent in how they engage with, or review council personnel, services or wares.

Political bias

Do not endorse any political affinity or allegiance when using social media on behalf of Council.

Respect

Always be courteous, patient and respectful of others' opinions, including detractors.

Discrimination

Be mindful of anti-discrimination laws and do not publish statements or information which may be discriminatory.

Language

Be mindful of language and expression.

State of Mind

Do not use social media if inebriated, irritated, upset or tired.

Be safe

Protect your personal privacy and guard against identity theft.

Media

Do not issue statements or make announcements through social media channels unless authorised. Do not respond directly if approached by media for comment through social media. Refer the inquiry to the Public Relations Unit as per Council's media policy.

Modification and moderation

Ensure that any social media sites created or contributed to can be readily edited, improved or removed and appropriately moderated.

Access

Be mindful of the requisite government web standards for accessibility. Information made available via non-compliant platforms should be made accessible in another form where practical.

Be responsive

Specify the type of comments and feedback that will receive a response and clearly

communicate a target response time. Make it easy for audiences to reach Council via other methods by publishing Council's phone number, generic email, Facebook, Skype and Twitter accounts.

6. Roles and Responsibilities

Role	Responsibilities
Councillors	<ul style="list-style-type: none"> • Ensure Social Media use complies with the Councillor Code of Conduct • Do not use Council branding unless given prior authorisation from the Mayor and Public Relations Unit • Understand and comply with relevant provisions in this policy • Seek training and development if required • Seek advice from the Mayor if unsure about applying the provisions of this policy
Staff and contractors	<ul style="list-style-type: none"> • Seek approval from relevant manager for business strategy incorporating social media • Seek authorisation from the Public Relations Unit on using social media and developing a communications plan to support business strategy • Seek approval for council branding of social media • Register social media account/tools/site with the Public Relations Unit • Seek training and development for using social media • Understand and comply with the provisions in this policy • Maintain records of email addresses, comments, 'friends', followers and printed copies or electronic 'screen grabs' when using externally hosted sites to the extent practicable • Seek advice from the Legal or Public Relations Unit if unsure about applying the provisions of this policy • Ensure contractors are provided with a copy of this policy • Familiarise self with the End User Licence Agreements of any external social media tools being used
Unit Managers	<ul style="list-style-type: none"> • Approve business strategy incorporating use of social media • Ensure staff obtain authorisation from the Public Relations Unit on their planned use of social media • Ensure contractors are provided with a copy of the social media policy • Offer training for staff using social media • Advise Information Services of approval to access social media for business purposes
Information Services Unit	<ul style="list-style-type: none"> • Facilitate secure access to support delivery of council business via social media • Regularly back up and archive internally hosted social media sites
Public Relations Unit	<ul style="list-style-type: none"> • Authorise use of social media tools for conducting Council business • Provide advice and assist with the development of communication plans using social media • Educate councillors, staff and contractors about this policy and their responsibilities when using social media • Advise appropriate precautions eg disclaimers • Maintain a register of social media being used for conducting Council business including records of the business case for using social media, its strategic imperative, the intended administrator, URL, login, password and audience • Assist staff to retain some record explaining the context or purpose of social media, and a sample of posts where it is impractical to retain large volumes of screen grabs

	<ul style="list-style-type: none"> • Monitor social media accounts/tools/sites registered for conducting Council business • Monitor social media for references to the Colac Otway Shire Council • Seek legal advice as appropriate where an issue is likely to be contentious or may create legal risk for Council.
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7. Enforcement

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

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

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

Colac Otway Shire Council reserves the right to remove, where possible, content that violates this policy or any associated policies.

8. References

Policies and Guidelines

Council policies and guideline provisions which must be adhered to in relation to the use of social media include the following:

RM-01 Occupational Health & Safety Manual
RM-05 Working from Home Policy

HR-10 Disciplinary Procedure
HR-12 Unacceptable Workplace Behaviour Policy

OD-03 Employee Code of Conduct

C-01 Media Relations Policy
C-02 Web Content Policy
C-03 Photographic Use Policy

IS-01 Information Systems and Security policy and procedures
IS-03 Information Management Policy
IS-04 Smart Phone and Tablet Usage
IS-05 Smart Phone and Tablet Usage guidelines

Public Records Office Victorian Local Government Records - General Records
Authority 2002
Councillor Code of Conduct

Social Media Response Guide for Staff
 Social Media procedure
 Social Media Response Guide for Councillors
 Social Media response guide for responding to comments and opinions

Relevant Legislation

- *Copyright Act 1968* (Cth)
- *Crimes Act 1958* (Vic)
- *Defamation Act 2005* (Vic)
- *Fair Trading Act 1999* (Vic)
- *Fair Work Act 2009* (Cth)
- *Freedom of Information Act 1982* (Vic)
- *Local Government Act 1989* (Vic)
- *Equal Opportunity Act 2010* (Vic)
- *Australian Human Rights Commission Act 1986* (Cth)
- *Information Privacy Act 2000* (Vic)
- *Spam Act 2003* (Cth)
- *Privacy Act 1988* (Cth)
- *Public Records Act 1973* (Vic)
- *Racial and Religious Tolerance Act 2001* (Vic)
- *Wrongs Act 1958* (Vic)

ADOPTED/AMENDMENT OF POLICY

Reviewed Date	Reason for Amendment
26 February 2014	Adopted by Council

Item: 10.9

Policy Review - Acquisition and Disposal of Council Property

OFFICER	Mark McLennan
GENERAL MANAGER	Tony McGann
DIVISION	Environment & Infrastructure
ATTACHMENTS	<ol style="list-style-type: none">1. Attachment 1 - 4.3 Sale and Exchange of Council Land Policy [10.9.1 - 5 pages]2. 2021 Draft Acquisition and Disposal of Council Property Policy (public consultation) [10.9.2 - 7 pages]
PURPOSE	To present the Draft Acquisition and Disposal of Council Property Policy for endorsement and adoption.

1. EXECUTIVE SUMMARY

The purpose of the policy is to provide a framework that ensures a strategic, transparent and consistent approach to the acquisition and disposal of Council owned property.

In 2013 Council adopted the *Sale and Exchange of Council Land Policy* (4.3) (Refer Attachment 1).

This year, council officers undertook a full review of the policy and a number of changes are recommended, these include:

- addition of acquisitions to the policy, including compulsory acquisition;
- addition of further consultation requirements;
- addition of decision-making criteria for determining disposal and acquisition of property;
- addition of consideration of proposals to purchase Council property;
- addition of allocation of the proceeds of sale; and
- an expanded process of disposal.

As the scope of the policy now includes consideration of the acquisition of all property (not just land), the title of the policy has been changed from 'Sale and Exchange of Council Land' to 'Acquisition and Disposal of Council Property' (refer Attachment 2).

Consideration has been given to any implications created by the *Local Government Act 2020*.

2. RECOMMENDATION

That Council:

- 1. Consider the submission made to the consultative process; and*
- 2. Adopts the Draft Acquisition and Disposal of Council Property Policy (4.3) to replace the Sale and Exchange of Council Land Policy.*

3. KEY INFORMATION

Pursuant to a Council Resolution, Community Consultation period has taken place for 6 weeks. As a result of the consultation there was one submission. It is not recommended the draft policy change as a result of the submission and or consultation.

Why do we need this Policy?

From time-to-time Council considers the strategic purchase of property, however there are currently no guidelines or a policy position to govern this process. Many of the same principles apply to acquisition as they do to disposal. Without a policy position that ensures a robust and strategic decision-making framework, Council may dispose of property that could serve an important function now or in the future or acquire land that is not strategically considered. Neither situation ensures the best financial or community outcome.

What has changed?

The main change to the 2013 policy has been the addition of acquisitions to the scope.

Further information has been added to the sections of the policy to elaborate on:

- **Consultation processes.** *Section 191 and /or section 223 of the Local Government Act 1989* provide the steps required to comply legally in regard to the sale or exchange of Council owned property. The new policy outlines an agreed way to deal with any submissions received as a result of consultation that is not required under the Act.
- **Decision making criteria.** The new policy includes criteria to apply in the determination of disposal or acquisition of property to ensure it is surplus to, or meets the needs of Council.
- **Consideration of proposals.** The new policy provides further detail on what needs to be included in a report to Council regarding disposal or acquisition of property.
- **Process of disposal.** A process is outlined that sets out the method of sale or disposal and other relevant requirements.
- **Compulsory acquisition.** The policy now identifies when compulsory acquisition applies and the required process.
- **Confidentiality**
- **Allocation of proceeds from the sale of property.** Currently the proceeds from the sale of property are directed to Council's accumulated surplus. The new draft policy proposes a system by which the allocation of proceeds is determined and disclosed within the Council Resolution to dispose of property.

4. COMMUNITY CONSULTATION & ENGAGEMENT

At the Council meeting on 24 February 2021, a resolution was made to place the draft policy on Public Exhibition.

Council has engaged in community consultation for a period of 6 weeks.

The method of consultation involved making a copy of the draft policy available for download via a dedicated webpage on Council's website. The consultation period and access to the webpage was advertised in the Colac Herald, Apollo Bay News, Birre Mail and on Facebook. A copy was provided to DELWP. Feedback was open to be received via email, mail or phone via the customer assist number, with calls directed to the Strategic Property Co-ordinator.

There was one submission as a result of the process. A copy of the submission is attached to the confidential section of this agenda.

It is suggested that the submission relates more to 13.1 - Closure of Unused Government Roads, Licencing of unused roads and water frontages Policy and are operational suggestions. There is a current review of the policy, including some future consultation. Council officers recommend that there be no change made to the draft policy as a result of the submission.

5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

Alignment to Council Plan 2017-2021:

Theme 1 - Our Prosperity

1. Plan infrastructure, assets and land use with a long-term vision for economic growth.
3. Strengthen partnerships with key stakeholders to benefit the whole community.

Theme 2 - Our Places

1. Assets and infrastructure meet community needs.
2. Our places are managed for long-term sustainability.

Theme 3 - Our Community

1. Increase social connection opportunities and community safety.

Theme 4 - Our Leadership & Management

1. Effectively manage financial resources.
2. Openness and accountability in decision making.
3. Organisational development and legislative compliance.

6. CONSIDERATIONS

ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

This policy provides a framework within which sound decisions can be made that ensure Council owned property is held for an important, identified community or civic use or disposed of to invest in an outcome that best serves the current and future population.

Some examples include:

- Purchase of public open space in an area where there is an identified gap; and
- Sale of land that can serve no identified civic or community function such as a disused Public Works Depot.

LEGAL & RISK

Risks involved with acquisition and disposal of Council property will be mitigated by the proposed policy, which requires adherence to all relevant legislation. Other non-legislative risks can be mitigated by following the guidance outlined in the policy, for example: undertaking due-diligence investigations to ensure Council is aware of any encumbrances on the land or presence of contamination.

FINANCIAL & BUDGETARY

Council is committed to the responsible management of financial resources. Adoption of and adherence to this policy will ensure sound financial decisions are made that:

- allow Council to invest funds from the sale of a property that is surplus in an area of identified need;
- save money in the long term, but reducing maintenance on surplus land or reducing associated costs with ongoing lease or licence arrangements; and
- secure land that is needed for the future before real estate prices become prohibitive.

Upfront costs associated with the disposal and acquisition of property, include: legal fees, consultant fees (for example: land surveyors, contamination investigations, feasibility studies) and officer time. Council allocates an annual operational budget for some legal fees and officer time associated with the research, reporting, planning and administration of property acquisition and disposal, however funding for investigations, studies and consultants associated with specific transactions is allocated on a case-by-case basis and is subject to available funds.

7. IMPLEMENTATION STRATEGY

COMMUNICATION

The method of engagement on the draft strategy has been outlined at section 4. Following adoption of the Policy, information will be updated on Council's Policy register and the document will be available on Council's Web site.

TIMELINE

If adopted, this policy will take effect immediately.

8. OFFICER DIRECT OR INDIRECT INTEREST

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



COUNCIL POLICY

Council Policy Title:	Sale and Exchange of Council Land
Council Policy ref. no:	4.3
Responsible Department:	Corporate and Community Services
Date of adoption/review:	24 July 2013

1. INTRODUCTION

Colac Otway Shire is obliged to manage its real estate so that municipal requirements are met. These requirements may change and properties need to be revaluated to establish their status.

The current and future use of property as well as the economic potential of disposal, should be considered by Council.

2. OBJECTIVES

Council will dispose of Council Land in a considered and responsible way and in accordance with legislation and the policy outlined.

Where Council disposes of real estate the sale should maximise the total economic return to the Council except where there is a clearly demonstrated community benefit for selling the land at a lower amount.

The policy has been prepared to assist Council and officers in determining the procedures to be followed in the sale, transfer or exchange of Council Land and in line with sound management practice.

3. LEGISLATIVE AND CORPORATE REQUIREMENTS

This policy complies with the requirements of the *Local Government Act 1989* and the *"Local Government Best Practice Guidelines for the Sale and Exchange of Land"*.

The Best Practice Guideline was prepared jointly by Local Government Victoria and the Government Land Monitor, Department of Planning and Community Development to provide guidance for Councils that are proposing to either sell or exchange land.

The guideline is in two parts:

- The first sets out the legal obligations under sections 189 and 191 of the *Local Government Act 1989*; and
- The second part sets out general principles and best practice for the sale, exchange or transfer of land.

3.1 Legislative Requirements:

The *Local Government Act 1989* provides the steps required to comply legally in regard to the sale or exchange of Council owned land (sec 189) and in accordance with the State Government Department of Planning and Community Development Local Government Best Practice Guidelines for the Sale, Exchange or Transfer of Land.

- Public notice to be given of Council's intention to do so at least 4 weeks prior to the sale or exchange.
- Obtain from a registered valuer a valuation of the property for sale or exchange, which is dated not more than 6 months prior to the sale.
- To receive submissions under section 223 of the *Local Government Act 1989* within 28 days of advertising a Notice of Intention.
- Submissions to be considered by Council prior to resolving to sell or exchange land.

3.2 General

All properties will be reviewed periodically for its municipal usefulness and particular attention paid to land not adequately used for municipal purposes.

Properties that are designated as surplus may be sold, exchanged or reserved for exchange for other land that the municipality requires. This would be after an assessment of Strategic Planning implications and future needs.

3.3 Preliminary Report to Council to Sell Land

Prior to any sale of land and the statutory processes commencing, a report to Council is to be prepared outlining the following:

- Reason for recommended sale
- Description of property
- Current Council valuation and date of valuation
- Council's book value of land
- Locality map
- Current use
- History of Council ownership
- Recommended method of sale
- Recommended sale price range and justification if range is less than valuation
- Any encumbrances
- Timelines for sale

- Proposed purchaser and if company, details of company directors and/or trustees (private sale only)

A report would also be prepared for the transfer or donation of land where no sale price is involved.

3.4 Consultation Process - Advertising

All statutory advertisements must include a legal property description and a local name by which the property is known (if any) together with all other relevant details in relation to the sale eg. price, special conditions, statutory advertising will be placed with Council's regular print media outlets.

3.5 Methods of Disposal

Sale or exchange of land may proceed in the following manner:

- Public Competitive Sale (auction or agent)
- Private Sale
- Other Sales

Generally, all sales and exchanges of land should occur at not less than the market value assessed by a Valuer engaged by Council. Where it is recommended that land is sold for less than the market value, a report should be provided to Council, explaining the circumstances, reasons or factors which led to the decision to accept a sale price that is less than market value or land on exchange with a lower value.

3.6 Public Competitive Sale

After completing the relevant advertising process required under the *Local Government Act 1989* and Council resolved to sell, the following procedures should apply:

- 3.6.1 At least 2 quotations be obtained from licensed agents to act for Council.
- 3.6.2 Selection of an appropriate real estate agent to dispose of the property may be based on the following criteria but not limited to:
 - (a) type of property to be marketed
 - (b) relevant experience
 - (c) proposed commission
 - (d) necessary licences
- 3.6.3 The Chief Executive Officer, after consultation with Council, to determine whether sale by auction or direct negotiation or expression of interest and whether any terms and conditions apply.
- 3.6.4 The Chief Executive Officer, after consultation with Council, to determine reserve value if sale by auction or negotiated sale.
- 3.6.5 If reserve is met then sale proceeds.
- 3.6.6 If reserve is not met, then any offer or proposal to amend reserve be referred to the Chief Executive Officer for consideration.

3.7 Private Sale

- 3.7.1 The Chief Executive Officer, or an officer authorised by the Chief Executive Officer, be empowered to negotiate with prospective purchaser/s.
- 3.7.2 The Chief Executive Officer to approve final sale price and any terms or conditions of sale.

3.8 Other Sales

If any sales fall aside the guidelines above then Council approval will be required prior to acceptance of any offer to purchase.

3.9 Contracts of Sale

All Contracts of Sale are to be prepared by Council's legal advisors and tabled for Council signing and sealing.

3.10 Payment of Costs

Each party will bear their own costs in relation to a sale of land process. Council costs may include valuation fees, legal cost and real estate agent fees.

3.11 Authorisation

The Chief Executive Officer is authorised to negotiate and sign contracts of sale . In accordance with the Chief Executive Officer's Instrument of Delegation or as agreed by Council.

3.12 Annual Report

All land sales for the financial year are to be disclosed in the Annual Report of Council for that year.

3.13 Expiration of Sale Offer

If a contract of sale has not been signed within a period of 6 months from date of Council resolution to sell, the offer lapses unless due to unforeseen circumstances and will be required to be referred back to Council for determination.

3.14 Responsibility

The Infrastructure Department (Assets) shall have the responsibility of identifying surplus properties and advising Council. The actions of the department shall include, but not be limited to the following:

- Identify potential saleable parcels of land.
- Refer property to other departments for comments and advice.
- Obtain toxic or environmental reports.
- Apply for relevant planning requirements.
- Prepare Council papers and reports.
- Request valuations.
- Place statutory and other advertisements in newspapers.
- Engage a real estate agent.
- Authorise preparation of vendor statements, contracts and documents.

3.15 Use of Proceeds

Unless otherwise directed by the Council, sale proceeds from land other than that reserved as Public Open Space shall be assigned in accordance with Council's adopted long term financial plan.

Proceeds from the sale of land reserved for Public Open Space must be assigned as directed in the *Local Government Act* (1989), *Planning and Environment Act* (1987) and *Subdivision Act* (1988).

4. Related Legislation, Guidelines, Specifications and Codes of Practice

- *Local Government Act* 1989, Sections 189, 191 and 223
- *Planning and Environment Act* (1987) and *Subdivision Act* (1988).
- Council Tendering Policies
- Local Government Best Practice Guideline for the Sale and Exchange of Land

5. Implementation and Review

This policy will be implemented by staff at the Colac Otway Shire and will be reviewed on a periodic basis.

The policy is subject to immediate review should any relevant legislation changes occur.

ADOPTED/AMENDMENT OF POLICY

Policy Review Date	Reason for Amendment
27 May 2008	Adopted by Council
28 October 2009	Review
24 July 2013	Review



Council Policy

4.3 - ACQUISITION AND DISPOSAL OF COUNCIL PROPERTY

PURPOSE

The purpose of this policy is to provide:

- (a) a fair, compliant and transparent position with regards to the acquisition and disposal of Council owned property; and
- (b) criteria to determine if a property is considered to be surplus or worthy of purchase.

SCOPE

This policy applies to any Council owned property under consideration for disposal, exchange or sale.

This policy also applies to any property that Council is considering acquiring.

This policy does not apply to CROWN land or property managed by Council on behalf of the CROWN.

DEFINITIONS

Property - Real property commonly referred to as land and may include a building or improvements on the land.

Land - The land as described in a Certificate of Title that has no improvements within its boundaries.

PAC - Property Advisory Committee: An internal advisory group consisting of representation from Council's Assets, Community Development, Economic Development, Recreation and Open Space, Planning and Strategic Property departments.

Acquisition - Purchase of property or land.

Disposal - Sale or transfer of Council owned land or property.

Valuation - A formal assessment performed by a Registered Valuer to establish value of property or land.

Certificate of Title - A record of interests and rights affecting land.

Real Assets - Land or property.

Best Value - A principle based approach that aims to ensure that services meet the needs of the community in terms of quality, competitiveness, efficiency, continuous improvement and accountability.

Contract - A written agreement documenting the acquisition or disposal of property that is enforceable by law.

Expressions Of Interest (EOI) - An offer made by a strategic or financial buyer for the purchase of Council property.

Compulsory Acquisition - A statutory process that enables Council to acquire land or property without the willing consent of its owner or occupant for public purposes such as building or roads.

Proceeds of Sale - Any amount that Council receives from the sale or disposal of Council property.

REFERENCES

The Local Government Act 2020

The Sale of Land Act 1962

The Transfer of Land Act 1958

The Land Acquisition and Compensation Act 1986

The Valuation of Land Act 1960

Department of Planning and Community Development, Local Government Best Practice Guidelines for Sale or Exchange of Land (June 2009)

Uncontrolled when printed

CM reference		Date of adoption	
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STATEMENT OF POLICY

1. GENERAL PROVISIONS

- 1.1** Colac Otway Shire Council has a responsibility to manage property owned by Council so that it provides Best Value for its community.
- 1.2** The sale or exchange of Council owned property and the acquisition of property shall be subject to a fair, compliant and equitable process that:
- (a) Considers strategic, economic, social and environmental objectives, benefits and liabilities;
 - (b) Complies with legislative obligations;
 - (c) Involves consultation with relevant stakeholders;
 - (d) Considers the fair allocation of any Proceeds of Sale;
 - (e) Secures the best financial and strategic social outcome; and
 - (f) Is transparent and open to scrutiny, while maintaining appropriate levels of commercial confidentiality.
- 1.3** The *Local Government Act 2020 (section 114)* outlines the legislative requirements with regard to the sale or exchange of Council owned land.

2. CONSULTATION

2.1 Legislative Requirements (Sale or Exchange)

The *Local Government Act 2020* and the *Department of Planning and Community Development, Local Government Best Practice Guidelines for Sale or Exchange of Land (June 2009)* require that:

- Council must publish notice of its intention to sell or exchange property (on Councils internet site and in any other manner prescribed by the regulations) at least 4 weeks prior to doing so;
- Council must undertake a community engagement process in accordance with its Community Engagement Policy and Operational Framework, at a minimum 'consult level', before selling or exchanging property (*Local Government Act 2020* section 114(2)(b));
- Submissions are considered by Council prior to resolving to sell or exchange land in accordance with its Community Engagement Policy;
- Council must obtain a valuation of land in accordance with section 114(2)(c) of the Act which is made not more than 6 months prior to sale or exchange.

2.2 Acquisition and compensation

A Council may purchase or compulsorily acquire any land which is, or may be required by the Council for or in connection with, or as incidental to, the performance of its functions or the exercise of its powers.

Council must undertake a community engagement process in accordance with its Community Engagement Policy and Operational Framework at a minimum 'consult level'.

2.3 Other consultation

Where no statutory requirement exists, but it is considered to be in Council's best interest to enter into additional community engagement, Council may, at its discretion, undertake an appropriate community engagement process.

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2.4 Hearing of Submissions

Council's Submissions Committee will consider and hear any submissions in relation to the sale, acquisition or exchange of property.

3. PERIODIC STRATEGIC REVIEW

- 3.1 All Council owned properties shall be reviewed every four years in order to determine their continuing strategic need and or potential for disposal.

4. CRITERIA FOR DETERMINING DISPOSAL OR ACQUISITION OF PROPERTY

4.1 Criteria for Disposal

The following criteria shall be used to determine if property is surplus to Council's needs.

A property may be considered for disposal or exchange if:

- (a) The property is not required for provision of a Council service or operation, now or in the future;
- (b) The property is currently used for provision of a Council service or operation, and a suitable alternative exists that is economically viable (This may include purchase of another property, refurbishment of an existing Council owned property, construction of a new facility or leasing of a non-Council owned property);
- (c) Disposal of the property will not inhibit or prevent the fulfilment of an identified strategic requirement of Council, now or in the future; and
- (d) The property is not required for recreational, environmental or community use with a demonstrated demand, now or in the future.

4.2 Criteria for Acquisition

A property may be considered for acquisition if:

- (a) The property is required for provision of a Council service or operation, now or in the future, and no suitable, economically viable alternative exists; or
- (b) The property demonstrates a viable economic return to Council over time; or
- (c) The property can be set aside to fulfil a demonstrated strategic purpose in the future.

4.3 Compulsory Acquisition

As an 'acquiring authority' under the *Planning and Environment Act 1987*, and in accordance with section 112 of the *Local Government Act 2020*, Council may compulsorily acquire property.

A property will only be compulsorily acquired when:

- (a) It is for a public purpose;
- (b) All other reasonable options have been considered and explored;
- (c) The land is first reserved under the Council's planning scheme via a Public Acquisition Overlay; and
- (d) The process for compulsory acquisition as set out in the *Land Acquisition and Compensation Act 1986* (Vic) has been followed.

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5. CONSIDERATION OF PROPOSALS

5.1 Prior to formal consideration of a proposal to dispose of or acquire property, a comprehensive due diligence report is to be provided to Council outlining the following as a minimum:

- (a) Description of the property;
- (b) A Valuation by a certified Valuer;
- (c) A locality map;
- (d) Confirmation that the land is as described and survey issues such as encroachments (either on or from the land), access, encumbrances, etc. have been investigated and addressed. This will ensure that true property boundaries of the land and any rights and restrictions are accurately recorded in the title documents and / or any material discrepancies are disclosed in the sale contract.;
- (e) The current use/s;
- (f) The reason for proposed acquisition or disposal;
- (g) A copy of the Certificate of Title;
- (h) The recommended method of acquisition or disposal;
- (i) A recommendation as to the purchase or sale price range and associated legal and other costs (in confidence);
- (j) Allocation of any Proceeds of Sale;
- (k) Estimated timeframes; and
- (l) Any special conditions.

5.2 The report will satisfy the criteria set out at 4.1 and address the questions outlined below.

5.2.1 Regarding both disposal and acquisition:

- Has the disposal or acquisition of the property been identified in a Council plan, strategy, study or master plan?
- Has the proposal to acquire or dispose of property been referred to the Strategic Property Co-ordinator and the PAC for consideration and recommendations?
- Is there a flood liability or drainage constraint on the property such as an LSIO (Land Subject to Inundation Overlay)?
- What are the other planning constraints, controls and considerations, such as significant vegetation and cultural heritage?
- Has the potential for contamination been investigated? (Where it is deemed that there is potential for contamination to be present, the responsible agency must engage a suitably qualified expert to undertake, at a minimum, a preliminary environmental site assessment, in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013) to formalise and document the contamination status of the land).
- Has the property been acquired as a result of unpaid municipal rates?
- Have liabilities on the property been considered?
- Are there other locations or options available to provide the same level of service, with similar or better economic, social or environmental benefit?
- Has Native Title implications been considered?

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5.2.2 Acquisition only:

- What is the total, upfront and ongoing cost to Council for purchase and management, and how does this compare to any alternatives?

5.2.3 Disposal of Council owned property only:

- Has the property been gifted to Council for a specified purpose, for example as Public Open Space?

6. UNSOLICITED PROPOSALS TO PURCHASE COUNCIL PROPERTY

- 6.1** Unsolicited proposals to purchase Council property by an entity external to Council may be received and considered. If, after considering the criteria set out in section 4.1 herein, Council officers determine a sale or transfer of the subject property to be in the best interests of the community, a proposal shall be referred to Council for formal consideration.

7. PROCESS OF DISPOSAL

- 7.1** Property that has been determined to be surplus to the needs of Council, having satisfied the criteria at 4.1, may be sold or exchanged for other property.
- 7.2** Council will not seek to retain property once it has been declared to be surplus and will actively seek to sell or exchange the said property after a Resolution of Council is made.
- 7.3** Any decision declaring property to be surplus to the needs of Council shall be made at a Council meeting that is open to the public.

A Resolution of Council to dispose of property may include authorisation for the Chief Executive to proceed to:

- Determine a preferred purchaser;
- Undertake the statutory process including public advertising; and
- In the event that Council receives no submissions after public advertising, provide for execution of sale contract, or other required documents.

If Council resolves to sell property, reports and/or valuations will remain confidential in any required Council report or resolution, resulting in the resolution only being released to the public. This will keep the valuation and any reserve price confidential to ensure that a competitive process is maintained.

7.4 Allocation of Proceeds of Sale

Council will identify and disclose where the proceeds of any proposed sale of property will be allocated. Council will include the allocation of any proceeds of sale within the resolution to sell Council property.

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8. METHODS OF DISPOSAL OR EXCHANGE

8.1 Sale or exchange of property may proceed in the following manner:

- Public Competitive Sale (auction or agent);
- Private sale; and
- Other sale.

8.2 Public Competitive Sale (Auction or Private Sale)

After completing the statutory requirements under the *Local Government Act 2020*, and upon Council resolving to proceed to public competitive sale, the following procedures shall apply:

- Two quotations obtained from licenced real estate agents to represent Council in relation to the proposed sale.
- Selection of an appropriate estate agent to dispose of property may be based on the following:
 - Type of property to be marketed
 - Relevant experience
 - Proposed commission
- All Council Officers involved in the proposed transaction must complete a Conflict of Interest Declaration and submit that declaration to Council's Governance Department at the earliest opportunity.
- Selection of an appropriate solicitor to protect Council's interest in the sale, based on the following:
 - Relevant experience; and
 - Proposed legal costs and charges.

8.3 Private Sale (to preferred purchaser)

After completing the statutory requirements under the *Local Government Act 2020*, and Council resolving to proceed to a private sale to a nominated purchaser, the following procedure shall apply:

- All persons involved in the proposed transaction to complete Conflict of Interest Declarations.
- Selection of an appropriate solicitor to conduct the sale agreement based on the following:
 - Relevant experience; and
 - Proposed legal costs and charges.

8.4 Other Sale

Council may conduct a sale of property by Invitation for Expressions of Interest seeking to achieve a desired outcome such as with a sale of land that has no ability to be improved. This process would be useful for properties that have an environmental restriction.

After completing the statutory requirements under the *Local Government Act 2020*, the following procedure shall apply:

- All Council officers involved in the proposed transaction to complete Conflict of Interest Declarations.
- Selection of an appropriate Solicitor to conduct the sale agreement based on the following:
 - Relevant experience; and
 - Proposed legal costs and charges.

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9. CONFIDENTIALITY

9.1 All information with regards to the disposal and acquisition of property can be made public, except in the following instances:

- (a) Valuation advice remains the property of the instructing agency (or agencies where joint instructions are issued) and must not be disclosed to any third party unless authorised by the agency(ies).
- (b) Any other document or information that discloses commercially sensitive information.

RELATED DOCUMENTS

Colac Otway Shire Community Engagement Policy and Operational Community Engagement Framework

Colac Otway Shire Procurement Policy.

Colac Otway Shire Planning Scheme.

DOCUMENT CONTROL

Policy owner	Strategic Property Co-ordinator	Division	Environment and Infrastructure
Adopted by council		Policy Number	4.3
File Number	D20/153591	Review date	

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CM reference		Date of adoption	
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Item: 10.10

Procurement Policy - Version 3.4

OFFICER	Ben McLaughlin
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	<ol style="list-style-type: none">1. Procurement Policy - Clean - Version 3.4 [10.10.1 - 18 pages]2. Procurement Policy - Marked Up - Version 3.4 [10.10.2 - 20 pages]3. Contract Example - Complexity Assessment [10.10.3 - 4 pages]
PURPOSE	To present the updated Procurement Policy for Council's consideration and adoption.

1. EXECUTIVE SUMMARY

In accordance with the *Local Government Act 1989* (1989 Act), Council is required to review its Policy at least once in each fiscal year. The last review of the Policy was endorsed by Council on 27 November 2019.

With the introduction of the *Local Government Act 2020* (2020 Act), Council is required to have an approved Policy that is in-line with the new provisions by 31 December 2021 but no earlier than 1 July 2021. Until the Policy is adopted, Councils are to continue to operate under the provisions of the 1989 Act.

To meet the requirement of both Acts, the Policy has been revised in line with the provisions of the 2020 Act with a commencement date of 1 July 2021.

2. RECOMMENDATION

That Council adopt the updated Procurement Policy (Version 3.4)

3. KEY INFORMATION

Background

In accordance with section 186A(7) of the *Local Government Act 1989* (1989 Act), Council is required to review its Policy at least once in each financial year, and may, in accordance with section 7, amend the Policy.

The last review of the Policy was endorsed by Council on 27 November 2019.

With the introduction of the *Local Government Act 2020* (2020 Act), Council is required to have an approved Policy that is in line with the new provisions by 31 December 2021 but no earlier than 1 July 2021.

Until the Policy is adopted, Councils are to continue to operate under the provisions of the 1989 Act. In order to meet the requirement of both Acts the Policy has been revised in line with the provisions of the 2020 Act, with a commencement date of 1 July 2021.

Local Government Act 2020

One of the 2020 Act's proposals is to remove the "unnecessary and outdated prescription from the current Local Government Act"^[1]. This enables Councils to "develop their own procurement policies that embrace collaboration and economies of scale"^[2].

In discussions with Local Government Victoria, it has been encouraged that Council look at moving away from prescribed thresholds and adopting a risk-complexity based assessment, similar to the model the State Government operates under.

^[1] *Second reading speech (Local Government Bill 2019) p4320.*

^[2] *Second reading speech (Local Government Bill 2019) p4320.*

Updates to Policy

Several resources were used in the creation of the new policy, including resources provided by Local Government Victoria, Municipal Association of Victoria (MAV) and Victorian Government Procurement Board (VGPB).

Section 108(3) of the 2020 Act outlines what the Policy must include. Each of these items were addressed in the review of the Policy:

- a. the contract value above which the Council must invite a tender or seek an expression of interest (refer section 3.18 of the Policy);
- b. a description of the criteria to be used by the Council to evaluate whether a proposed contract provides value for money (refer section 3.1 of the Policy);
- c. a description of how the Council will seek collaboration with other Councils and public bodies in the procurement of goods or services (refer section 3.15 of the Policy);
- d. the conditions under which the Council may purchase goods or services without inviting a public tender or expression of interest (refer section 3.18 of the Policy); and
- e. a description of the process to be undertaken in inviting a public tender or expression of interest (refer section 3.19 of the Policy).

In addition to the above, the most notable amendments to the Policy are:

- a. Market engagement methods (section 3.18)
A hybrid model was chosen as Council's preferred method of procurement. The model is a mix of prescribed thresholds and a complexity assessment. More detail can be found at appendix 1 of the Policy and the attached complexity assessment template.
- b. Contract variations (section 3.24)
Approval of contract variations were updated in accordance with S5 Instrument of Delegation from Council to the Chief Executive Officer and S7 Instrument of Sub-Delegation from CEO to Council staff.
- c. Exemptions (section 3.21)
With the replacement of the 1989 Act, it is no longer a requirement to seek an exemption from the Minister. A new process has been developed to create greater efficiency while maintaining appropriate levels of approval.
- d. Councillor review of Scope and Specification (section 3.2)
Councillors can request to be involved in developing scope and specifications for specific tenders.
- e. Alternative proposals (section 3.2)
Acceptance of alternative proposals to encourage innovation from the sector.

The Procurement Procedure (Procedure) will be updated in line with the Policy if/when the Policy is adopted by Council. The Procedure will be presented to Council at a designated Council Briefing session to provide feedback and recommendations.

Review

An internal audit of Council's tendering practices was recently completed by Crowe and presented to the Audit and Risk Committee on the 12 May 2021. Comments by the auditor at the close-out meeting were highly complementary of Council's tendering process. The report highlighted two medium level and two low level risks. The Internal Audit Report – Tendering has been distributed to Councillors.

The recommendations from the report were adopted, except for one medium level recommendation – Approval of late tenders. The internal auditor made a recommendation that "Management should implement the requirement that late tenders will not be considered". Management disagrees with this recommendation. In Council's tendering documents, Council can accept late tenders due to exceptional circumstances, provided accepting the late submission would not compromise the integrity of the process. The Audit and Risk Committee (ARC) discussed this issue at its May 2021 meeting and proposed some additional requirements regarding acceptance of late tenders. Councillors then discussed the topic at a briefing and made further recommendations. The ARC and Councillor recommendations have been included in the proposed changes to the procedure. The Chair of the ARC has commented that he is happy with the suggested amendments. Councillors have been circulated the proposed update below, strengthening the requirements and process regarding acceptance of a late tender:

Late Tenders (Procurement Procedure)

Definition of Exceptional Circumstance: Exceptional Circumstance means a technical failure relating to Council's electronic tendering portal or network issues by third party providers outside of the Invitee's control.

Process relating to the acceptance of a late tender:

1. If an offer is lodged after the closing time the Chief Executive must inform Councillors immediately that a late offer has been received and suspend proceedings for one week while receiving any input from Councillors.
2. The Chief Executive will make a determination if an Exceptional Circumstance caused the offer to be lodged after the closing time;
3. If the late offer received is not within the scope of an Exceptional Circumstance, the Chief Executive must, in the prescribed order below:
 - a) Provide information to Councillors regarding the contract, the Invitee's reason for submitting a late offer and the Invitee's details.
 - b) Direct the Coordinator Procurement and Contracts to advise the Invitee who submitted the late offer that their offer will not be accepted. The Coordinator Procurement and Contracts must include information relating to the rejection of the late offer in the Tender Evaluation Report.
4. If the late offer received is within the scope of an Exceptional Circumstance, the Chief Executive must, in the prescribed order below:
 - a) Obtain documented evidence from either the supplier of Council's e-tendering platform or in the case of an internet outage, the third-party network provider.
 - b) Be satisfied that accepting the late submission would not compromise the integrity of the process.
 - c) Provide the information relating to points (a) and (b) to Councillors.
 - d) Direct the Coordinator Procurement and Contracts to advise the Invitee that submitted the late offer that it will be accepted. The Coordinator Procurement and Contracts must include information relating to the acceptance of the late offer in the Tender Evaluation Report.

This amendment will be included in the Procedure and will be presented to Council at a designated Council briefing to receive further feedback and recommendations.

The Policy was also presented to Council's Audit and Risk Committee (Committee) on the 12 May 2021 for review. The Committee provided ten recommendations to the policy. Each of these recommendations have been included in the updated Policy.

4. COMMUNITY CONSULTATION & ENGAGEMENT

Not applicable.

5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

Alignment to Council Plan 2017-2021:

Theme 4 - Our Leadership & Management

1. Effectively manage financial resources.
2. Openness and accountability in decision making.
3. Organisational development and legislative compliance.

6. CONSIDERATIONS

ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

Council is committed to the effective procurement of goods, services and works through adopting best practice principles, policies and procedures. It is recognised this will also support the achievement of Council objectives regarding sustainable and socially responsible procurement, support of the local economy and obtaining value for money, which in turn, will lead to a better outcome for Council in the provision of services for the community.

LEGAL & RISK

In accordance with the *Local Government Act 1989*, Council must review its Procurement Policy at least once in each financial year. The last revision was adopted 26 November 2019. Council must also amend its Policy so that is in-line with the requirements of the 2020 Act prior to 31 December 2021.

FINANCIAL & BUDGETARY

Not applicable.

7. IMPLEMENTATION STRATEGY

Following the endorsement of the Policy by Council, education sessions will be provided to all Council officers who undertake procurements on Council's behalf to ensure effective application of the Policy and supporting internal procedures.

The Policy will also be made available to the public via Council's website.

8. OFFICER DIRECT OR INDIRECT INTEREST

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



Council Policy

3.4 – PROCUREMENT POLICY

PURPOSE

Council is required under section 108 of the *Local Government Act 2020* to prepare, adopt and comply with a Procurement Policy. In accordance with the Act, the Procurement Policy sets out the key principles and processes applied to the purchases of Goods, Services and Works by Council.

SCOPE

This Procurement Policy applies to all procurement activities undertaken by Council and is binding upon Councillors, Council Officers, Committees, contractors and consultants while engaged by Council. This Procurement Policy does not cover contract management activities, with the exception of contract variations.

COMMENCEMENT

The provisions of this Procurement Policy come into operation on the 1 July 2021.

DEFINITIONS

In this Policy:

Act (the) means the *Local Government Act 2020* (as amended).

CE Delegation means the financial delegation of the Chief Executive as approved by Council.

Conflict of Interest means where a Councillor or Council Officer has private interests that could influence, or be seen to influence, their decisions or actions in the performance of their public duties, defined under the Act as a direct or indirect interest.

Committees means Community Asset, Advisory and Delegated Committees in accordance with the Act.

Content Manager means Council's Electronic Document and Records Management System.

Council means Colac Otway Shire Council.

Councillor means a person who has been elected to the office of councillor of Council.

Council Officer means a current member of Council staff with the authority to engage in activities on behalf of Council.

Emergency means an emergency due to the actual or imminent occurrence of an event which in any way endangers or threatens to endanger the safety or health of any person in Victoria or which destroys or damages, or threatens to destroy or damage, any property in Victoria or endangers or threatens to endanger

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the environment or an element of the environment in Victoria including, without limiting the generality of the following:

- (a) an earthquake, flood, wind-storm or other natural event;
- (b) a fire;
- (c) an explosion;
- (d) a road accident or any other accident;
- (e) a plague or an epidemic or contamination;
- (f) a warlike act or act of terrorism, whether directed at Victoria or a part of Victoria or at any other State or Territory of the Commonwealth;
- (g) a hi-jack, siege or riot; and
- (h) a disruption to an essential service.

Goods, Services or Works means the deliverable(s) the preferred Invitee will be required to provide to Council, once the conditions of contract have been agreed between the preferred Invitee and Council.

Invitee means a company, person or entity (including representatives) which submits a tender or quote; and includes, where the context permits, prospective Invitees and other recipients of the request for tender or request for quote.

Local Content means the labour, materials, plant and supervision that is sourced from within Colac Otway Shire.

Market Engagement Method means the market mechanism for the procurement of Goods, Services or Works.

Value for Money means the achievement of a desired procurement outcome at the best possible price, not necessarily the lowest price, based on a balanced judgement of financial and non-financial factors relevant to the procurement.

Variation means any change to the contract either agreed to by the superintendent and contractor or resulting from a direction to undertake Goods, Services or Works that differ from those in the contract.

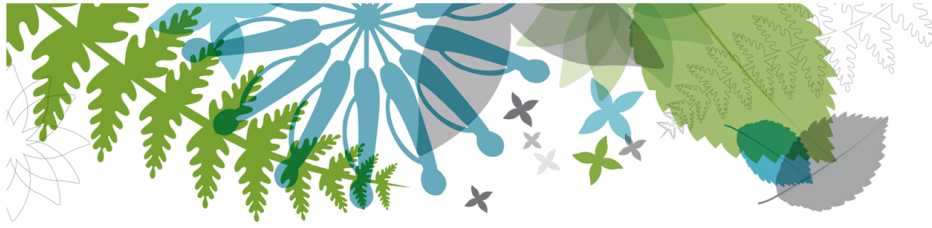
REFERENCES

This policy should be read in conjunction with the following:

- (a) *Competition and Consumer Act 2010*;
- (b) *Freedom of Information Act 1982*;
- (c) *Local Government Act 2020*;
- (d) *Privacy and Data Protection Act 2014*;
- (e) *Public Records Act 1973*;

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- (f) *Security of Payments Act 2002*;
- (g) Council's Procurement Procedure;
- (h) Council's Fraud Prevention Policy;
- (i) Council's 16.8 Borrowing Policy;
- (j) Council's Information Privacy Policy;
- (k) Council's Gifts, Benefits and Hospitality Policy;
- (l) Corporate Procurement Card Procedure;
- (m) Corporate Procurement Card Operational Policy;
- (n) Council's Staff Code of Conduct Policy;
- (o) Council's Councillor Code of Conduct Policy; and
- (p) S7 Instrument of Sub-Delegation from CEO to Council staff.

STATEMENT OF POLICY

1. Statement

Council is committed to the effective procurement of Goods, Services and Works through adopting best practice principles, policies and procedures. It is recognised this will also support the achievement of Council objectives regarding sustainable and socially responsible procurement, support of the local economy and obtaining Value for Money, which in turn, will lead to a better outcome for Council in the provision of services for the community. Councillors, Council Officers, contractors and consultants while engaged by Council are required to comply with this Procurement Policy and Councils Procurement Procedure in all circumstances.

2. Treatment of GST

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

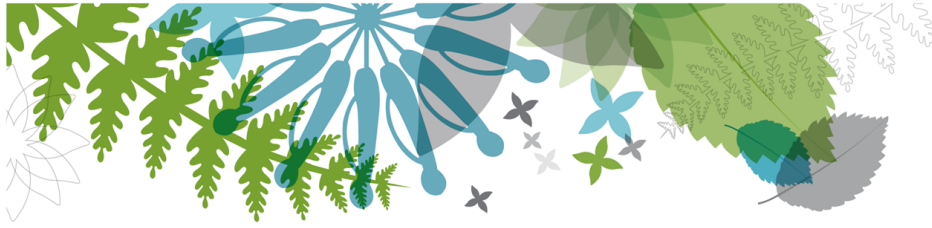
3. Best Practice Principles and Framework

3.1 Value for Money

The principle of Value for Money underpins Council's procurement function. It is the achievement of a desired procurement outcome at the best possible price, not necessarily the lowest price, based on a set list of financial and non-financial criteria relevant to the procurement. It is a common, internationally recognised test for benchmarking expenditure to achieve policy objectives. Value for Money considers the total cost of

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procurement from planning to disposal and everything in between. This is commonly known as total cost of ownership. Achieving Value for Money will be facilitated by:

- (a) developing, implementing and managing a procurement framework that supports the co-ordination and streamlining of activities throughout the lifecycle;
- (b) development, implementation and management of the local procurement strategy;
- (c) effective use of competition;
- (d) using aggregated contracts where appropriate;
- (e) identifying and rectifying inefficiencies in procurement processes;
- (f) developing cost efficient tender processes including appropriate use of e-solutions; and
- (g) working with suppliers to create relationships that are professional and productive.

3.2 Conduct of Councillors and Council Officers

Councillors and Council Officers must exercise the highest standards of integrity in a manner able to withstand the closest possible scrutiny. In accordance with sections 126-131 of the Act, Councillors and Council Officers have an overriding responsibility to act impartially and with integrity, avoiding conflicts of interest.

Councillors and Council Officers, must:

- (a) at all times avoid situations in which private interests conflict, or might reasonably be thought to conflict, or have the potential to conflict, with their Council duties;
- (b) not participate in any action or matter associated with the arrangement of a tender or contract where that person has a general or material conflict as defined by the Act; and
- (c) when becoming aware of a conflict, promptly declare the direct or indirect Conflict of Interest to the Procurement and Contracts Department, or in the case of Councillors declaring a conflict to the Mayor or the Committee Chair, depending on whether the matter is to be considered by Council or an Assembly of Councillors, as well as the Chief Executive.

Councillors cannot participate in any aspect of the procurement process with the exception of the following:

- (a) acting in the capacity of Council at a formally constituted Council meeting to consider the awarding of a contract; or
- (b) where Councillors have requested their involvement in developing the scope and specifications of specific tenders, including focused and specific procurements. To ensure adequate time for Councillors to review the scope and specifications of focused and strategic procurements, Councillors will be provided a list of known contracts on a monthly basis. For operational contracts the list will include contracts that are due to expire within 24 months. For capital contracts the list will include all

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known projects at the time of the report. This level of involvement may require extra time commitments from the Councillors involved to ensure the tender process meets any time constraints.

3.3 Fair and Honest Dealing

Council is committed to providing equal opportunity for all businesses, irrespective of their size and location, to bid for work through open and transparent market processes. Impartiality is to be maintained throughout the procurement process so it can eliminate the prospect of any bias in decisions and withstand public scrutiny.

3.4 Accountability and Transparency

Accountability in procurement means being able to explain and provide evidence on the process followed to procure the goods, services or works. The test of accountability is that an independent third party must be able to see clearly that a process has been followed and that the process is fair and reasonable. All procurement activities must be in accordance with the Act, this policy, Council's Procurement Procedure and related relevant Council policies and procedures.

3.5 Fraud and Corruption Control

Council has zero tolerance to any fraudulent or corrupt behaviour. Council will take all reasonable measures to prevent, detect and deal with fraud and corruption and will:

- (a) assess all alleged instances of fraud or corruption, and further investigate as necessary; and
- (b) pursue disciplinary, administrative, civil or criminal action as appropriate.

Council has developed a Fraud and Corruption Control Policy which provides a framework for preventing the risk of fraud and strengthening organisational integrity.

3.6 Competition and Consumer Act Compliance

Council will comply with the *Competition and Consumer Act 2010* and other fair-trading legislation applicable to its operations. Council is committed to the public policy goals embodied by these laws, which include the protection and promotion of competition.

Council is committed to ensuring staff are informed of their obligations arising under competition and consumer legislation, and to not allow the following to occur:

- (a) restrictive trade practices (including price fixing and exclusionary provisions relating to a division of territories);

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- (b) market sharing (including allocation of customers), anti-competitive agreements, exclusive dealing and misuse of market power;
- (c) inaccurate communication or promotion (including misleading or deceptive conduct, false claims and unsubstantiated predictions); and
- (d) unconscionable and / or unfair business practices.

3.7 Risk Management

Risk management is to be appropriately applied at all stages of procurement activities. It is to be properly planned and carried out in a manner that will protect and enhance the Council's capability. This is to prevent, withstand and recover from interruption to the supply of Goods, Services or Works. The Council will minimise its risk exposure by measures such as:

- (a) standardisation of contracts including current and relevant clauses;
- (b) requiring security deposits where appropriate;
- (c) where required, referring specifications to relevant industry experts;
- (d) contracts must be fully executed before the commencement of the Good, Service or Work; and
- (e) use of or reference to relevant Australian Standards (or equivalent).

The Procurement and Contracts Department provides assistance to Council Officers to obtain Goods, Services and Works using the most appropriate purchasing method. This includes:

- (a) providing assistance and advice regarding Council's procurement procedures and delegations;
- (b) developing appropriate documents and forms used in the procurement process; and
- (c) managing and coordinating Council's tenders.

To protect the best interests of the Council, terms and conditions will be settled in advance of any commitment being made with a contractor or supplier. Any exception to this requirement exposes Council to risk.

3.8 Probity Advisor

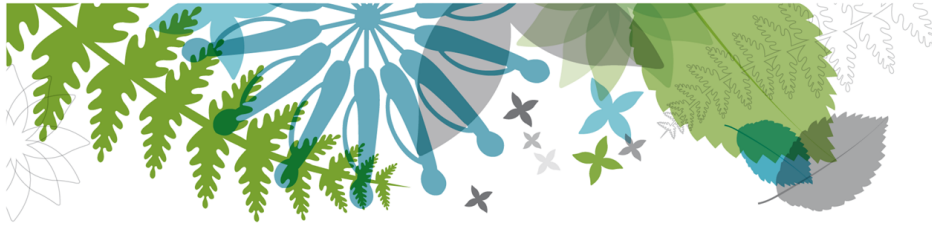
The use of an external, independent probity advisor is mandated when the value of the Goods, Services or Works exceeds \$2,000,000 (including GST) or where the procurement is deemed a 'Strategic' procurement in accordance with the complexity assessment.

A probity advisor ensures process compliance and helps ensure high standards of probity in the conduct of the procurement activity. The role of the probity advisor includes:

- (a) endorsement of the procurement plan;

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- (b) attendance at tender closing, briefing sessions and tender evaluation meetings;
- (c) ensuring probity principles are achieved; and
- (d) submission of an independent report.

The probity advisor will provide their independent report once the tender evaluation panel report is finalised.

3.9 Probity Auditor

A probity auditor's role is to focus on compliance to procurement processes according to the tender requirements, criteria and principles to ensure adherence to Council policies and procedures. A probity auditor does not provide advice or offer any solution to any probity issues that arise during a procurement process. Where a probity auditor is to be engaged, the Audit and Risk Committee will be informed at the next available meeting. On completion of the audit, a report on the findings will be issued by the probity auditor and a copy provided to the Audit and Risk Committee.

3.10 Disclosure of Information

The commercial interests of existing and potential suppliers must be protected. Confidentiality of information provided by existing and prospective suppliers must be maintained, particularly commercially sensitive material such as, but not limited to prices, discounts, rebates, profit, manufacturing, intellectual property and product information. The *Freedom of Information Act 1982* provides members of the public with a legally enforceable right of access to documents held by Council, subject to certain restrictions (or exemptions) that are set out within the legislation. Where practicable, Council will consult with businesses to seek their views before making a determination on whether to release documentation to a Freedom Of Information (FOI) applicant.

At no stage should Councillors or Council Officers have discussions with potential suppliers about active procurements prior to the approval process being finalised, other than authorised procurement negotiations. Councillors and Council Officers should take care that their duty to consider issues fairly and properly is not compromised by participating in discussions with suppliers where the intent of the supplier is to improperly influence a Councillor's or Council Officer's decision-making in procurement related matters.

3.11 Record Keeping

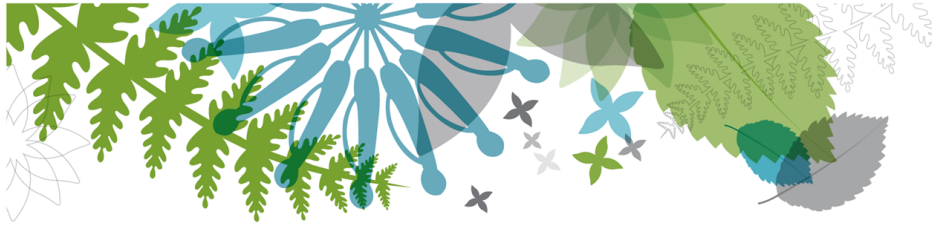
Council Officers need to ensure that all records relating to procurements are stored in Content Manager. This is to ensure that:

- (a) the processes followed and any decisions made during the procurement can be substantiated; and
- (b) there are adequate records to support contract matters or disputes.

The structure and extent of records kept will depend on the value and complexity of the procurement.

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Records will be kept in accordance with the *Public Records Act 1973* - Public Record Standard PROS 09/05 (Retention and Disposal Authority for Records of Local Government Functions).

3.12 Gifts and Hospitality

Councillors and Council Officers must not, either directly or indirectly, solicit or accept gifts or hospitality from any member of the public where:

- (a) it is made during a procurement or tender process by a person or organisation involved in the process; and
- (b) acceptance could be perceived as endorsement of a Good, Service or Work; or
- (c) acceptance would unfairly advantage the member of the public in future procurement decisions.

Councillors and Council Officers should refer to Council's applicable Code of Conduct for more guidance regarding the declaration of gifts/hospitality.

3.13 Support for Sustainable Procurement

Council will include in its tender process, where applicable, a minimum weighting of five percent for environmentally sustainable practices and content when engaging and contracting with suppliers.

Criteria	Description	Weighting
Sustainable Procurement	Percentage of sustainable content in the delivery of the Goods, Services or Works.	3.5%
	Documented evidence of the organisation's commitment to its own environmental performance. This may include policies, initiatives and environmental management systems.	1.5%

Where applicable, Council Officers shall consider the following environmental principles as part of their procurement activity:

- (a) Refuse – Choose not to procure a good or service.
- (b) Reduce – Choose to procure less of a given good or service.
- (c) Reuse – Procure a product of extended life or of multiple uses.
- (d) Recycle – Procure a product that contains amounts of non-virgin materials.
- (e) Replace – Choose to replace or offset the resources purchased in a product.

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3.14 Support for Local Content

Council will include in its tender process a mandatory minimum weighting of five percent for Local Content when engaging and contracting with suppliers. This is to acknowledge the suppliers whose activities contribute to the financial and social wellbeing of the region.

Criteria	Description	Weighting
Local Content	Principle place of business.	2.0%
	Percentage of Goods, Services or Works sourced from within the Shire.	2.0%
	Employment of trainees and apprentices from within the Shire.	1.0%

With the exception of contracts that are the subject of a tender, in every instance where it is reasonable to do so, Council Officers shall seek at least one quote from a local business.

3.15 Collaborative Procurement

Council Officers will seek collaborative opportunities with other Councils and Public Bodies for all procurements requiring Council approval in accordance with section 108(3)(c) of the Act. When a report for a procurement is presented to Council for approval, it will include information relating to any collaborative arrangement opportunities that were explored as part of the procurement process.

3.16 Model of Procurement

Council operates a centre-led procurement model. All purchases equal to or greater than \$250,000 (including GST) must be undertaken in conjunction with the Procurement and Contracts Department.

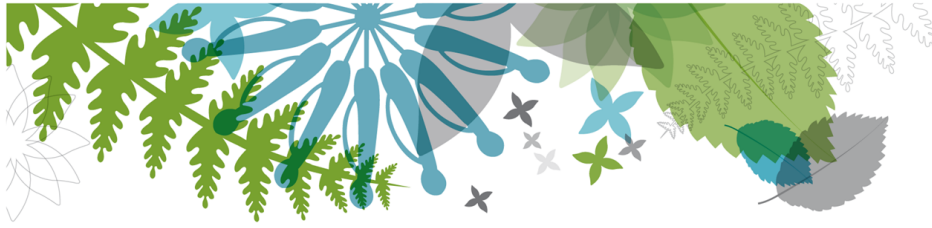
3.17 Procurement Delegations

Delegations define the limitations within which Council Officers are permitted to work. Delegation of procurement authority allows specified Council Officers to approve certain purchases, quotations, tender and contractual processes without prior referral to Council. This enables Council to conduct procurement activities in an efficient and timely manner while maintaining transparency and integrity. There are two types of delegations relevant to procurement:

- (a) financial delegations specify the amount of money that Council Officers are authorised to expend on behalf of Council; and

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- (b) procurement delegations specify the authority conferred on Council Officers to conduct specific procurement related functions.

Council Officers are authorised to undertake a procurement up to the limit of their financial delegation. Recommendations where the expenditure is over the CE Delegation must be approved by Council.

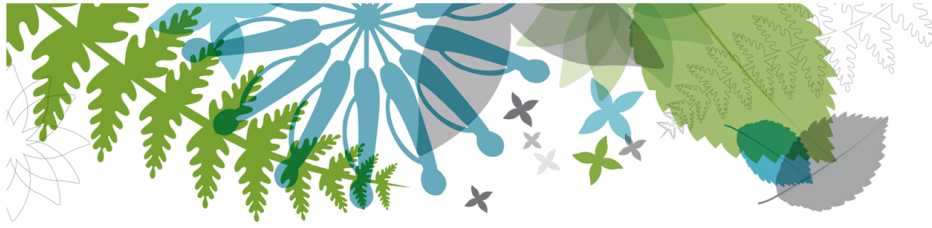
For more information on delegations Council Officers should refer to S7 Instrument of Sub-Delegation from CEO to Council staff.

3.18 Market Engagement Methods

Procurement Value (Including GST)	Minimum Market Engagement	Payment Method	Agreement Type	Record Keeping
\$0 to less than \$2,000	One (1) verbal quote	Petty cash, procurement card or purchase order.	Purchase order terms and conditions.	Receipt of purchase.
\$2,000 to less than \$10,000	Two (2) verbal quotes	Purchase order.		Verbal quote form must be attached to the purchase order in Council's finance system.
\$10,000 to less than \$50,000	Two (2) written quotes		Purchase order terms and conditions. Contract if engaging a consultant.	Quotes and written quote form must be attached to the purchase order in Council's finance system.
\$50,000 to less than \$150,000	Three (3) written quotes		Contract required.	
\$150,000 to less than \$250,000	Five (5) written quotes			

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Procurement Value (Including GST)	Minimum Market Engagement	Payment Method	Agreement Type	Record Keeping
\$250,000 or greater	Complexity Assessment (refer Appendix 1)			In accordance with Council's Procurement Procedure.

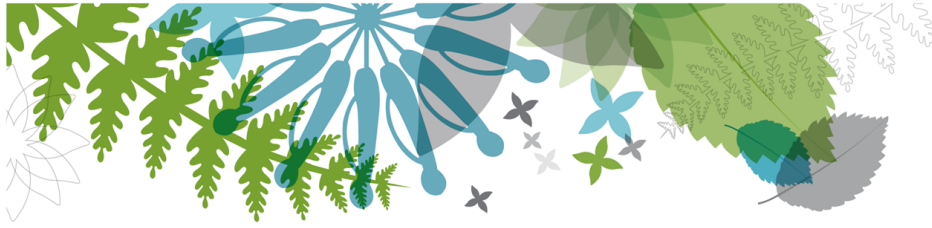
3.19 Public Tender Process

The table below outlines the main processes undertaken for a public tender.

Stage	Process
Advertisement	Tender advertised via Colac Herald, Geelong Advertiser, G21 Business Connect and online through the E-Tender Portal. Tender documents available by registering through the E-Tender Portal https://www.eprocure.com.au/colacotway/
Tender Period	Tender period ranges from three weeks to six weeks. Tenders lodged or received by Council after the tender closing time are deemed to be late and will be disqualified and ineligible for consideration unless the Invitee can clearly document that exceptional circumstances caused the tender to be lodged after the closing time. The determination on whether a late tender is accepted on the basis of an exceptional circumstance will be made in accordance with the process outlined in Council's Procurement Procedure.
Tender Evaluation	Tender submissions are provided to the evaluation panel members excluding the pricing elements. Each panel member scores the submissions independently of other evaluation panel members. Once all evaluation panel members have scored the tenders, an evaluation meeting is chaired by a member of the Procurement and Contracts Department where the pricing elements are disclosed and incorporated into the non-price criteria to determine an overall score for each Invitee.

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Stage	Process
Contract Award	The decision to award or not award a contract can only be made by a delegate who has the authority (financial delegation) to commit the relevant sum of money. The decision is made after consideration of the evaluation report. Once approved, the Procurement and Contracts Department notify the successful and unsuccessful Invitees of the procurement outcome. Unsuccessful Invitees are provided an opportunity to receive feedback on their submission.

3.20 Alternative proposals

Invitees are encouraged to offer options or solutions which may, in an innovative way, contribute to the Council's ability to carry out its business in a more cost-effective manner. These may be related to:

- (a) the outputs, functional, performance and technical aspects of the requirement;
- (b) minimisation of environmental impact; and/or
- (c) opportunities for more advantageous commercial arrangements.

Where an Invitee submits an alternative proposal which meets the requirements of a request for tender for quote, the offer must also include any supplementary material (including such pricing and costing details as may be necessary to enable the Council to fully assess the financial impact of the alternative proposal), which demonstrates in detail that such an alternative will fully achieve all the specified requirements, together with references as to why the additional features may be advantageous.

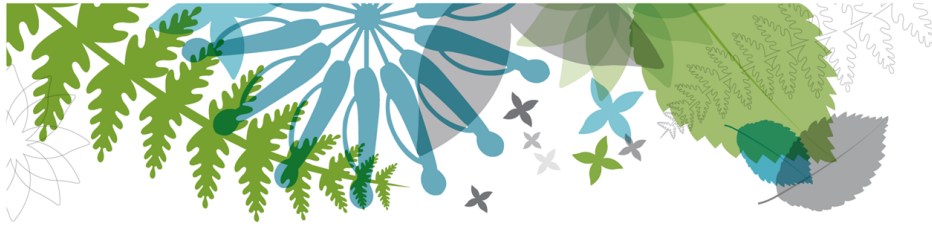
3.21 Exemptions from Market Engagement Methods

An exemption to the Market Engagement Methods and procedures may be requested under the following circumstances:

- (a) in matters of Emergency including public health, security or safety as a result of an unforeseen event or occurrence;
- (b) installations where a change in supplier would necessitate the procurement of goods and services that do not meet the requirements for interoperability or interchangeability;
- (c) an absence of competition for technical reasons;
- (d) the Goods, Services or Works are required as part of a grant, funding agreement, lease or similar arrangement specifically stating how the Goods, Service or Works are to be provided or undertaken;

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- (e) where the acquisition is of a cultural or artistic nature i.e. a live show or art piece; and
- (f) where the procurement is on Council's procurement exemptions list (refer to **Appendix 2**).

Procurement Value (Including GST)	Policy Exemption
Greater than \$2,000 to \$50,000	Approval must be obtained from the relevant Manager using the procurement exemption form.
Greater than \$50,000 to \$150,000	Approval must be obtained from the relevant General Manager using the procurement exemption form.
Greater than \$150,000 to the CE Delegation	Approval must be obtained from the Chief Executive using the procurement exemption form.
Greater than the CE Delegation	Approval must be obtained from Council by way of Council report at an approved Council meeting.

3.22 Mechanisms

Once a Market Engagement Method has been determined, Council Officers need to obtain authority to purchase the Goods, Services or Works on behalf of Council. There are three mechanisms available to purchase Goods, Services or Works:

- (a) petty cash (\$50 limit);
- (b) procurement card; or
- (c) approved purchase order.

If petty cash or a procurement card is not used for the procurement, then an approved purchase order must be generated before committing to the procurement.

3.23 Contracts

All procurement related contracts entered into by Council must be reviewed and endorsed by the Coordinator Procurement and Contracts prior to execution.

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3.24 Variations

Contract Variations must be approved in accordance with Council's delegations. Variations should not exceed the available budget.

Position	Variation (including GST)
Coordinators and Superintendents Representatives	Up to the lesser of 5% of the original contract value or a maximum of the financial delegation provided by the S7 Instrument of Sub-Delegation from CEO to Council Staff. Where the aggregate of all variations exceeds this threshold they must be referred to the Manager or Superintendent for authorisation.
Managers and Superintendents	Up to the lesser of 10% of the original contract value or a maximum of the financial delegation provided by the S7 Instrument of Sub-Delegation from CEO to Council Staff. Where the aggregate of all variations exceeds this threshold they must be referred to the General Manager for authorisation.
General Managers	Up to the lesser of 20% of the original contract value or a maximum of \$150,000. Where the aggregate of all variations exceeds this threshold they must be referred to the CE for authorisation.
CE	Up to the lesser of 30% of the original contract value or a maximum of the CE Delegation. Where the aggregate of all Variations exceeds this threshold it will be noted in the bi-annual report to the Audit Committee.

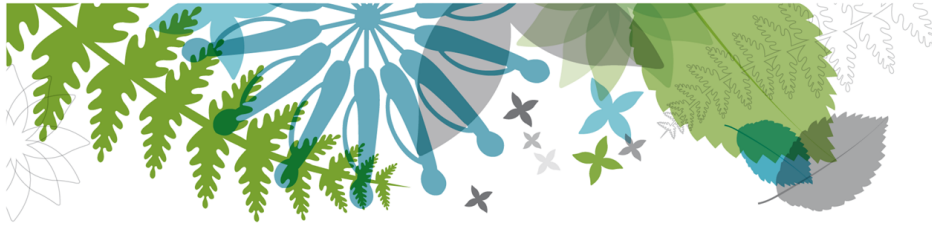
4. Roles and Responsibilities

These management positions are responsible for the implementation, communication and compliance monitoring of the policy in their work areas:

Party / Parties	Roles and Responsibilities
Chief Executive	Ensure overall organisation compliance with the policy.

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Party / Parties	Roles and Responsibilities
General Managers	Ensure compliance with the policy by all Council Officers under their supervision.
Corporate Services General Manager	Overall responsibility for the policy implementation and compliance.
Managers	Ensure compliance with the policy by all Council Officers under their supervision.
Coordinator Procurement and Contracts	Responsible for reviewing, updating and implementing policy. Together with the Procurement and Contracts Department, primary source for procurement advice, training and guidance.

5. Privacy and Human Rights Consideration

All personal information collected by Council in connection with procurement activities will be handled in accordance with all applicable privacy legislation and will be used only for the purpose of investigating procurement matters.

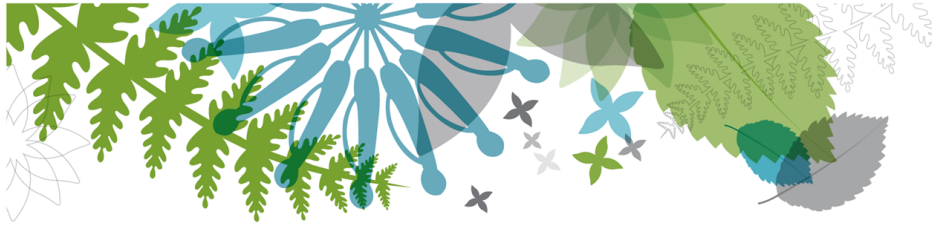
The procurement policy has been assessed as compliant with the obligations and objectives of the Victorian *Charter of Human Rights and Responsibilities Act 2006*. Please refer to www.humanrightscommission.vic.gov.au for assistance with this section.

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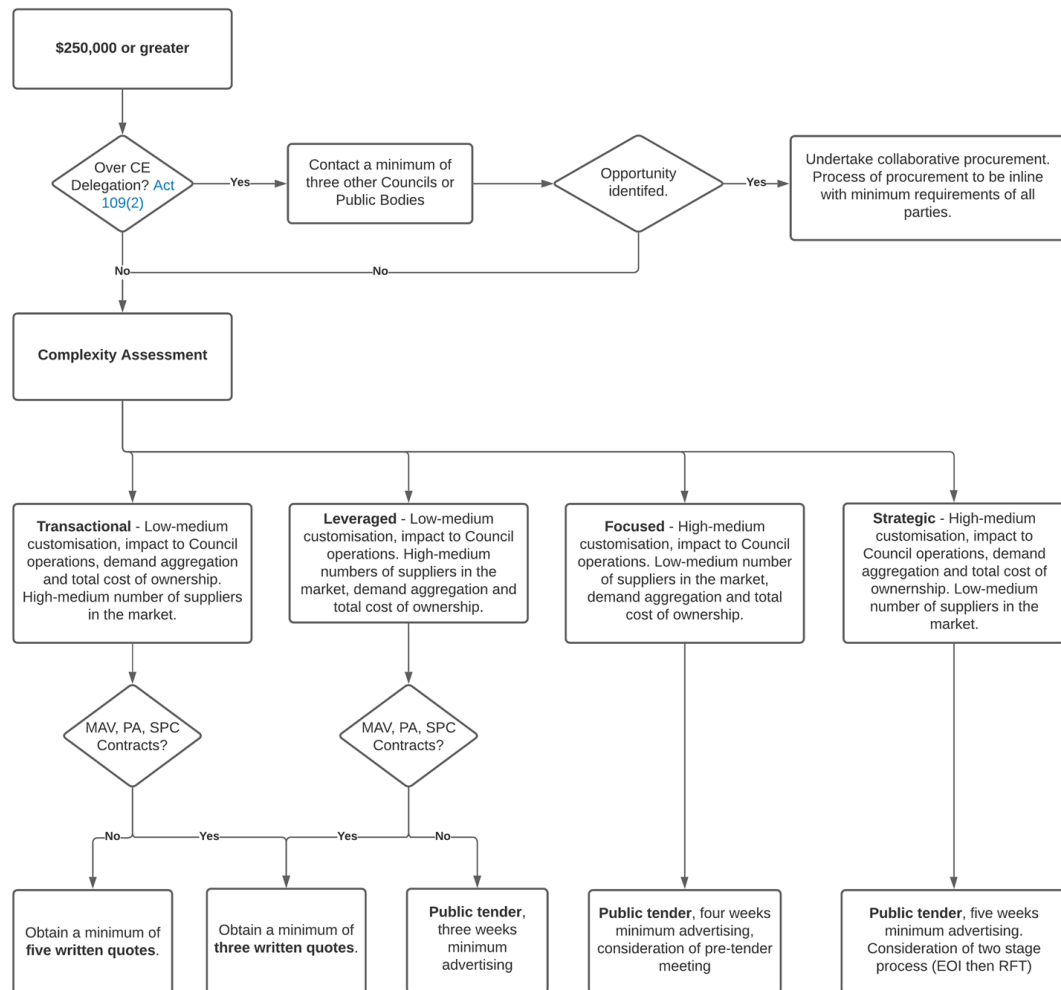
Policy owner	Coordinator Procurement and Contracts	Division	Corporate Services
Adopted by council	...	Policy Number	3.4
File Number		Review date	...

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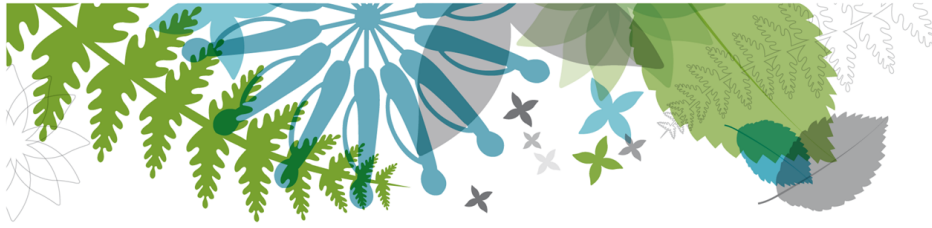


Appendix 1 – Complexity Assessment Procedure



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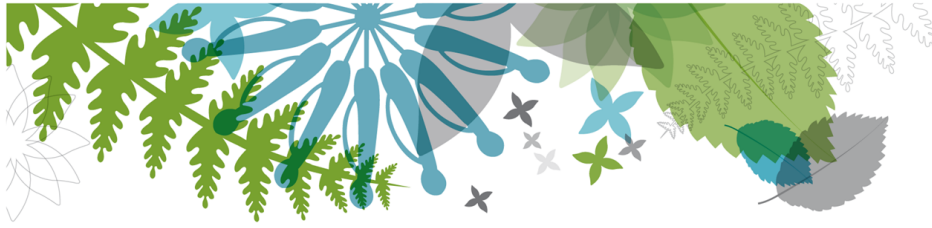
Appendix 2 – Exemptions

The following procurements are either exempt from market engagement and/or the requirement for a Purchase Order. With the Chief Executive's approval, exemptions can be added or removed from this list at any time.

Category	Description	Exempt from Market Engagement	Exempt from Purchase Order
Utilities	Electricity, gas, water and telephone services.	No	Yes
Insurance premiums and claims	WorkCover and other insurances.	No	Yes
Prescribed contracts	Legal services	Yes	No
Payroll expenses	Superannuation and PAYG.	Yes	Yes
GST	Goods and Services Tax payable.	Yes	Yes
Postage	Australia Post.	Yes	Yes
Vehicle registrations	VicRoads vehicle registrations.	Yes	Yes
Councillor expenses	Allowances and Reimbursements.	Yes	Yes
Refundable trust funds	Includes Security Bonds, Contract Retentions and other funds held in trust.	Yes	Yes
Levies	EPA Victoria Levy.	Yes	Yes
	Fire Services Property Levy.	Yes	Yes
Other	Acquisition of Land and Buildings.	Yes	Yes
	Medical expenses.	Yes	Yes

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Category	Description	Exempt from Market Engagement	Exempt from Purchase Order
	Venue hire.	Yes	Yes
	Diesel Fuel – Fisherman's Co-Op.	Yes	No
	Memberships and subscriptions.	Yes	Yes
	Software renewals.	Yes	No
	External audit fees – Victorian Auditor-General's Office.	Yes	No
	HACC service agreement.	Yes	Yes
	Annual community grants.	Yes	Yes
	Professional workshop and conference registration fees and associated costs.	Yes	No
	Loans and investments.	Yes	Yes
	General advertising.	Yes	No
	Recruitment advertising.	Yes	No

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Council Policy

3.43 – PROCUREMENT POLICY

PURPOSE

Council is required under section 10886 of the *Local Government Act 20201989* to prepare, ~~ap~~~~adopt~~~~prove~~ and comply with a Procurement Policy. In accordance with the Act, the Procurement Policy sets out the key principles and processes applied to the purchases of Goods, Services and Works by Council.

SCOPE

This ~~Procurement P~~olicy applies to all procurement activities undertaken by Council and is binding upon Councillors, Council Officers, ~~Committees~~, contractors and consultants while engaged by Council. This Procurement Policy does not cover contract management activities, ~~with the exception of contract variations~~.

COMMENCEMENT

The provisions of this Procurement Policy come into operation on the 1 July 2021.

DEFINITIONS

In this Policy:

Act (the) means the *Local Government Act 20201989* (as amended).

CE Delegation means the financial delegation of the Chief Executive as approved by Council.

Conflict of Interest means where a Councillor or Council Officer has private interests that could influence, or be seen to influence, their decisions or actions in the performance of their public duties, defined under the Act as a direct or indirect interest.

Committees means Community Asset, Advisory and Delegated Committees in accordance with the Act.

Content Manager means Council's Electronic Document and Records Management System.

Council means Colac Otway Shire Council.

Councillor means a person who has been elected to the office of councillor of Council.

Council Officer means a current member of Council staff with the authority to engage in activities on behalf of Council.

Emergency means an emergency due to the actual or imminent occurrence of an event which in any way endangers or threatens to endanger the safety or health of any person in Victoria or which destroys or damages, or threatens to destroy or damage, any property in Victoria or endangers or threatens to endanger

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the environment or an element of the environment in Victoria including, without limiting the generality of the following:

- (a) an earthquake, flood, wind-storm or other natural event;
- (b) a fire;
- (c) an explosion;
- (d) a road accident or any other accident;
- (e) a plague or an epidemic or contamination;
- (f) a warlike act or act of terrorism, whether directed at Victoria or a part of Victoria or at any other State or Territory of the Commonwealth;
- (g) a hi-jack, siege or riot; and
- (h) a disruption to an essential service.

Goods, Services or Works means the deliverable(s) the preferred Invitee will be required to provide to Council, once the conditions of contract have been agreed between the preferred Invitee and Council.

Invitee means a company, person or entity (including representatives) which submits a tender or quote; and includes, where the context permits, prospective Invitees and other recipients of the request for tender or request for quote.

Local Content means the labour, materials, plant and supervision that is sourced from within Colac Otway Shire.

Market Engagement Method means the market mechanism for the procurement of Goods, Services or Works.

Value for Money means the achievement of a desired procurement outcome at the best possible price, not necessarily the lowest price, based on a balanced judgement of financial and non-financial factors relevant to the procurement.

Variation means any change to the contract either agreed to by the superintendent and contractor or resulting from a direction to undertake Goods, Services or Works that differ from those in the contract.

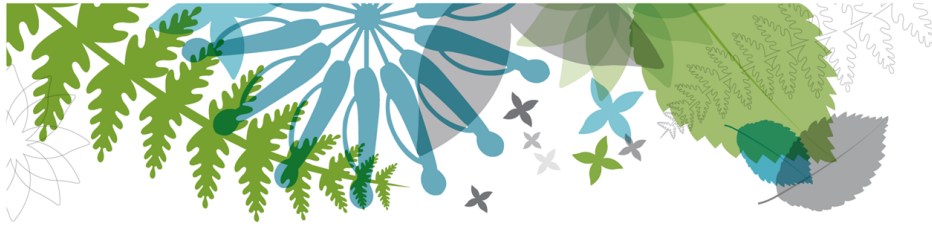
REFERENCES

This policy should be read in conjunction with the following:

- (a) *Competition and Consumer Act 2010*;
- (b) *Freedom of Information Act 1982*;
- (c) *Local Government Act 2020*~~1989~~;
- (d) *Privacy and Data Protection Act 2014*~~Privacy Act 1988~~;
- (e) *Public Records Act 1973*;

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- (f) *Security of Payments Act 2002*;
- (g) Council's Procurement Procedure;
- (h) Council's Fraud Prevention Policy;
- (i) [Council's 16.8 Borrowing Policy](#);
- (j) Council's Information Privacy Policy;
- (k) Council's Gifts, Benefits and Hospitality Policy;
- (l) [Corporate Procurement Card Procedure](#);
- (m) [Corporate Procurement Card Operational Policy](#);
- (n) [Council's Staff Code of Conduct Policy](#);
- (o) [Council's Councillor Code of Conduct Policy](#); and
- (p) [S7 Instrument of Sub-Delegation from CEO to Council staff](#).
- ~~(k) Council's Staff Code of Conduct Policy; and~~
- ~~(l) Council's Councillor Code of Conduct Policy.~~

STATEMENT OF POLICY

1. Statement

Council is committed to the effective procurement of Goods, Services and Works through adopting best practice principles, policies and procedures. It is recognised this will also support the achievement of Council objectives regarding sustainable and socially responsible procurement, support of the local economy and obtaining Value for Money, which in turn, will lead to a better outcome for Council in the provision of services for the community.

Councillors, Council Officers, contractors and consultants while engaged by Council are required to comply with this Procurement Policy and Councils Procurement Procedure in all circumstances.

2. Treatment of GST

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

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3. Best Practice Principles and Framework

3.1 Value for Money

The principle of Value for Money underpins Council's procurement function. It is the achievement of a desired procurement outcome at the best possible price, not necessarily the lowest price, based on a set list of financial and non-financial criteria relevant to the procurement. It is a common, internationally recognised test for benchmarking expenditure to achieve policy objectives. Value for Money considers the total cost of procurement from planning to disposal and everything in between. This is commonly known as total cost of ownership. Achieving Value for Money will be facilitated by:

- (a) developing, implementing and managing a procurement framework that supports the co-ordination and streamlining of activities throughout the lifecycle;
- (b) development, implementation and management of the local procurement strategy;
- (c) effective use of competition;
- (d) using aggregated contracts where appropriate;
- (e) identifying and rectifying inefficiencies in procurement processes;
- (f) developing cost efficient tender processes including appropriate use of e-solutions; and
- (g) working with suppliers to create relationships that are professional and productive.

3.2 Conduct of Councillors and Council Officers

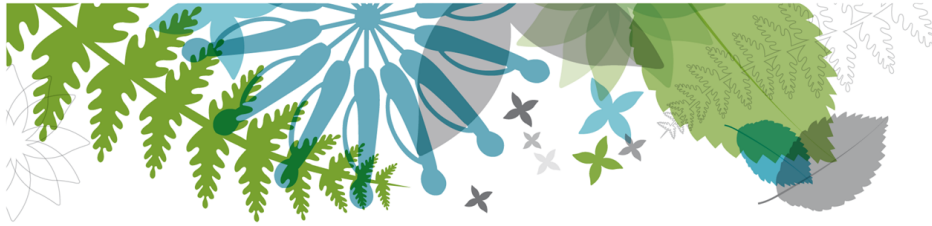
Councillors and Council Officers must exercise the highest standards of integrity in a manner able to withstand the closest possible scrutiny. In accordance with sections 126-131 ~~95~~ of the Act, Councillors and Council Officers have an overriding responsibility to act impartially and with integrity, avoiding conflicts of interest.

Councillors and Council Officers, must:

- (a) at all times avoid situations in which private interests conflict, or might reasonably be thought to conflict, or have the potential to conflict, with their Council duties;
- (b) not participate in any action or matter associated with the arrangement of a tender or contract where that person has a general or material ~~a direct or indirect~~ conflict as defined by the Act; and
- (c) when becoming aware of a conflict, promptly declare the direct or indirect Conflict of Interest to the Procurement and Contracts Department, or in the case of Councillors declaring a conflict to the Mayor or the Committee Chair, depending on whether the matter is to be considered by Council or an Assembly of Councillors, as well as the Chief Executive.

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Councillors cannot participate in any aspect of the procurement process with the exception of the following:
unless

- (a) acting in the capacity of Council at a formally constituted Council meeting to consider the awarding of a contract; or
- (b) where Councillors have requested their involvement in developing the scope and specifications of specific tenders, including focused and specific procurements. To ensure adequate time for Councillors to review the scope and specifications of focused and strategic procurements, Councillors will be provided a list of known contracts on a monthly basis. For operational contracts the list will include contracts that are due to expire within 24 months. For capital contracts the list will include all known projects at the time of the report. This level of involvement may require extra time commitments from the Councillors involved to ensure the tender process meets any time constraints.

3.3 Fair and Honest Dealing

Council is committed to providing equal opportunity for all businesses, irrespective of their size and location, to bid for work through open and transparent market processes. Impartiality is to be maintained throughout the procurement process so it can eliminate the prospect of any bias in decisions and withstand public scrutiny.

3.4 Accountability and Transparency

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

All procurement activities must be in accordance with the Act, this policy, Council's Procurement Procedure and related relevant Council policies and procedures.

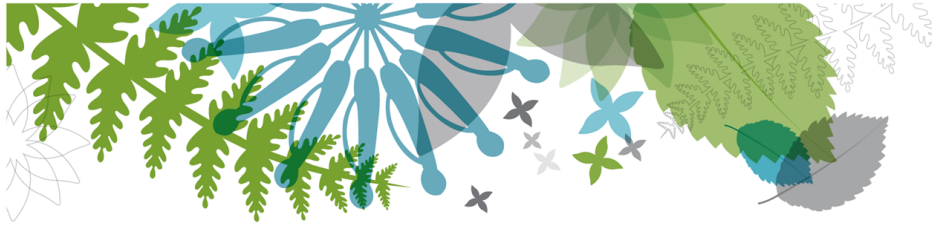
3.5 Fraud and Corruption Control

Council has zero tolerance to any fraudulent or corrupt behaviour. Council will take all reasonable measures to prevent, detect and deal with fraud and corruption and will:

- (a) assess all alleged instances of fraud or corruption, and further investigate as necessary; and
- (b) pursue disciplinary, administrative, civil or criminal action as appropriate.

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~~takes allegations of fraudulent activity and corrupt conduct seriously. Council is committed to preventing, deterring and reporting corrupt and fraudulent behaviour.~~ Council has developed a Fraud and Corruption Control Policy which provides a framework for preventing the risk of fraud and strengthening organisational integrity.

3.6 Competition and Consumer Act Compliance

Council will comply with the *Competition and Consumer Act 2010* and other fair-trading legislation applicable to its operations. Council is committed to the public policy goals embodied by these laws, which include the protection and promotion of competition.

Council is committed to ensuring staff are informed of their obligations arising under competition and consumer legislation, and to not allow the following to occur:

- (a) restrictive trade practices (including price fixing and exclusionary provisions relating to a division of territories);
- (b) market sharing (including allocation of customers), anti-competitive agreements, exclusive dealing and misuse of market power;
- (c) inaccurate communication or promotion (including misleading or deceptive conduct, false claims and unsubstantiated predictions); and
- (d) unconscionable and / or unfair business practices.

3.7 Risk Management

Risk management is to be appropriately applied at all stages of procurement activities. It is to be properly planned and carried out in a manner that will protect and enhance the Council's capability. This is to prevent, withstand and recover from interruption to the supply of Goods, Services or Works. The Council will minimise its risk exposure by measures such as:

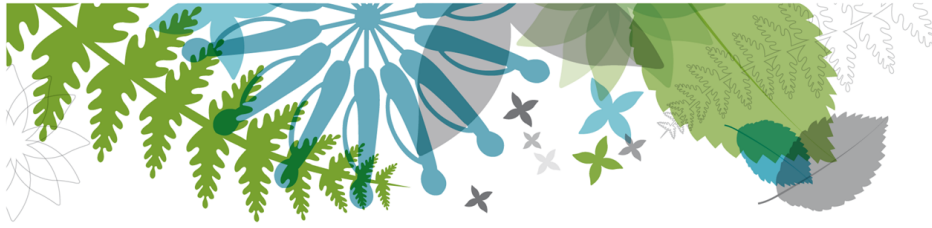
- (a) standardisation of contracts including current and relevant clauses;
- (b) requiring security deposits where appropriate;
- (c) where required, referring specifications to relevant industry experts;
- (d) contracts must be fully executed before the commencement of the Good, Service or Work; and
- (e) use of or reference to relevant Australian Standards (or equivalent).

The Procurement and Contracts Department provides assistance to Council Officers to obtain Goods, Services and Works using the most appropriate purchasing method. This includes:

- (a) providing assistance and advice regarding Council's procurement procedures and delegations;

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- (b) developing appropriate documents and forms used in the procurement process; and
- (c) managing and coordinating Council's tenders.

To protect the best interests of the Council, terms and conditions will be settled in advance of any commitment being made with a contractor or supplier. Any exception to this requirement exposes Council to risk.

3.8 Probity Auditor

The use of an external, independent probity ~~auditor~~ advisor is mandated when the value of the Goods, Services or Works exceeds \$2,000,000 (including GST) or where the procurement is deemed a 'Strategic' procurement in accordance with the complexity assessment has a high-risk rating.

A probity ~~auditor~~ advisor ensures process compliance and helps ensure high standards of probity in the conduct of the procurement activity. The role of the probity ~~auditor~~ advisor includes:

- (a) endorsement of the procurement plan;
- (b) attendance at tender closing, briefing sessions and tender evaluation meetings;
- (c) endorsement of the tender evaluation panel report ensuring probity principles are achieved; and
- (d) submission of an independent report.

The probity ~~auditor~~ advisor will provide their independent report once the tender evaluation panel report is finalised.

3.9 Probity Auditor

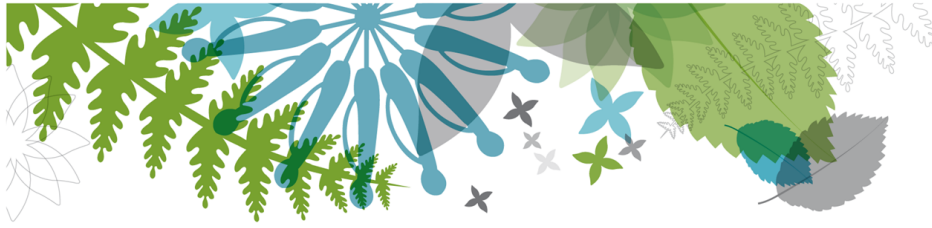
A probity auditor's role is to focus on compliance to procurement processes according to the tender requirements, criteria and principles to ensure adherence to Council policies and procedures. A probity auditor does not provide advice or offer any solution to any probity issues that arise during a procurement process. Where a probity auditor is to be engaged, the Audit and Risk Committee will be informed at the next available meeting. On completion of the audit, a report on the findings will be issued by the probity auditor and a copy provided to the Audit and Risk Committee.

3.9.3.10 —Disclosure of Information

The commercial interests of existing and potential suppliers must be protected. Confidentiality of information provided by existing and prospective suppliers must be maintained, particularly commercially sensitive material such as, but not limited to prices, discounts, rebates, profit, manufacturing, intellectual property and product information. The Freedom of Information Act 1982 provides members of the public with a legally enforceable right of access to documents held by Council, subject to certain restrictions (or exemptions) that are set out within the legislation. Where practicable, Council will consult with businesses to seek their views

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before making a determination on whether to release documentation to a Freedom Of Information (FOI) applicant.

At no stage should Councillors or Council Officers have discussions with potential suppliers about active procurements prior to the approval process being finalised, other than authorised procurement negotiations. Councillors and Council Officers should take care that their duty to consider issues fairly and properly is not compromised by participating in discussions with suppliers where the intent of the supplier is to improperly influence a Councillor's or Council Officer's decision-making in procurement related matters.

3.103.11 —Record Keeping

Council Officers need to ensure that all records relating to procurements are stored in Content Manager. This is to ensure that:

- (a) the processes followed and any decisions made during the procurement can be substantiated; and
- (b) there are adequate records to support contract matters or disputes.

The structure and extent of records kept will depend on the value and complexity of the procurement.

Records will be kept in accordance with the *Public Records Act 1973* - Public Record Standard PROS 09/05 (Retention and Disposal Authority for Records of Local Government Functions).

3.113.12 —Gifts and Hospitality

Councillors and Council Officers must not, either directly or indirectly, solicit or accept gifts or hospitality from any member of the public where:

- (a) it is made during a procurement or tender process by a person or organisation involved in the process; and
- (b) acceptance could be perceived as endorsement of a Good, Service or Work; or
- (c) acceptance would unfairly advantage the member of the public in future procurement decisions.

Councillors and Council Officers should refer to Council's applicable Code of Conduct for more guidance regarding the declaration of gifts/hospitality.

3.123.13 —Support for Sustainable Procurement

Council will include in its tender process, where applicable, a minimum weighting of five ~~(5)~~ percent for environmentally sustainable practices and content when engaging and contracting with suppliers.

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Criteria	Description	Weighting
Sustainable Procurement	Percentage of sustainable content in the delivery of the Goods, Services or Works.	3.5%
	Documented evidence of the organisation's commitment to its own environmental performance. This may include policies, initiatives and environmental management systems.	1.5%

Where applicable, Council Officers shall consider the following environmental principles as part of their procurement activity:

- (a) Refuse – Choose not to procure a good or service.
- (b) Reduce – Choose to procure less of a given good or service.
- (c) Reuse – Procure a product of extended life or of multiple uses.
- (d) Recycle – Procure a product that contains amounts of non-virgin materials.
- (e) Replace – Choose to replace or offset the resources purchased in a product.

3.133.14 – Support for Local Content

Council will include in its tender process a mandatory minimum weighting of five ~~(5)~~ percent for Local Content when engaging and contracting with suppliers. This is to acknowledge the suppliers whose activities contribute to the financial and social wellbeing of the region.

Criteria	Description	Weighting
Local Content	Principle place of business.	2.0%
	Percentage of Goods, Services or Works sourced from within the Shire.	1.5 <u>2.0</u> %
	Employment of trainees and apprentices from within the Shire.	1.0%

With the exception of contracts that are the subject of a tender, in every instance where it is reasonable to do so, Council Officers shall seek at least one quote from a local business.

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3.143.15 — **Collaborative Procurement Ministerial Approval**

Council Officers will seek collaborative opportunities with other Councils and Public Bodies for all procurements requiring Council approval in accordance with section 108(3)(c) of the Act. When a report for a procurement is presented to Council for approval, it will include information relating to any collaborative arrangement opportunities that were explored as part of the procurement process.

3.16 **Model of Procurement**

Council operates a centre-led procurement model. All purchases equal to or greater than \$250,000 (including GST) must be undertaken in conjunction with the Procurement and Contracts Department. The requirements of section 186 of the Act do not apply if a contract is entered into in accordance with arrangements approved by the Minister.

3.153.17 — **Procurement Delegations**


Delegations define the limitations within which Council Officers are permitted to work. Delegation of procurement authority allows specified Council Officers to approve certain purchases, quotations, tender and contractual processes without prior referral to Council. This enables Council to conduct procurement activities in an efficient and timely manner while maintaining transparency and integrity. There are two types of delegations relevant to procurement:

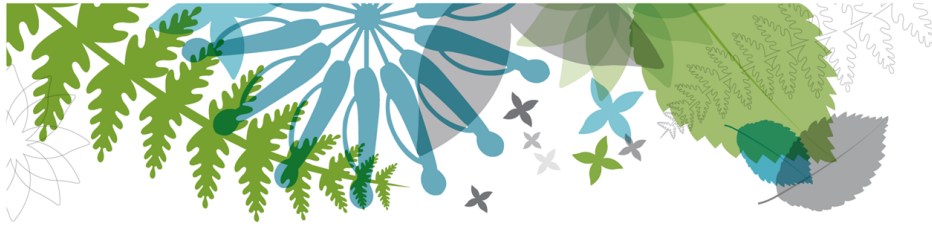
- (a) financial delegations specify the amount of money that Council Officers are authorised to expend on behalf of Council; and
- (b) procurement delegations specify the authority conferred on Council Officers to conduct specific procurement related functions.

Council Officers are authorised to undertake a procurement up to the limit of their financial delegation. Recommendations where the expenditure is over the CE Delegation ~~Chief Executive's delegation of \$300,000 including GST~~ must be approved by Council.

For more information on delegations Council Officers should refer to S7 Instrument of Sub-Delegation from CEO to Council staff.

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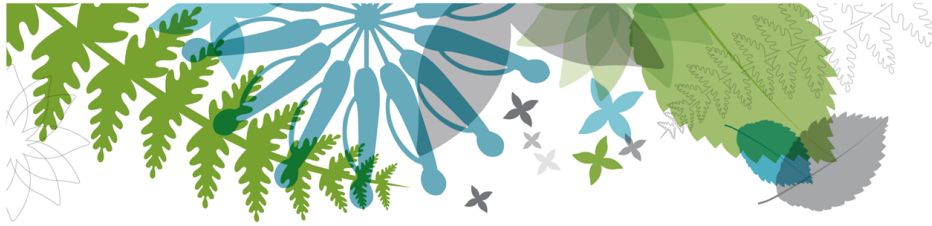


3.163.18 —Market Engagement Methods

Procurement Value (Including GST)	Minimum Market Engagement	Payment Method	Agreement Type	Record Keeping
\$0 to <u>less than</u> \$2,000	One (1) verbal quote	Petty cash (\$50 limit); <u>Corporate purchase card;</u> <u>or</u> <u>Purchase order.</u>	Purchase order terms and conditions.	Receipt of purchase.
\$2,000 <u>1</u> to <u>less than</u> \$10,000	Two (2) verbal quotes			Verbal quote form must be attached to the purchase order in Council's finance system.
\$10,000 <u>1</u> to <u>less than</u> \$50,000	Two (2) written quotes	Purchase order.	<u>Purchase order terms and conditions.</u> <u>Contract if engaging a consultant.</u> <u>Purchase order terms and conditions; or</u> <u>Consultancy contract.</u> <u>Contract.</u>	Quotes and written quote form must be attached to the purchase order in Council's finance system.
\$50,000 <u>1</u> to <u>less than less than</u> \$150,000 (Goods and Services) or \$200,000 (Works)	Three (3) written quotes			
\$150,000 to <u>less than</u> \$250,000	<u>Five (5) written quotes</u>		<u>Contract required.</u>	

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Procurement Value (Including GST)	Minimum Market Engagement	Payment Method	Agreement Type	Record Keeping
\$2150,000 (Goods and Services) or \$200,000 (Works) or greater	Request for Tender (RFT) Complexity Assessment (refer Appendix 1)			In accordance with Council's Procurement Procedure.

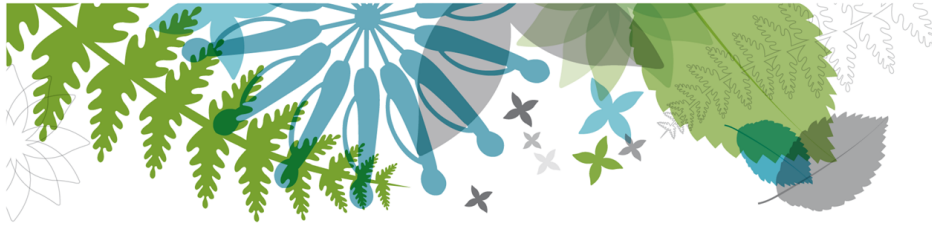
3.19 — ~~Public Tender Process~~Exemptions from Market Engagement Method

The table below outlines the main processes undertaken for a public tender.

Stage	Process
<u>Advertisement</u>	<u>Tender advertised via Colac Herald, Geelong Advertiser, G21 Business Connect and online through the E-Tender Portal. Tender documents available by registering through the E-Tender Portal</u> https://www.eprocure.com.au/colacotway/
<u>Tender Period</u>	<u>Tender period ranges from three weeks to six weeks. Tenders lodged or received by Council after the tender closing time are deemed to be late and will be disqualified and ineligible for consideration unless the Invitee can clearly document that exceptional circumstances caused the tender to be lodged after the closing time. The determination on whether a late tender is accepted on the basis of an exceptional circumstance will be made in accordance with the process outlined in Council's Procurement Procedure.</u>
<u>Tender Evaluation</u>	<u>Tender submissions are provided to the evaluation panel members excluding the pricing elements. Each panel member scores the submissions independently of other evaluation panel members.</u> <u>Once all evaluation panel members have scored the tenders, an evaluation meeting is chaired by a member of the Procurement and Contracts Department where the pricing elements are disclosed and incorporated into the non-price criteria to determine an overall score for each Invitee.</u>

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Stage	Process
<u>Contract Award</u>	The decision to award or not award a contract can only be made by a delegate who has the authority (financial delegation) to commit the relevant sum of money. The decision is made after consideration of the evaluation report. Once approved, the Procurement and Contracts Department notify the successful and unsuccessful Invitees of the procurement outcome. Unsuccessful Invitees are provided an opportunity to receive feedback on their submission.

3.20 ~~—Alternative proposals~~Exemptions from Market Engagement Methods

Invitees are encouraged to offer options or solutions which may, in an innovative way, contribute to the Council's ability to carry out its business in a more cost-effective manner. These may be related to:

- (a) the outputs, functional, performance and technical aspects of the requirement;
- (b) minimisation of environmental impact; and/or
- (c) opportunities for more advantageous commercial arrangements.

An exemption to the Market Engagement Methods and procedures may be requested under the following circumstances: Where an Invitee submits an alternative proposal which meets the requirements of a request for tender for quote, the offer must also include any supplementary material (including such pricing and costing details as may be necessary to enable the Council to fully assess the financial impact of the alternative proposal), which demonstrates in detail that such an alternative will fully achieve all the specified requirements, together with references as to why the additional features may be advantageous.

3.21 Exemptions from Market Engagement Methods


An exemption to the Market Engagement Methods and procedures may be requested under the following circumstances:

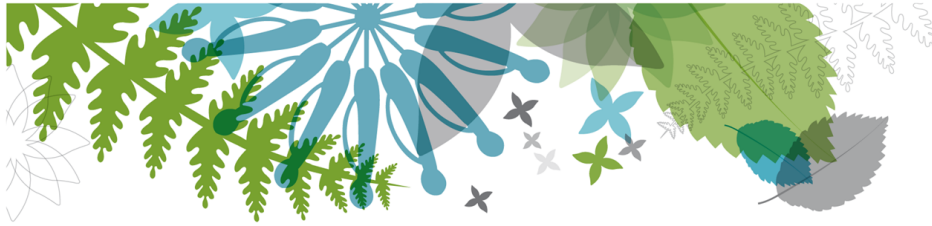
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An exemption to the Market Engagement Methods and procedures may be requested under the following circumstances:

- (a) in matters of Emergency including public health, security or safety as a result of an unforeseen event or occurrence;

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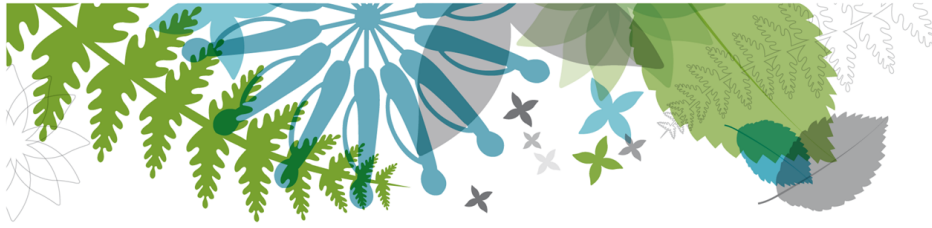


- (b) ~~where a competitive process has been undertaken in line with the requirements of S186 of the Act through third party organisations e.g. MAV Procurement, Procurement Australia or State Government;~~
- (be) installations where a change in supplier would necessitate the procurement of goods and services that do not meet the requirements for interoperability or interchangeability;
- (cd) an absence of competition for technical reasons;
- (de) the Goods, Services or Works are required as part of a grant, funding agreement, lease or similar arrangement specifically stating how the Goods, Service or Works are to be provided or undertaken;
- (ef) where the acquisition is of a cultural or artistic nature i.e. a live show or art piece; and
- (fg) where the procurement is on Council's procurement exemptions list (refer to **Appendix 21—Procurement Procedure**).

Procurement Value (Including GST)	Policy Exemption
Greater than \$2,000 to less than \$150,000	Approval must be sought <u>obtained</u> from the relevant General Manager using the procurement exemption form.
Greater than \$50,000 to \$150,000	<u>Approval must be obtained from the relevant General Manager using the procurement exemption form.</u>
\$150,000 <u>Greater than \$150,000 to less than \$200,000 (Works) to the CE Delegation</u>	Approval must be sought <u>obtained</u> from the Chief Executive using the procurement exemption form.
<u>Greater than the CE Delegation</u>	<u>Approval must be obtained from Council by way of Council report at an approved Council meeting.</u>
\$150,000 (Goods and Services) or \$200,000 (Works) or greater	Ministerial exemption must be sought unless the Chief Executive has declared an emergency.

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3.173.22 —Mechanisms

Once a Market Engagement Method has been determined, Council Officers need to obtain authority to purchase the Goods, Services or Works on behalf of Council. There are three mechanisms available to purchase Goods, Services or Works:

- (a) petty cash (\$50 limit);
- (b) ~~corporate purchase cards~~procurement card; ~~(recommended for procurements less than \$75);~~ or
- (c) approved purchase order.

If petty cash or a ~~procurement card~~corporate purchase card is not used for the procurement, then an approved purchase order must be generated before committing to the procurement.

3.183.23 —Contracts

All procurement related contracts entered into by Council must be reviewed and endorsed by the Coordinator Procurement and Contracts prior to execution.

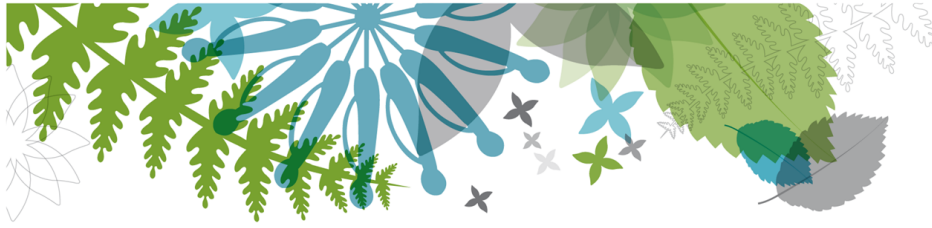
3.193.24 —Variations

Contract Variations must be approved in accordance with Council's delegations. Variations should not exceed the available budget.

Position	Variation (including GST)
<u>Coordinators and General Managers</u> <u>Superintendents</u> <u>Representatives</u>	<p><u>Up to the lesser of 5% of the original contract value or a maximum of up to the lesser of:</u></p> <ul style="list-style-type: none"> • <u>20% of the original Contract value; or</u> • <u>a maximum of \$150,000.</u> <p><u>Where the aggregate of all Variations exceeds 20% or is greater than \$150,000 they must be referred to the CE for authorisation.</u></p> <p><u>the financial delegation provided by the S7 Instrument of Sub-Delegation from CEO to Council Staff.</u></p> <p><u>Where the aggregate of all variations exceeds this threshold they must be referred to the Manager or Superintendent for authorisation.</u></p>
<u>Managers and</u>	<p><u>Up to the lesser of 10% of the original contract value or a maximum of the financial delegation provided by the S7 Instrument of Sub-Delegation from CEO to Council Staff.</u></p>

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CM reference		Date of adoption	<u>27-November-2019</u>
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Position	Variation (including GST)
Superintendents	Where the aggregate of all variations exceeds this threshold they must be referred to the General Manager for authorisation.
General Managers	Up to the lesser of 20% of the original contract value or a maximum of \$150,000. Where the aggregate of all variations exceeds this threshold they must be referred to the CE for authorisation.
CE	Up to the lesser of 30% of the original contract value or a maximum of the CE Delegation. Where the aggregate of all Variations exceeds this threshold it will be noted in the bi-annual report to the Audit Committee. up to the lesser of: <ul style="list-style-type: none"> • 30% of the original Contract value; or • a maximum of \$300,000. Where the aggregate of all Variations exceeds 30% it will be noted in the bi-annual report to the Audit Committee. For aggregate amounts greater than \$300,000 they must be referred to Council for authorisation.

4. Roles and Responsibilities

These management positions are responsible for the implementation, communication and compliance monitoring of the policy in their work areas:

Party / Parties	Roles and Responsibilities
Chief Executive	Ensure overall organisation compliance with the policy.
General Managers	Ensure compliance with the policy by all Council Officers under their supervision.
Corporate Services General Manager	Overall responsibility for the policy implementation and compliance.

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CM reference		Date of adoption	27 November 2019
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Party / Parties	Roles and Responsibilities
Managers	Ensure compliance with the policy by all Council Officers under their supervision.
Coordinator Procurement and Contracts	Responsible for reviewing, updating and implementing policy. Together with the Procurement and Contracts Department, primary source for procurement advice, training and guidance.

5. Privacy and Human Rights Consideration

All personal information collected by Council in connection with procurement activities will be handled in accordance with all applicable privacy legislation and will be used only for the purpose of investigating procurement matters.

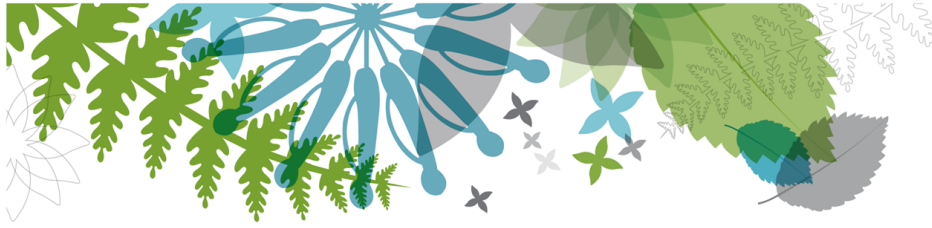
The procurement policy has been assessed as compliant with the obligations and objectives of the Victorian *Charter of Human Rights and Responsibilities Act 2006*. Please refer to www.humanrightscommission.vic.gov.au for assistance with this section.

DOCUMENT CONTROL

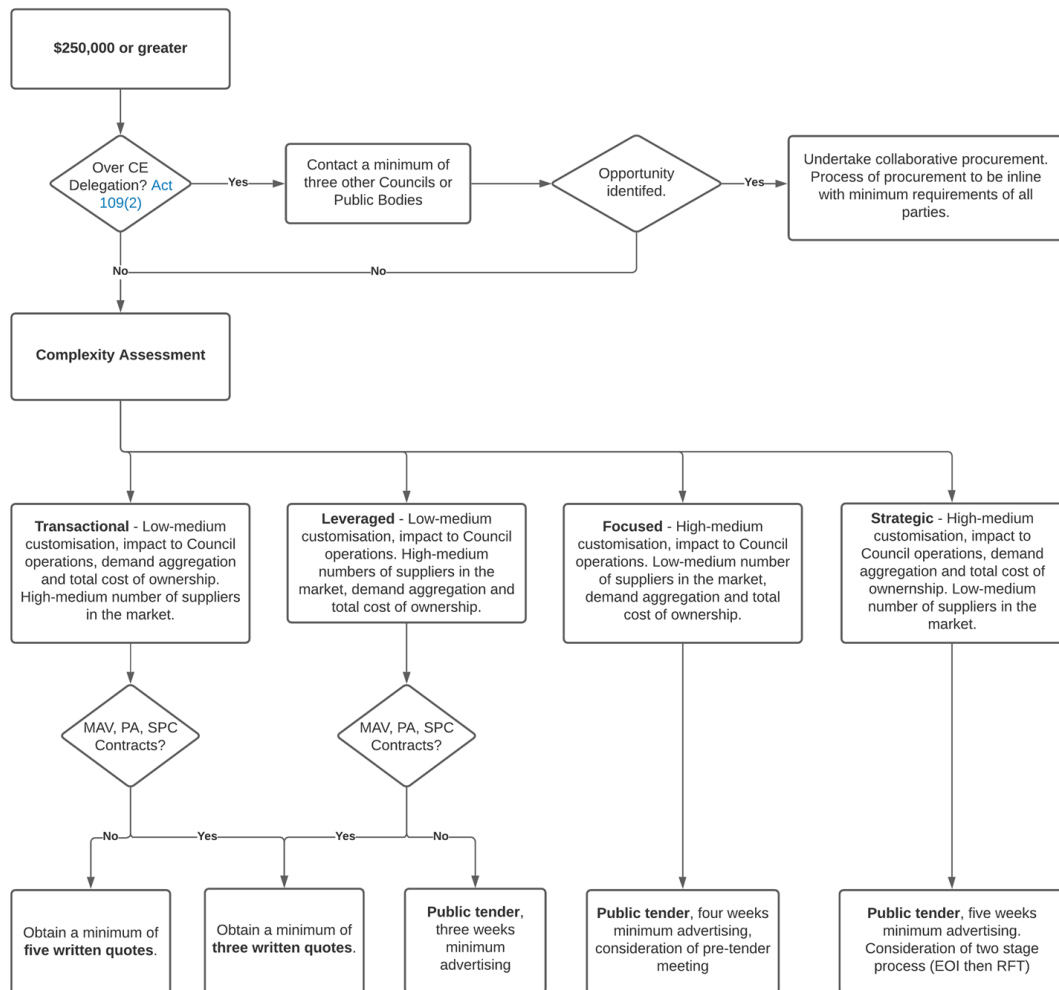
Policy owner	Coordinator Procurement and Contracts	Division	Corporate Services
Adopted by council	27 November 2019...	Policy Number	3.43
File Number		Review date	27 November 2020

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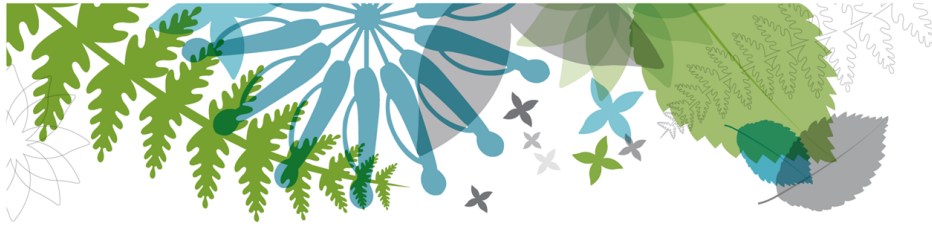


Appendix 1 – Complexity Assessment Procedure



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CM reference		Date of adoption	27 November 2019
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Appendix 2 – Exemptions

The following procurements are either exempt from market engagement and/or the requirement for a Purchase Order. With the Chief Executive's approval, exemptions can be added or removed from this list at any time.

Category	Description	Exempt from Market Engagement	Exempt from Purchase Order
Utilities	Electricity, gas, water and telephone services.	No	Yes
Insurance premiums and claims	WorkCover and other insurances.	No	Yes
Prescribed contracts	Legal services	Yes	No
Payroll expenses	Superannuation and PAYG.	Yes	Yes
GST	Goods and Services Tax payable.	Yes	Yes
Postage	Australia Post.	Yes	Yes
Vehicle registrations	VicRoads vehicle registrations.	Yes	Yes
Councillor expenses	Allowances and Reimbursements.	Yes	Yes
Refundable trust funds	Includes Security Bonds, Contract Retentions and other funds held in trust.	Yes	Yes
Levies	EPA Victoria Levy.	Yes	Yes
	Fire Services Property Levy.	Yes	Yes
Other	Acquisition of Land and Buildings.	Yes	Yes
	Medical expenses.	Yes	Yes

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CM reference		Date of adoption	27 November 2019
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Category	Description	Exempt from Market Engagement	Exempt from Purchase Order
	Venue hire.	Yes	Yes
	Diesel Fuel – Fisherman's Co-Op.	Yes	No
	Memberships and subscriptions.	Yes	Yes
	Software renewals.	Yes	No
	External audit fees – Victorian Auditor-General's Office.	Yes	No
	HACC service agreement.	Yes	Yes
	Annual community grants.	Yes	Yes
	Professional workshop and conference registration fees and associated costs.	Yes	No
	Loans and investments.	Yes	Yes
	General advertising.	Yes	No
	Recruitment advertising.	Yes	No

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CM reference		Date of adoption	27 November 2019
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Complexity Assessment

[Contract Number] – [Title of Procurement]**1. Detailed complexity assessment**

a) Do the specifications of the Goods, Services or Works require customisation?

Potential responses	Score Values	Score
No, Good, Service or Work requirements are standard (e.g. off the shelf product, standard service)	0	
Yes, however Good, Service or Work only requires a low level of customisation e.g. some configuration or some specialisation	5	
Yes, the Good, Service or Work requires a medium level of customisation/specialisation	10	
Yes, Good, Service or Work requires a high level of customisation and/or specifications are not fully known	15	

b) Is the Good, Service or Work critical to the Council and/or core operations of the Council?

Potential responses	Score Values	Score
No, the Good, Service or Work is not critical to the Council or core operations	0	
Yes, however the Good, Service or Work is only of medium criticality to the Council and/or core operations	3	
Yes, the Good, Service or Work is critical to the Council and/or core operations	6	
Yes, the Good, Service or Work is very critical to the Council and/or core operations	9	

c) Is the Good, Service or Work being purchased from a competitive market?

Potential responses	Score Values	Score
Yes, more than 5 suitable substitute Good, Service or Work vendors exist	0	
Yes, between 3 and 5 suitable substitute Good, Service or Work vendors exist	3	
Yes, however limited (<3) suitable substitute Good, Service or Work vendors exist	6	
No, only one suitable substitute Good, Service or Work vendor has been identified and qualified	9	

d) Would there be a significant interruption to the Council's core operations in the event of vendor default?

Potential responses	Score Values	Score
No, the transition time for an alternate vendor would be minimal or a backup vendor will be in place	0	
No, however there would be an acceptable transition time to engage an alternate vendor	5	
Yes, there would be an intermediate level of interruption to the Council's core operations, with a transition time to a new vendor	10	
Yes, there would be a significant interruption to the Council's core operations with a high transition time to an alternate vendor	15	

Complexity Assessment

[Contract Number] – [Title of Procurement]

e) Will the Council's purchase/s impact the market?

Potential responses	Score Values	Score
No, the purchase/s will not be material to the market	0	
No, the procurement will be material to the market but will not impact the competitive landscape	5	
Yes, the procurement has potential to significantly impact the market and may result in a reduction in competition between existing vendors	10	
Yes, the procurement is likely to result in the creation of a monopoly	15	

f) Are there local industry considerations with this purchase?

Potential responses	Score Values	Score
No, vendors from outside of the Shire are an established part of the market or the market is not currently attractive to vendors from outside of the Shire	0	
Yes, changes to the level of external market participation will impact local vendors	6	

g) Is the Good, Service or Work's total cost of ownership (TCO) high?

Potential responses	Score Values	Score
No, Good, Service or Work's total cost of ownership is of a low value, e.g. not within top 40 contracts/categories of the Council	0	
No, Good, Service or Work's total cost of ownership is of a medium cost, e.g. within top 30 contracts/categories of the Council (from a TCO perspective)	8	
No, however the Good, Service or Work's total cost of ownership is of a medium to high cost, e.g. within top 20 contracts/categories of the Council (from a TCO perspective)	16	
Yes, the Good, Service or Work's total cost of ownership is of a high cost, e.g. within top 10 contracts/categories of the Council (from a TCO perspective)	24	

h) Would the aggregation of demand be beneficial across Council's or within Council?

Potential responses	Score Values	Score
No, demand aggregation should not occur due to one/all of the following factors: <ul style="list-style-type: none"> • specifications are too complex or purchases are too infrequent to offset the cost of the demand aggregation process • diseconomies of scale i.e. not one size fits all • potential for monopoly / monopsony situation 	0	
Yes, some advantages of demand aggregation could be realised including lower cost of Good, Service or Work and lower procurement costs (economies of scale in vendor pricing)	9	
Yes, there may be an opportunity to gain advantage from aggregation by attracting increased competition through bundling categories or aggregating spend across two or more organisations or as part of a state purchasing contract	18	

Complexity Assessment

[Contract Number] – [Title of Procurement]

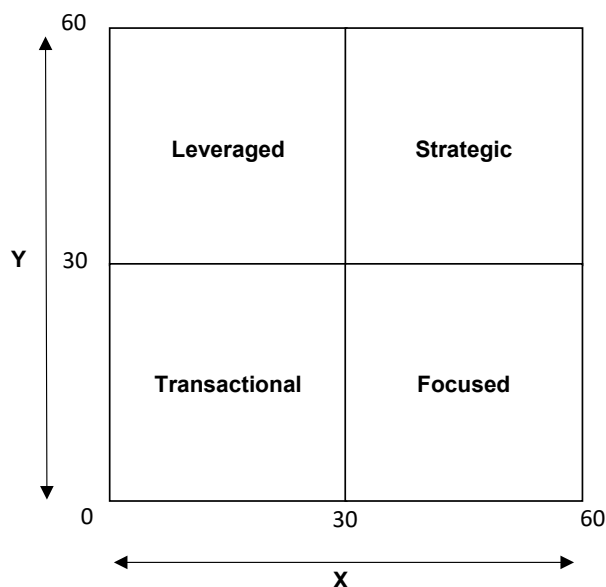
i) Does the Good, Service or Work align with other objectives of the organisation?

Potential responses	Score Values	Score
No, the Good, Service or Work procurement would not align with the objectives of the relevant policies	0	
Yes, however the Good, Service or Work procurement would only align to some of the objectives of the relevant policies	6	
Yes, the Good, Service or Work would align with all objectives of the relevant policies	12	
Yes, the Good, Service or Work would align with and enhance the objectives of the relevant policies	18	

Total scores

Axis Score	Score Values	Score
X axis (add scores for a,b,c,d,e,f)	60	
Y axis (add scores for g,h,i)	60	

The complexity assessment quadrant



Complexity Assessment

[Contract Number] – [Title of Procurement]**2. Results**

The procurement category is deemed to be: **[Transactional, Leveraged, Strategic or Focused]**

The following table defines each quadrant.

Item	Definition	Examples
Transactional	Low-medium customisation, impact to Council operations, demand aggregation and total cost of ownership. High-medium number of suppliers in the market.	Plant Vehicles Software
Leveraged	Low-medium customisation, impact to Council operations, number of suppliers. High-medium numbers of suppliers in the market, demand aggregation and total cost of ownership.	Drainage Resealing
Focused	High-medium customisation, impact to Council operations. Low-medium number of suppliers in the market, demand aggregation and total cost of ownership.	Design Dredging Bridges
Strategic	High-medium customisation, impact to Council operations, demand aggregation and total cost of ownership. Low-medium number of suppliers in the market.	City Deals

Proceed to Section 3 to select appropriate market engagement method.

3. Market engagement

The sourcing strategies that are typically appropriate for each quadrant of risk assessment:

Quadrant	Recommended sourcing methods
Transactional	Identify if there are suitable MAV, PA or SPC contracts, if available, obtain a minimum of three written quotes from top three ranked suppliers based on their tender evaluation. Otherwise, obtain a minimum of five written quotes.
Leveraged	Identify if there are suitable MAV, PA or SPC contracts, if available, obtain a minimum of three written quotes from top three ranked suppliers based on their tender evaluation. Otherwise undertake a public tender with a minimum of three weeks advertising.
Focused (Low to High Risk)	Public tender with a minimum of four weeks advertising. Consider undertaking a pre-tender meeting.
Strategic (Low to High Risk)	Public tender with a minimum of five weeks. Consider multi stage request for tender process.

4. Authorisation

Sign by approver..... Date / /
Ben McLaughlin (Coordinator Procurement and Contracts)

Sign by contract owner..... Date / /
[Insert Name] ([Insert Position])

Item: 10.11

Update S5 Instrument of Delegation - Council to CEO

OFFICER	Errol Lawrence
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	<ol style="list-style-type: none">1. S5 Instrument of Delegation to Chief Executive Officer - June 2021 [10.11.1 - 2 pages]2. Signed S 5 Instrument of Delegation - Council to CEO - 26 August 2020 [10.11.2 - 2 pages]
PURPOSE	Update to the S5 Instrument of Delegation to the Chief Executive Officer.

1. EXECUTIVE SUMMARY

Councils are required to update their delegations regularly to ensure they remain current and reflect changes in legislation.

The purpose of this report is to review Council's Instrument of Delegation to the Chief Executive Officer (S5) and confer those duties to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule attached to the Instrument of Delegation (attached), in line with the requirements of the Local Government Act 2020.

The last review was adopted by Council on 26 August 2020.

2. RECOMMENDATION

That Council, in exercise of the powers conferred by section 11(1) of the Local Government Act 2020 (the Act) and all other powers enabling it, delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation, AND declares that:

- 1. this Instrument of Delegation is authorised by a Resolution of Council passed on 24 June 2021;*
- 2. the delegation*
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation and that the Chief Executive Officer is authorised to affix the Common Seal to the Instrument;*
 - 2.2 is subject to any conditions and limitations set out in the Schedule;*
 - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and*
 - 2.4 remains in force until Council resolves to vary or revoke it.*

3. KEY INFORMATION

BACKGROUND

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

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

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

KEY INFORMATION

This review of the S5 Instrument of Delegation – Council to The Chief Executive Officer, is as a result of a review of Council's Procurement Policy. The change is in item 1.2 of the Schedule, and provides a link to the Policy as follows:

- 1.2 making any expenditure that exceeds \$300,000 (including GST), unless it is expenditure made under a contract already entered into in accordance with Council's Procurement Policy, or is expenditure which Council is, by or under legislation, required to make;*

A copy of the Instrument of Delegation and Schedule adopted by Council on 26 August 2020 and a copy of the reviewed Instrument of Delegation and Schedule presented for adoption are attached.

4. COMMUNITY CONSULTATION & ENGAGEMENT

Not applicable.

5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

Alignment to Council Plan 2017-2021:

Theme 4 - Our Leadership & Management

3. Organisational development and legislative compliance.

6. CONSIDERATIONS

ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

Not applicable.

LEGAL & RISK

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

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

FINANCIAL & BUDGETARY

The process to maintain delegations is complex to ensure legislative compliance (Council works with over 90 different pieces of legislation). Services provided by external providers such as Maddocks reduce this resource requirement and more importantly reduces the risk of non-compliance.

7. IMPLEMENTATION STRATEGY

The Instruments of Delegation will come into force following approval by Council and the affixing of the Common Seal.

COMMUNICATION

A register of delegations is maintained and held within the corporate office.

TIMELINE

Updates are prepared when advised of changes to legislation received from Maddocks and submitted to Council for consideration.

8. OFFICER DIRECT OR INDIRECT INTEREST

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

Colac Otway Shire



S5 Instrument of Delegation - Council to the Chief Executive Officer

In exercise of the power conferred by s 11(1) of the Local Government Act 2020 (the Act) and all other powers enabling it, the Colac Otway Shire Council (Council) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 24 June 2021;
2. the delegation
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 is subject to any conditions and limitations set out in the Schedule;
 - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 2.4 remains in force until Council resolves to vary or revoke it.

The COMMON SEAL of the)
COLAC OTWAY SHIRE Council)
was hereto affixed in accordance)
with Local Law No 4.)

Peter Brown
Chief Executive

S5 Instrument of Delegation to the Chief Executive Officer

Local Government Act 2020

Provision	Powers and Functions Delegated	Conditions and Limitations
11(1)	<p>SCHEDULE</p> <p>The power to</p> <ol style="list-style-type: none"> determine any issue; take any action; or do any act or thing <p>arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.</p>	<p>The delegate must not determine the issue, take the action or do the act or thing:</p> <ol style="list-style-type: none"> if the issue, action, act or thing is an issue, action, act or thing which involves <ol style="list-style-type: none"> entering into a contract exceeding the value of \$300,000 (including GST); making any expenditure that exceeds \$300,000 (including GST), unless it is expenditure made under a contract already entered into in accordance with Council's Procurement Policy, or is expenditure which Council is, by or under legislation, required to make; appointing an Acting Chief Executive Officer for a period exceeding 28 days; electing a Mayor or Deputy Mayor; granting a reasonable request for leave under s 35 of the Act; making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer; approving or amending the Council Plan; adopting or amending any policy that Council is required to adopt under the Act; adopting or amending the Governance Rules; appointing the chair or the members to a delegated committee; making, amending or revoking a local law; approving the Budget or Revised Budget; approving the borrowing of money; subject to section 181H(1)(b) of the Local Government Act 1989, declaring general rates, municipal charges, service rates and charges and specified rates and charges; if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution; if the issue, action, act or thing is an issue, action, act or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; 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 <ol style="list-style-type: none"> policy; or strategy adopted by Council; 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, whether on account of s 11(2)(a)-(n) (inclusive) of the Act or otherwise; or 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.



S5 Instrument of Delegation - Council to the Chief Executive Officer

In exercise of the power conferred by s 11(1) of the Local Government Act 2020 (the Act) and all other powers enabling it, the Colac Otway Shire Council (Council) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 26 August 2020;
2. the delegation
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 is subject to any conditions and limitations set out in the Schedule;
 - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 2.4 remains in force until Council resolves to vary or revoke it.

The COMMON SEAL of the)
COLAC OTWAY SHIRE Council)
was hereto affixed in accordance)
with Local Law No 4.)



A handwritten signature in black ink, appearing to read "Peter Brown".

Peter Brown
Chief Executive

Schedule

S5 Instrument of Delegation - Council to the Chief Executive Officer - Colac Otway Shire

Local Government Act 2020

Section	Powers and Functions Delegated	Conditions and Limitations	Delegate
11(1)	<p>SCHEDULE</p> <p>The power to</p> <ol style="list-style-type: none"> determine any issue; take any action; or do any act or thing <p>arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.</p>	<p>The delegate must not determine the issue, take the action or do the act or thing:</p> <ol style="list-style-type: none"> if the issue, action, act or thing is an issue, action, act or thing which involves <ol style="list-style-type: none"> entering into a contract exceeding the value of \$300,000 (including GST); making any expenditure that exceeds \$300,000 (including GST), unless it is expenditure made under a contract already entered into or is expenditure which Council is, by or under legislation, required to make; appointing an Acting Chief Executive Officer for a period exceeding 28 days; electing a Mayor or Deputy Mayor; granting a reasonable request for leave under s 35 of the Act; making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer; approving or amending the Council Plan; adopting or amending any policy that Council is required to adopt under the Act; adopting or amending the Governance Rules; appointing the chair or the members to a delegated committee; making, amending or revoking a local law; approving the Budget or Revised Budget; approving the borrowing of money; subject to section 181H(1)(b) of the Local Government Act 1989, declaring general rates, municipal charges, service rates and charges and specified rates and charges; if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution; if the issue, action, act or thing is an issue, action, act or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; 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 <ol style="list-style-type: none"> policy; or strategy adopted by Council; 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, whether on account of s 11(2)(a)-(n) (inclusive) of the Act or otherwise; or 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. 	CEO

Item: 10.12

Update S6 Instrument of Delegation Council to Council Staff

OFFICER	Errol Lawrence
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	<ol style="list-style-type: none">1. S 6 Instrument of Delegation - Council to Members of Staff [10.12.1 - 83 pages]2. Changes to Planning Delegations [10.12.2 - 1 page]3. Signed S 6 Instrument of Delegation Council to Council Staff - 25 March 2021 [10.12.3 - 65 pages]
PURPOSE	Review and update Council's Instrument of Delegation to Members of Council Staff

1. EXECUTIVE SUMMARY

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

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

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

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

The last review was completed in March 2021.

2. RECOMMENDATION

That Council in the exercise of the powers conferred by section 11(1) of the Local Government Act 2020 (the Act) and the other legislation referred to in the tabled Instrument of Delegation, resolves that:

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the tabled Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.*
- 2. The Chief Executive Officer is authorised to affix the Common Seal to the Instrument. The Instrument comes into force immediately the Common Seal of Council is affixed.*
- 3. The duties and functions set out in the Instrument must be performed and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that may from time to time be adopted.*

3. KEY INFORMATION

BACKGROUND

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

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

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

KEY INFORMATION

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

Section 11 of the Act provides:

11 Power of delegation

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

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

Note

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

Section 47 of the Act provides:

47 Delegations by Chief Executive Officer

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

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

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

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

The delegations relating to the Planning & Environment Act have been amended to remove references to the Wye River & Separation Creek bushfire. Having been very successful in facilitating recovery, the temporary planning controls introduced following the 2015 fire to assist in rebuilding destroyed and damaged homes lapse on 30 June 2021. Planning controls in the affected townships will return to the provisions that applied prior to the fire. There is no longer any need for differentiation in the S6 instrument relating to these controls.

The planning delegations have also been amended to increase delegation to officers to determine planning applications where approval is sought for:

- Dwellings to be excised (subdivided) from a property in the Farming Zone or Rural Conservation Zone; and
- Waiver or reduction in the required number of car spaces (currently officers can determine applications where five or less spaces are to be waived).

These changes have been discussed with Councillors in a briefing session, and are proposed to facilitate the more efficient processing of planning permit applications.

A recent decision from the Victorian Civil and Administrative Tribunal (VCAT) on an application to excise a dwelling in the Farming Zone was very definitive about how Council's planning provisions should be applied for such proposals in the future, and whilst the waiver or reduction in parking requirements was once a contested and politically sensitive issue, parking issues have in recent times not generated significant community interest.

Council completed a parking strategy for Colac and Apollo Bay in 2011 which resulted in changes to parking rates for commercial development that are now more realistic for parking demand in our towns and do not necessitate significant waivers for commercial applications. In Apollo Bay there are requirements for applicants to pay cash-in-lieu of parking spaces not provided to ensure that parking is provided elsewhere in the commercial area over time, offsetting the parking not provided on their site.

There have been few applications over recent years to have been reported to the Planning Committee for a decision, and of those that have many have been industrial or warehouse proposals where the reduced parking provision has not been an issue of concern. The proposed change would still allow applications that generate more than three

Additional amendments in this update reflect some amendments to officer titles and changes to responsible officers brought about the interim backfill of vacant positions by contractors who are not directly employed by Council.

Councillors are provided with a copy of the updated instrument for authorisation, an amendment document showing the change which applies to provisions S60, S61(1), S62(1), S62(2), S62(5)(b), S84(1) & S96G(1) under the Planning & Environment Act 1987 between pages 36 and 50 of the Instrument, along with a copy of the current S6 Instrument of Delegation from March 2021.

4. COMMUNITY CONSULTATION & ENGAGEMENT

Not applicable.

5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

Alignment to Council Plan 2017-2021:

Theme 4 - Our Leadership & Management

3. Organisational development and legislative compliance.

6. CONSIDERATIONS

ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

Not applicable.

LEGAL & RISK

Maintaining the currency of delegations in our complex legal and legislative environment is challenging. To reduce the risk of non-compliance Council subscribes to an update service provided

by Maddocks Lawyers. This service provides updates on legislative changes and therefore Council updates the delegations on a half yearly basis or more if required.

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

FINANCIAL & BUDGETARY

The process to maintain delegations is complex to ensure legislative compliance. (Council works with over 90 different pieces of legislation.) Services provided by external providers such as Maddocks reduce this resource requirement and more importantly reduces the risk of non-compliance.

7. IMPLEMENTATION STRATEGY

The Instruments of Delegation will come into force following approval by Council and the affixing of the Common Seal.

COMMUNICATION

Under section 11(8) of the Act:

A Council must keep a public register of delegations made under this section.

A register of delegations is maintained and held within the corporate office. The register is available on Council's website.

TIMELINE

Updates are prepared when advised of changes to legislation received from Maddocks and submitted to Council for consideration.

8. OFFICER DIRECT OR INDIRECT INTEREST

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



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INSTRUMENT OF DELEGATION

S6 Instrument of Delegation
Council - Members of Staff

JUNE 2021

Colac Otway Shire

S6 Instrument of Delegation – Council to Members of Staff

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

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

Titles

CEO	Chief Executive Officer
CRS	Co-ordinator Revenue Services
CUC	Compliance Unit Co-ordinator
EHTO	Environmental Health Technical Officer
GMCS	General Manager Corporate Services
GMDCS	General Manager Development and Community Services
GMEI	General Manager Environment and Infrastructure
HPC	Health Protection Co-ordinator
HPSO	Health Protection Support Officer
MAPD	Manager Assets and Project Delivery
MECS	Manager Environment & Community Safety
MFS	Manager Financial Services
MHAC	Manager Healthy Active Communities
MPC	Manager People and Culture
MPBH	Manager Planning, Building and Health
MSO	Manager Services and Operations
MEMC	Municipal Emergency Management Co-ordinator
N/A	Not Applicable
PBAC	Planning and Building Administration Co-ordinator
PCofC	Planning Committee of Council
SPC	Statutory Planning Co-ordinator
SPMPC	Strategic Planning and Major Projects Co-ordinator

Title Groups

All GMs	All GMs
CO	Compliance Officers
CSO	Customer Services Officers
HPO	Health Protection Officers
PA	Planning Administrators
PLO	Planning Officers

3. declares that:
 - 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 24 June 2021; and

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- 3.2 the delegation:
 - 3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 3.2.2 remains in force until varied or revoked;
 - 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
 - 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
- 3.3 the delegate must not determine the issue, take the action or do the act or thing:
 - 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
 - 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - a) policy; or
 - b) strategyadopted by Council;
 - 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
 - 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

This Delegation was amended by resolution of the Colac Otway Shire Council on 24 June 2021.

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

Peter Brown
Chief Executive

Date _____

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Delegation Sources

- Domestic Animals Act 1994
- Environment Protection Act 1970
- Food Act 1984
- Heritage Act 2017
- Local Government Act 1989
- Planning and Environment Act 1987
- Residential Tenancies Act 1997
- Road Management Act 2004
- Planning and Environment Regulations 2015
- Planning and Environment (Fees) Regulations 2016
- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015

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S6 Instrument of Delegation - Members of Staff

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

Environment Protection Act 1970			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 53M(3)	Power to require further information	CUC, EHTO, HPC, HPSO, MECS, MPBH, CO, HPO	
s 53M(4)	Duty to advise applicant that application is not to be dealt with	CUC, EHTO, HPC, HPSO, MECS, MPBH, CO, HPO	
s 53M(5)	Duty to approve plans, issue permit or refuse permit	EHTO, HPC, HPO	Refusal must be ratified by Council or it is of no effect
s 53M(6)	Power to refuse to issue septic tank permit	EHTO, HPC, HPSO, HPO	Refusal must be ratified by Council or it is of no effect
s 53M(7)	Duty to refuse to issue a permit in circumstances in (a)-(c)	EHTO, HPC, HPO	Refusal must be ratified by Council or it is of no effect

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	EHTO, HPC, HPSO, HPO	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	EHTO, HPC, HPSO, HPO	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	EHTO, HPC, HPO	If s 19(1) applies Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	EHTO, HPC, HPSO, HPO	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	EHTO, HPC, HPSO, HPO	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	EHTO, HPC, HPSO, HPO	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	EHTO, HPC, HPSO, HPO	Where Council is the registration authority

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	EHTO, HPC, HPSO, HPO	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	EHTO, HPC, HPO	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	EHTO, HPC, HPO	

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	EHTO, HPC, HPSO, HPO	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
	Power to register, renew or transfer registration	EHTO, HPC, HPSO, HPO	Where Council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see s 58A(2))
s 36A	Power to accept an application for registration or notification using online portal	HPC, HPO	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier
s 36B	Duty to pay the charge for use of online portal	HPC, MPBH	Where Council is the registration authority

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			Note: This provision commences on 1 July 2021, unless proclaimed earlier
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	EHTO, HPC, HPSO, HPO	Where Council is the registration authority

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 38D(3)	Power to request copies of any audit reports	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	EHTO, HPC, HPSO, HPO	Where Council is the registration authority not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	HPC, HPO	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier
s 38G(2)	Power to require the proprietor of the food premises to comply with any requirement of the Act	HPC, HPO	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier
s 39A	Power to register, renew or transfer food premises despite minor defects	EHTO, HPC, HPSO, HPO	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	EHTO, HPC, HPSO, HPO	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	HPC	Where Council is the registration authority
s 40F	Power to cancel registration of food premises	HPC, MPBH	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	EHTO, HPC, HPO	Where Council is the registration authority
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution,	EHTO, HPC, HPO	Where Council is the registration authority

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	without proceedings first being instituted against the person first charged		

Heritage Act 2017			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 116	Power to sub-delegate Executive Director's functions, duties or powers	GMDCS	Must first obtain Executive Director's written consent Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation

Local Government Act 1989			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	GMDCS, MPBH, PCofC, SPC, SPMPC	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	GMDCS, MPBH, SPC, SPMPC	
s 4H	Duty to make amendment to Victoria Planning Provisions available	GMDCS, MPBH, PBAC, SPC, SPMPC, PLO	
s 4I	Duty to keep Victorian Planning Provisions and other documents available	GMDCS, MPBH, PBAC, SPC, SPMPC, PLO	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	MPBH	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	GMDCS, MPBH, PBAC, PCofC, SPC, SPMPC	
s 8A(5)	Function of receiving notice of the Minister's decision	GMDCS, MPBH, PBAC, SPC, SPMPC	
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	GMDCS, MPBH, PCofC, SPC, SPMPC	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	GMDCS, MPBH, PCofC	
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	GMDCS, MPBH, PCofC, SPC, SPMPC	
s 12A(1)	Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s19 of the Planning and Environment (Planning Schemes) Act 1996)	GMDCS, MPBH, PCofC	
s 12B(1)	Duty to review planning scheme	GMDCS, MPBH, PCofC, SPC, SPMPC	
s 12B(2)	Duty to review planning scheme at direction of Minister	GMDCS, MPBH, PCofC, SPC, SPMPC	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	GMDCS, MPBH, PCofC, SPC, SPMPC	
s 14	duties of a Responsible Authority as set out in s 14(a) to (d)	GMDCS, MPBH, PBAC, PCofC, SPC, SPMPC, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 17(1)	Duty of giving copy amendment to the planning scheme	GMDCS, MPBH, PBAC, SPC, SPMPC, CSO, PA, PLO	
s 17(2)	Duty of giving copy s 173 agreement	GMDCS, MPBH, PBAC, SPC, SPMPC, CSO, PA, PLO	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	GMDCS, MPBH, PBAC, SPC, SPMPC, CSO, PA, PLO	
s 18	Duty to make amendment etc. available	GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	GMDCS, MPBH, PBAC, SPC, SPMPC, 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.

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	GMDCS, MPBH, PCofC, SPC, SPMPC	
s 21(2)	Duty to make submissions available	GMDCS, MPBH, PBAC, SPC, SPMPC, CSO, PA	
s 21A(4)	Duty to publish notice	GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	
s 22	Duty to consider all submissions	GMDCS, MPBH, PCofC, SPC, SPMPC	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	GMDCS, MPBH, PCofC, SPC, SPMPC	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	GMDCS, MPBH, PCofC, SPC, SPMPC	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	GMDCS, MPBH, SPC, SPMPC, PLO	
s 26(1)	Power to make report available for inspection	GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 26(2)	Duty to keep report of panel available for inspection	GMDCS, MPBH, PBAC, SPC, SPMPC, CSO, PA, PLO	
s 27(2)	Power to apply for exemption if panel's report not received	GMDCS, MPBH, PCofC, SPC, SPMPC	
s 28	Duty to notify the Minister if abandoning an amendment	GMDCS, MPBH, SPC, SPMPC	Note: the power to make a decision to abandon an amendment cannot be delegated
s 30(4)(a)	Duty to say if amendment has lapsed	GMDCS, MPBH, PBAC, SPC, SPMPC	
s 30(4)(b)	Duty to provide information in writing upon request	GMDCS, MPBH, PBAC, SPC, SPMPC	
s 32(2)	Duty to give more notice if required	GMDCS, MPBH, PBAC, SPC, SPMPC	
s 33(1)	Duty to give more notice of changes to an amendment	GMDCS, MPBH, PBAC, SPC, SPMPC	
s 36(2)	Duty to give notice of approval of amendment	GMDCS, MPBH, PBAC, SPC, SPMPC	
s 38(5)	Duty to give notice of revocation of an amendment	GMDCS, MPBH, PBAC, SPC, SPMPC	

Colac Otway Shire

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	GMDCS, MPBH, SPC, SPMPC	
s 40(1)	Function of lodging copy of approved amendment	GMDCS, MPBH, PBAC, SPC, SPMPC	
s 41	Duty to make approved amendment available	GMDCS, MPBH, PBAC, SPC, SPMPC, CSO, PA, PLO	
s 42	Duty to make copy of planning scheme available	GMDCS, MPBH, PBAC, SPC, SPMPC, CSO, PA, PLO	
s 46AW	Function of being consulted by the Minister	CEO, GMDCS, MPBH	Where Council is a responsible public entity
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	CEO, GMDCS, MPBH, SPC, SPMPC	Where Council is a responsible public entity
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	CEO, GMDCS, MPBH, SPC, SPMPC	Where Council is a responsible public entity

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	CEO, GMDCS, MPBH, SPC, SPMPC	Where Council is a responsible public entity
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	CEO, GMCS, GMDCS, MFS, MPBH	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	CEO, GMCS, GMDCS, MFS, MPBH	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	CEO, GMCS, GMDCS, MFS, MPBH	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	CEO, GMCS, MFS	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	
s 46GP	Function of receiving a notice under s 46GO	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	Where Council is the collecting agency

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	CEO, GMCS, GMDCS, MFS, MPBH	
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	CEO, GMCS, GMDCS, MFS, MPBH	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	CEO, GMCS, MFS	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	CEO, GMCS, MFS	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	CEO, GMCS, MFS	
s 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	CEO, GMCS, GMDCS, MPBH, SPC, SPMPC	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution Power to specify the manner in which the payment is to be made	CEO, GMCS, GMDCS, MPBH, SPC, SPMPC	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	CEO, GMCS, GMDCS, MPBH, SPC, SPMPC	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	CEO, GMDCS, MPBH, SPC, SPMPC	Where Council is the development agency

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	CEO, GMDCS, MPBH, SPC, SPMPC	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	CEO, GMDCS, MPBH, SPC, SPMPC	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	CEO, GMDCS, MPBH, SPC, SPMPC	Where Council is the collecting agency
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	CEO, GMCS, GMDCS, GMEI, MFS, MPBH, SPC, SPMPC	Where Council is the collecting agency
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	Where Council is the collecting agency

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	Where Council is the collecting agency
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan, as responsible for those works, services or facilities	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(2)(b)	Function of receiving the monetary component	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	Where Council is the development agency specified in the approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	infrastructure contributions plan as responsible for the use and development of that land		by Council before the time it is required to be provided to Council under s 46GV(4) Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZ(9)	Function of receiving the fee simple in the land	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	If the VPA is the collecting agency under an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA		Where Council is a development agency under an approved infrastructure contributions plan
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency under an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			This duty does not apply where Council is also the development agency
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the development agency under an approved infrastructure contributions plan
s.46GZF(3)	Duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	s 46GZF(3)(a) function of receiving proceeds of sale	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collection agency under an approved infrastructure contributions plan This provision does not apply where Council is also the development agency
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency under an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)		
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	CEO, MFS, MHAC	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	CEO, GMCS, GMDCS, MHAC, MPBH	Where Council is a collecting agency or development agency
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	GMDCS, MPBH, PCofC, SPC, SPMPC	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	GMDCS, MPBH, PCofC, SPC, SPMPC	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	GMDCS, MPBH	
s 46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	GMDCS, MPBH	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	GMDCS, MPBH, SPC, SPMPC	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	GMDCS, MPBH, SPC, SPMPC	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CEO, GMDCS, MPBH, SPC, SPMPC	
s 46Q(1)	Duty to keep proper accounts of levies paid	GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency or plan preparation costs incurred by a development agency	GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	CEO, GMDCS, MPBH, SPC, SPMPC	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	GMDCS, MPBH, SPC, SPMPC	Only applies when levy is paid to Council as a 'development agency'
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	CEO, GMDCS, MPBH, SPC, SPMPC	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	CEO, GMDCS, MPBH, SPC, SPMPC	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	CEO, GMDCS, MPBH, SPC, SPMPC	With the consent of, and in the manner approved by, the Minister

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46QC	Power to recover any amount of levy payable under Part 3B	GMDCS, MFS, MPBH, SPC, SPMPC	
s 46QD	Duty to prepare report and give a report to the Minister	GMDCS, MFS, MPBH, SPC, SPMPC	Where Council is a collecting agency or development agency
s 47	Power to decide that an application for a planning permit does not comply with that Act	CEO, GMDCS, MPBH, SPC, SPMPC	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	
s 49(2)	Duty to make register available for inspection	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, CSO, PA, PLO	
s 50(4)	Duty to amend application	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 50(5)	Power to refuse to amend application	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 50(6)	Duty to make note of amendment to application in register	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 50A(1)	Power to make amendment to application	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 50A(4)	Duty to note amendment to application in register	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	
s 51	Duty to make copy of application available for inspection	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, CSO, PA, PLO	
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PLO	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PLO	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PLO	
s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PLO	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PLO	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	CEO, GMDCS, MPBH, PBAC, PCofC, SPC, SPMPC	
s 52(3)	Power to give any further notice of an application where appropriate	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PLO	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PLO	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	CEO, GMDCS, MPBH, PBAC, PCofC, SPC, SPMPC, PLO	
s 54(1)	Power to require the applicant to provide more information	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PLO	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 54(1B)	Duty to specify the lapse date for an application	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PLO	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CEO, GMDCS, MPBH, SPC, SPMPC	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	
s 57(5)	Duty to make available for inspection copy of all objections	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, CSO, PA, PLO	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 57A(5)	Power to refuse to amend application	CEO, GMDCS, MPBH, SPC, SPMPC	
s 57A(6)	Duty to note amendments to application in register	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	
s 57B(1)	Duty to determine whether and to whom notice should be given	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 57C(1)	Duty to give copy of amended application to referral authority	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	
s 58	Duty to consider every application for a permit	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	
s 58A	Power to request advice from the Planning Application Committee	CEO, GMDCS, MPBH, SPC, SPMPC	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 60	Duty to consider certain matters	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, 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 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).

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 60(1A)	Duty to consider certain matters	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	<p>The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006</p> <hr/> <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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Provision	Powers and Functions Delegated	Delegate	Conditions and 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). <p>Save where the application may have an affect on the broader community. The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006.</p>
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	CEO, GMDCS, MPBH, PCofC, SPC, SPMPD	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	CEO, GMDCS, MPBH, PCofC, SPC, SPMPD, PLO	<p>Save where the proposed use and/or development:</p> <ul style="list-style-type: none"> • Results in four (4) or more objections having been lodged against the grant of a permit. • Or where the application may have an affect on the broader community. • Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> • the works had not been completed prior to the expiry of the permit; and • the officer recommendation is for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act • Or where the land is in the Farming or Rural Conservation Zones and the officer recommendation is to refuse an application to use or develop land for a dwelling (except where a determining referral authority under the planning scheme has recommended refusal of the application).

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 62(2)	Power to include other conditions	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	<p>Save where the proposed use and/or development:</p> <ul style="list-style-type: none"> • Results in four (4) or more objections having been lodged against the grant of a permit. • Or where the application may have an affect on the broader community. • Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> • the works had not been completed prior to the expiry of the permit; and • the officer recommendation is for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act • Or where the land is in the Farming or Rural Conservation Zones and the officer recommendation is to refuse an application to use or develop land for a dwelling (except where a determining referral authority under the planning scheme has recommended refusal of the application).
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	<p>Save where the proposed use and/or development:</p> <ul style="list-style-type: none"> • Results in four (4) or more objections having been lodged against the grant of a permit. • Or where the application may have an affect on the broader community. • Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> • the works had not been completed prior to the expiry of the permit; and • the officer recommendation is for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act • Or where the land is in the Farming or Rural Conservation Zones and the officer recommendation is to refuse an application to use or develop land for a dwelling (except where a determining referral authority under the planning scheme has recommended refusal of the application).

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(3)	Duty not to issue a permit until after the specified period	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	This provision applies also to a decision to grant an amendment to a permit - see s 75

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	This provision applies also to a decision to grant an amendment to a permit - see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	If the recommending referral authority objected to the grant of the permit or the recommending

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			referral authority recommended that a permit condition be included on the permit
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s 69(1)	Function of receiving application for extension of time of permit	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, CSO, PA, PLO	
s 69(1A)	Function of receiving application for extension of time to complete development	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, CSO, PA, PLO	
s 69(2)	Power to extend time	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, 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

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			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.
s 70	Duty to make copy permit available for inspection	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, CSO, PA, PLO	
s 71(1)	Power to correct certain mistakes	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PLO	
s 71(2)	Duty to note corrections in register	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	
s 73	Power to decide to grant amendment subject to conditions	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	
s 74	Duty to issue amended permit to applicant if no objectors	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s 76D	Duty to comply with direction of Minister to issue amended permit	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 83	Function of being respondent to an appeal	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 83B	Duty to give or publish notice of application for review	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC	<p>Save where the proposed use and/or development:</p> <ul style="list-style-type: none"> • Results in four (4) or more objections having been lodged against the grant of a permit. • Or where the application may have an affect on the broader community. • Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> • the works had not been completed prior to the expiry of the permit; and • the officer recommendation is for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act • Or where the land is in the Farming or Rural Conservation Zones and the officer recommendation is to refuse an application to use or develop land for a dwelling (except where

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			a determining referral authority under the planning scheme has recommended refusal of the application).
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	CEO, GMDCS, MPBH, SPC, SPMPC	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 84AB	Power to agree to confining a review by the Tribunal	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 86	Duty to issue a permit at order of Tribunal within 3 working days	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	CEO, GMDCS, MPBH, SPC, SPMPC	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 91(2)	Duty to comply with the directions of VCAT	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 93(2)	Duty to give notice of VCAT order to stop development	CEO, CUC, GMDCS, MPBH, SPC, SPMPC, CO, PLO	
s 95(3)	Function of referring certain applications to the Minister	CEO, GMDCS, MPBH, SPC, SPMPC	
s 95(4)	Duty to comply with an order or direction	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	CEO, GMDCS, MPBH, SPC, SPMPC	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	CEO, GMDCS, MPBH, SPC, SPMPC	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	CEO, GMDCS, MPBH, SPC, SPMPC	
s 96F	Duty to consider the panel's report under s 96E	CEO, GMDCS, MPBH, SPC, SPMPC	
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996)	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC	<p>Save where the proposed use and/or development:</p> <ul style="list-style-type: none"> • Results in four (4) or more objections having been lodged against the grant of a permit. • Or where the application may have an affect on the broader community. • Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> • the works had not been completed prior to the expiry of the permit; and • the officer recommendation is for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act • Or where the land is in the Farming or Rural Conservation Zones and the officer recommendation is to refuse an application to

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			use or develop land for a dwelling (except where a determining referral authority under the planning scheme has recommended refusal of the application).
s 96H(3)	Power to give notice in compliance with Minister's direction	CEO, GMDCS, MPBH, SPC, SPMPC	
s 96J	Power to issue permit as directed by the Minister	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 97C	Power to request Minister to decide the application	CEO, GMDCS, MPBH, SPC, SPMPC	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 97G(6)	Duty to make a copy of permits issued under s 97F available for inspection	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, CSO, PA, PLO	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	GMDCS, MPBH, SPC, SPMPC	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 97Q(4)	Duty to comply with directions of VCAT	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	CEO, GMDCS, MPBH	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	CEO, GMDCS, MPBH	
s 101	Function of receiving claim for expenses in conjunction with claim	CEO, GMDCS, MPBH	
s 103	Power to reject a claim for compensation in certain circumstances	CEO, GMDCS, MPBH	
s.107(1)	function of receiving claim for compensation	CEO, GMDCS, MPBH	
s 107(3)	Power to agree to extend time for making claim	CEO, GMDCS, MPBH	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 114(1)	Power to apply to the VCAT for an enforcement order	CEO, CUC, GMDCS, MECS, MPBH, SPC, SPMPC, CO	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	CEO, CUC, GMDCS, MECS, MPBH, SPC, SPMPC, CO, PLO	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CEO, CUC, GMDCS, MECS, MPBH, SPC, SPMPC, CO	
s 123(1)	Power to carry out work required by enforcement order and recover costs	CEO, CUC, GMDCS, MECS, MPBH, SPC, SPMPC, CO	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	CEO, CUC, GMDCS, MECS, MPBH	Except Crown Land
s 129	Function of recovering penalties	CEO, CUC, GMDCS, MECS, MFS, MPBH, CO	
s 130(5)	Power to allow person served with an infringement notice further time	CEO, CUC, GMDCS, MECS, MPBH, SPC, SPMPC, CO, PLO	
s 149A(1)	Power to refer a matter to the VCAT for determination	CEO, CUC, GMDCS, MECS, MPBH, SPC, SPMPC, CO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	CEO, CUC, GMDCS, MECS, MPBH, SPC, SPMPC, CO	
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B)power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	CEO, GMDCS, MPBH, SPC, SPMPC	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	CEO, GMDCS, MPBH, SPC, SPMPC	
s 171(2)(g)	Power to grant and reserve easements	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	CEO, GMCS, GMDCS	Where Council is a development agency specified in an approved infrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the	CEO, GMCS, GMDCS	Where Council is a collecting agency specified in an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	land is required to be provided to Council under s 46GV(4)		
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	CEO, GMCS, GMDCS	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	CEO, GMDCS, GMEI, MPBH, SPC, SPMPC	
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	CEO, GMCS, GMDCS, GMEI, MPBH	Where Council is the relevant responsible authority
	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
	Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	CEO, GMDCS, MPBH, SPC, SPMPC	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, GMDCS, MPBH, SPC, SPMPC	
s 178	power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC	
s 178A(1)	Function of receiving application to amend or end an agreement	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PLO	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PLO	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PLO	
s 178A(5)	Power to propose to amend or end an agreement	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 178C(4)	Function of determining how to give notice under s 178C(2)	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	If no objections are made under s 178D Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	After considering objections, submissions and matters in s 178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	After considering objections, submissions and matters in s 178B

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	After considering objections, submissions and matters in s.178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	After considering objections, submissions and matters in s 178B
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 179(2)	Duty to make available for inspection copy agreement	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 182	Power to enforce an agreement	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 184G(2)	Duty to comply with a direction of the Tribunal	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 184G(3)	Duty to give notice as directed by the Tribunal	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 198(1)	Function to receive application for planning certificate	N/A	Certificates not issued by Council
s 199(1)	Duty to give planning certificate to applicant	N/A	Certificates not issued by Council
s 201(1)	Function of receiving application for declaration of underlying zoning	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, CSO, PA, PLO	
s 201(3)	Duty to make declaration	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	CEO, CUC, GMDCS, MECS, MPBH, PCofC, SPC, SPMPC, CO, PLO	
	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	
	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
	Power to give written authorisation in accordance with a provision of a planning scheme	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	CEO, GMDCS, MPBH, SPC, SPMPC	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	CEO, GMDCS, MPBH, SPC, SPMPC	

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Residential Tenancies Act 1997			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 91ZU(1)	Power to give a renter a notice to vacate rented premises	CRS, HPC, MAPD, MFS, MHAC, MPBH, All GMs	Where Council is a public statutory authority engaged in the provision of housing Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier
s 91ZZC(1)	Power to give a renter a notice to vacate rented premises	CRS, HPC, MAPD, MFS, MHAC, MPBH, All GMs	Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier
s 91ZZE(1)	Power to give a renter a notice to vacate rented premises	CRS, HPC, MAPD, MFS, MHAC, MPBH, All GMs	Where Council is a public statutory authority engaged in the provision of housing Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier
s 91ZZE(3)	Power to publish Council's criteria for eligibility for the provision of housing	CRS, HPC, MAPD, MFS, MHAC, MPBH, All GMs	Where Council is a public statutory authority engaged in the provision of housing Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier
s 142D	Function of receiving notice regarding an unregistered rooming house	HPC	

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Residential Tenancies Act 1997			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district	EHTO, HPC, HPSO, HPO	
s 142G(2)	Power to enter certain information in the Rooming House Register	EHTO, HPC, HPSO, HPO	
s 142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	EHTO, HPC, HPO	
s 206AZA(2)	Function of receiving written notification	CRS, HPC, MAPD, MFS, MHAC, MPBH, All GMs	Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier
s 207ZE(2)	Function of receiving written notification	CRS, HPC, MAPD, MFS, MHAC, MPBH, All GMs	Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier
s 311A(2)	Function of receiving written notification	CRS, HPC, MAPD, MFS, MHAC, MPBH, All GMs	
s 317ZDA(2)	Function of receiving written notification	HPC, MAPD, MHAC, MPBH, All GMs	
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	HPC, MECS, MPBH	

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Residential Tenancies Act 1997			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 522(1)	Power to give a compliance notice to a person	CRS, CUC, MECS, MFS, MPBH, CO	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	All GMs	
s 525(4)	Duty to issue identity card to authorised officers	All GMs	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	CRS, CUC, MFS	
s 526A(3)	Function of receiving report of inspection	CRS, CUC, MFS	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CUC, MECS, CO	

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	GMEI, MAPD	Obtain consent in circumstances specified in s 11(2)

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	CRS, GMCS, GMEI, MAPD	
s 11(9)(b)	Duty to advise Registrar	CRS, GMCS, GMEI, MAPD	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	CRS, GMEI, MAPD	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	GMEI, MAPD, MSO	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	GMEI, MAPD	Where Council is the coordinating road authority
s 12(4)	Duty to publish, and provide copy, notice of proposed discontinuance	GMEI, MAPD	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(5)	Duty to consider written submissions received within 28 days of notice	GMEI, MAPD	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 12(6)	Function of hearing a person in support of their written submission	GMEI, MAPD	Function of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	GMEI, MAPD	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(10)	Duty to notify of decision made	GMEI, MAPD	Duty of coordinating road authority where it is the discontinuing body Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	GMEI, MAPD	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	GMEI, MAPD	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	GMEI	

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	GMEI	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	GMEI, MAPD	
s 15(2)	Duty to include details of arrangement in public roads register	GMEI, MAPD	
s 16(7)	Power to enter into an arrangement under s 15	GMEI	
s 16(8)	Duty to enter details of determination in public roads register	GMEI, MAPD	
s 17(2)	Duty to register public road in public roads register	GMEI, MAPD	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	GMEI, MAPD	Where Council is the coordinating road authority
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	GMEI, MAPD	Where Council is the coordinating road authority
s 17(4)	Power to decide that a road is no longer reasonably required for general public use	GMEI	Where Council is the coordinating road authority
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	GMEI, MAPD	Where Council is the coordinating road authority

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

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	GMEI, MAPD, MSO	
s 42(1)	Power to declare a public road as a controlled access road	GMEI	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	GMEI	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	GMEI	Where Council is the coordinating road authority If road is a municipal road or part thereof
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	GMEI, MAPD	Where Council is the coordinating road authority If road is a municipal road or part thereof and where road is to be specified a freight road
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	GMEI, MAPD	Where Council is the responsible road authority, infrastructure manager or works manager
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	GMEI, MAPD	
s 49	Power to develop and publish a road management plan	GMEI, MAPD	

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 51	Power to determine standards by incorporating the standards in a road management plan	GMEI, MAPD	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	GMEI, MAPD	
s 54(2)	Duty to give notice of proposal to make a road management plan	GMEI, MAPD	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	GMEI, MAPD	
s 54(6)	Power to amend road management plan	GMEI, MAPD	
s 54(7)	Duty to incorporate the amendments into the road management plan	GMEI, MAPD	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	GMEI, MAPD	
s 63(1)	Power to consent to conduct of works on road	GMEI, MAPD, MSO	Where Council is the coordinating road authority
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	GMEI, MAPD, MECS, MEMC, MSO	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	GMEI, MAPD, MSO	Where Council is the infrastructure manager or works manager

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 66(1)	Power to consent to structure etc	CUC, MECS, CO	Where Council is the coordinating road authority
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	CUC, MECS, CO	Where Council is the coordinating road authority
s 67(3)	Power to request information	CUC, MECS, CO	Where Council is the coordinating road authority
s 68(2)	Power to request information	CUC, MECS, CO	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	GMCS, GMDCS, GMEI	
s 72	Duty to issue an identity card to each authorised officer	GMCS, MPC	
s 85	Function of receiving report from authorised officer	GMEI, MAPD, MSO	
s 86	Duty to keep register re s 85 matters	GMEI	
s 87(1)	Function of receiving complaints	GMEI, MAPD, MSO	
s 87(2)	Duty to investigate complaint and provide report	GMEI	
s 112(2)	Power to recover damages in court	GMEI, MAPD, MSO	
s 116	Power to cause or carry out inspection	GMEI, MAPD, MSO	
s 119(2)	Function of consulting with the Head, Transport for Victoria	GMEI, MAPD, MSO	

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	GMEI, MAPD, MSO	
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	GMEI	
s 121(1)	Power to enter into an agreement in respect of works	GMEI	
s 122(1)	Power to charge and recover fees	GMEI, MAPD	
s 123(1)	Power to charge for any service	GMEI, MAPD	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	GMEI	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	GMEI	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	GMEI	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	GMEI, MAPD	
sch 2 cl 5	Duty to publish notice of declaration	GMEI	

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	GMEI, MAPD	Where Council is the infrastructure manager or works manager
sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	GMEI, MAPD, MSO	Where Council is the infrastructure manager or works manager
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	GMEI, MAPD	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	GMEI, MAPD, MSO	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	GMEI, MAPD	Where Council is the infrastructure manager or works manager
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	GMEI	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	GMEI, MAPD	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	GMEI, MAPD	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	GMEI, MAPD, MFS	Where Council is the coordinating road authority
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	GMEI, MAPD, MSO	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	GMEI, MAPD, MSO	Where Council is the coordinating road authority
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	GMEI	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	GMEI, MAPD, MSO	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	GMEI, MAPD, MSO	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	GMEI, MAPD	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 16(6)	Power to set reasonable conditions on consent	GMEI, MAPD	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	GMEI, MAPD	Where Council is the coordinating road authority
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	GMEI	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	GMEI, MAPD	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	GMEI, MAPD	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	GMEI, MAPD	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	CUC, GMEI, MAPD, CO	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	GMEI, MAPD	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	GMEI, MAPD	Where Council is the responsible road authority

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas	GMEI, MAPD	Where Council is the responsible road authority
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4	GMEI, MAPD	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

Planning and Environment Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	GMDCS, MPBH, SPC, SPMPD	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	CEO, GMDCS, MPBH, SPC, SPMPD, PLO	

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Planning and Environment Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, CSO, PA, PLO	where Council is the responsible authority
r.25(b)	function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, CSO, PA, PLO	where Council is not the responsible authority but the relevant land is within Council's municipal district
r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	CEO, GMDCS, MPBH, SPC, SPMPC	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.

Planning and Environment (Fees) Regulations 2016			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CEO, GMDCS, MPBH, SPC, SPMPC	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CEO, GMDCS, MPBH, SPC, SPMPC	

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Planning and Environment (Fees) Regulations 2016			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r 19 or 20	CEO, GMDCS, MPBH, SPC, SPMPC	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 7	Function of entering into a written agreement with a caravan park owner	EHTO, HPC, HPO	
r 10	Function of receiving application for registration	EHTO, HPC, HPSO, HPO	
r 11	Function of receiving application for renewal of registration	EHTO, HPC, HPO	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	EHTO, HPC, HPSO, HPO	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHTO, HPC, HPO	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	EHTO, HPC, HPSO, HPO	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHTO, HPC, HPO	

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Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	EHTO, HPC, HPO	
r 12(4) & (5)	Duty to issue certificate of registration	EHTO, HPC, HPSO, HPO	
r 14(1)	Function of receiving notice of transfer of ownership	EHTO, HPC, HPSO, HPO	
r 14(3)	Power to determine where notice of transfer is displayed	EHTO, HPC, HPSO, HPO	
r 15(1)	Duty to transfer registration to new caravan park owner	EHTO, HPC, HPSO, HPO	
r 15(2)	Duty to issue a certificate of transfer of registration	EHTO, HPC, HPSO, HPO	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	EHTO, HPC, HPO	
r 17	Duty to keep register of caravan parks	EHTO, HPC, HPSO, HPO	
r 18(4)	Power to determine where the emergency contact person's details are displayed	EHTO, HPC, HPSO, HPO	
r 18(6)	Power to determine where certain information is displayed	EHTO, HPC, HPSO, HPO	
r 22(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	EHTO, HPC, HPSO, HPO	
r 22(2)	Duty to consult with relevant emergency services agencies	EHTO, HPC, HPO	

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Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	EHTO, HPC, HPSO, HPO	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	EHTO, HPC, HPSO, HPO	
r 25(3)	Duty to consult with relevant floodplain management authority	EHTO, HPC, HPO	
r 26	Duty to have regard to any report of the relevant fire authority	EHTO, HPC, HPO	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	EHTO, HPC, HPSO, HPO	
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	EHTO, HPC, HPSO, HPO	
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	EHTO, HPC, HPSO, HPO	
r 41(4)	Function of receiving installation certificate	EHTO, HPC, HPSO, HPO	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	EHTO, HPC, HPSO, HPO	
sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	EHTO, HPC, HPSO, HPO	

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Road Management (General) Regulations 2016			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 8(1)	Duty to conduct reviews of road management plan	GMEI	
r 9(2)	Duty to produce written report of review of road management plan and make report available	GMEI	
r 9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	GMEI	Where Council is the coordinating road authority
r.10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	GMEI	
r 13(1)	Duty to publish notice of amendments to road management plan	GMEI	where Council is the coordinating road authority
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	GMEI	
r 16(3)	Power to issue permit	GMEI	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	GMEI	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	GMEI	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	GMEI	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	GMEI	Where Council is the responsible road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	GMEI	Where Council is the responsible road authority

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Road Management (General) Regulations 2016			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	GMEI	

Road Management (Works and Infrastructure) Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	GMEI	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive whole or part of fee in certain circumstances	GMEI	Where Council is the coordinating road authority

~~Save for permit applications to properties impacted by the 2015 Wye River/Separation bushfire.~~

Save where the proposed use and/or development:

- ~~• Is located in a Commercial 1 or 2 Zone, or a Township Zone, and does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme, where the number of spaces being waived/reduced exceeds five (5).~~
- 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:
 - 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
- a) ~~Or where the land is in the Farming or Rural Conservation Zones and ;~~
- b) ~~The officer recommendation is to refuse an application to use or develop land for a dwellingthe application (except where a determining referral authority under the planning scheme has recommended refusal of the application) ; and;~~
 - c) ~~The proposal is to:~~
 - d) ~~i. Use and/or develop land for a dwelling, with or without outbuildings; or~~
 - e) a) ii. Excise an existing dwelling.

~~These criteria do not apply to decisions or applications on properties impacted by the 2015 Wye River/Separation Creek bushfire~~



Colac Otway Shire

Instrument of Delegation

S6 Instrument of Delegation - Members of Staff

March 2021

Colac Otway Shire

S6 Instrument of Delegation – Members of Staff

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

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

Titles

- CEO Chief Executive Officer
- CRS Co-ordinator Revenue Services
- CUC Compliance Unit Co-ordinator
- EHTO Environmental Health Technical Officer
- GMCS General Manager Corporate Services
- GMDCS General Manager Development and Community Services
- GMEI General Manager Environment and Infrastructure
- HPC Health Protection Co-ordinator
- HPSO Health Protection Support Officer
- MAPD Manager Assets and Project Delivery
- MBS Municipal Building Surveyor
- MECS Manager Environment & Community Safety
- MEMC Municipal Emergency Management Co-ordinator
- MFS Manager Financial Services
- MHAC Manager Healthy Active Communities
- MPBH Manager Planning, Building and Health
- MPC Manager People and Culture
- MSO Manager Services and Operations
- N/A Not Applicable (items not delegated)
- PBAC Planning and Building Administration Co-ordinator
- PCoFC Planning Committee of Council
- SPC Statutory Planning Co-ordinator
- SPMPD Strategic Planning and Major Projects Co-ordinator

Title Groups

- All GMs All General Managers
- CO Compliance Officers
- CSO Customer Services Officers
- HPO Health Protection Officers
- PA Planning Administrators
- PLO Planning Officers

3. declares that:
 - 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 24 March 2021; and
 - 3.2 the delegation:
 - 3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 3.2.2 remains in force until varied or revoked;
 - 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
 - 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

Colac Otway Shire

Delegation Sources


- Domestic Animals Act 1994
- Environment Protection Act 1970
- Food Act 1984
- Heritage Act 2017
- Local Government Act 1989
- Planning and Environment Act 1987
- Residential Tenancies Act 1997
- Road Management Act 2004
- Planning and Environment Regulations 2015
- Planning and Environment (Fees) Regulations 2016
- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015

Colac Otway Shire

- 3.3 the delegate must not determine the issue, take the action or do the act or thing:
- 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
 - 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a:
 - a) policy; or
 - b) strategy adopted by Council;
 - 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
 - 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

This delegation was amended by resolution of the Colac Otway Shire Council on 24 March 2021.

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


Peter Brown
Chief Executive

Date 25/3/2021



Colac Otway Shire

S6 Instrument of Delegation - Members of Staff

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

Environment Protection Act 1970			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 53M(3)	Power to require further information	CUC, EHTO, HPC, HPSO, MECS, MPBH, CO, HPO	
s 53M(4)	Duty to advise applicant that application is not to be dealt with	CUC, EHTO, HPC, HPSO, MECS, MPBH, CO, HPO	
s 53M(5)	Duty to approve plans, issue permit or refuse permit	EHTO, HPC, HPO	Refusal must be ratified by Council or it is of no effect
s 53M(6)	Power to refuse to issue septic tank permit	EHTO, HPC, HPSO, HPO	Refusal must be ratified by Council or it is of no effect
s 53M(7)	Duty to refuse to issue a permit in circumstances in (a)-(c)	EHTO, HPC, HPO	Refusal must be ratified by Council or it is of no effect

Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	EHTO, HPC, HPSO, HPO	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	EHTO, HPC, HPSO, HPO	If s 19(1) applies

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	EHTO, HPC, HPO	If s 19(1) applies Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	EHTO, HPC, HPSO, HPO	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	EHTO, HPC, HPSO, HPO	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	EHTO, HPC, HPSO, HPO	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	EHTO, HPC, HPSO, HPO	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	EHTO, HPC, HPO	Where Council is the registration authority

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19NA(1)	Power to request food safety audit reports	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	EHTO, HPC, HPO	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	EHTO, HPC, HPSO, HPO	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
	Power to register, renew or transfer registration	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
			refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see s 58A(2))
s 36A	Power to accept an application for registration or notification using online portal	HPC, HPO	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier
s 36B	Duty to pay the charge for use of online portal	HPC, MPBH	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	EHTO, HPC, HPSO, HPO	Where Council is the registration authority

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	EHTO, HPC, HPSO, HPO	Where Council is the registration authority not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	EHTO, HPC, HPSO, HPO	Where Council is the registration authority

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	HPC, HPO	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier
s 38G(2)	Power to require the proprietor of the food premises to comply with any requirement of the Act	HPC, HPO	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier
s 39A	Power to register, renew or transfer food premises despite minor defects	EHTO, HPC, HPSO, HPO	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	EHTO, HPC, HPSO, HPO	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	HPC	Where Council is the registration authority
s 40F	Power to cancel registration of food premises	HPC, MPBH	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	EHTO, HPC, HPO	Where Council is the registration authority
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	EHTO, HPC, HPO	Where Council is the registration authority

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Heritage Act 2017		
Provision	Powers and Functions Delegated	Delegate
s 116	Power to sub-delegate Executive Director's functions, duties or powers	GMDCS
		Must first obtain Executive Director's written consent Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation

Local Government Act 1989		
Provision	Powers and Functions Delegated	Delegate
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO

Planning and Environment Act 1987		
Provision	Powers and Functions Delegated	Delegate
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	GMDCS, MPBH, PCoC, SPC, SPMP
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	GMDCS, MPBH, SPC, SPMP
s 4H	Duty to make amendment to Victoria Planning Provisions available	GMDCS, MPBH, PBAC, SPC, SPMP, PLO
s 4I	Duty to keep Victorian Planning Provisions and other documents available	GMDCS, MPBH, PBAC, SPC, SPMP, PLO
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	MPBH

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	GMDCS, MPBH, PBAC, PCoFC, SPC, SPMP	
s 8A(5)	Function of receiving notice of the Minister's decision	GMDCS, MPBH, PBAC, SPC, SPMP	
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	GMDCS, MPBH, PCoFC, SPC, SPMP	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	GMDCS, MPBH, PCoFC	
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	GMDCS, MPBH, PCoFC, SPC, SPMP	
s 12A(1)	Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s19 of the Planning and Environment (Planning Schemes) Act 1996)	GMDCS, MPBH, PCoFC	
s 12B(1)	Duty to review planning scheme	GMDCS, MPBH, PCoFC, SPC, SPMP	
s 12B(2)	Duty to review planning scheme at direction of Minister	GMDCS, MPBH, PCoFC, SPC, SPMP	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	GMDCS, MPBH, PCoFC, SPC, SPMP	
s 14	duties of a Responsible Authority as set out in s.14(a) to (d)	GMDCS, MPBH, PBAC, PCoFC, SPC, SPMP, PLO	
s 17(1)	Duty of giving copy amendment to the planning scheme	GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 17(2)	Duty of giving copy s 173 agreement	GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA, PLO	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA, PLO	
s 18	Duty to make amendment etc. available	GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	GMDCS, MPBH, PCofC, SPC, SPMP	
s 21(2)	Duty to make submissions available	GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA	
s 21A(4)	Duty to publish notice	GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 22	Duty to consider all submissions	GMDCS, MPBH, PCofC, SPC, SPMP	Except submissions which request a change to the items in s 22(5)(a) and (b)

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	GMDCS, MPBH, PCoFC, SPC, SPMPC	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	GMDCS, MPBH, PCoFC, SPC, SPMPC	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	GMDCS, MPBH, SPC, SPMPC, PLO	
s 26(1)	Power to make report available for inspection	GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	
s 26(2)	Duty to keep report of panel available for inspection	GMDCS, MPBH, PBAC, SPC, SPMPC, CSO, PA, PLO	
s 27(2)	Power to apply for exemption if panel's report not received	GMDCS, MPBH, PCoFC, SPC, SPMPC	
s 28	Duty to notify the Minister if abandoning an amendment	GMDCS, MPBH, SPC, SPMPC	Note: the power to make a decision to abandon an amendment cannot be delegated
s 30(4)(a)	Duty to say if amendment has lapsed	GMDCS, MPBH, PBAC, SPC, SPMPC	
s 30(4)(b)	Duty to provide information in writing upon request	GMDCS, MPBH, PBAC, SPC, SPMPC	
s 32(2)	Duty to give more notice if required	GMDCS, MPBH, PBAC, SPC, SPMPC	
s 33(1)	Duty to give more notice of changes to an amendment	GMDCS, MPBH, PBAC, SPC, SPMPC	
s 36(2)	Duty to give notice of approval of amendment	GMDCS, MPBH, PBAC, SPC, SPMPC	
s 38(5)	Duty to give notice of revocation of an amendment	GMDCS, MPBH, PBAC, SPC, SPMPC	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	GMDCS, MPBH, SPC, SPMP	
s 40(1)	Function of lodging copy of approved amendment	GMDCS, MPBH, PBAC, SPC, SPMP	
s 41	Duty to make approved amendment available	GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA, PLO	
s 42	Duty to make copy of planning scheme available	GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA, PLO	
s 46AW	Function of being consulted by the Minister	CEO, GMDCS, MPBH	Where Council is a responsible public entity
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	CEO, GMDCS, MPBH, SPC, SPMP	Where Council is a responsible public entity
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	CEO, GMDCS, MPBH, SPC, SPMP	Where Council is a responsible public entity
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	CEO, GMDCS, MPBH, SPC, SPMP	Where Council is a responsible public entity
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	CEO, GMCS, GMDCS, MFS, MPBH	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	CEO, GMCS, GMDCS, MFS, MPBH	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	CEO, GMCS, GMDCS, MFS, MPBH	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	CEO, GMCS, MFS	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPIC	
s 46GP	Function of receiving a notice under s 46GO	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPIC	Where Council is the collecting agency
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPIC	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPIC	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPIC	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	CEO, GMCS, GMDCS, MFS, MPBH	
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	CEO, GMCS, GMDCS, MFS, MPBH	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	CEO, GMCS, MFS	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	CEO, GMCS, MFS	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	CEO, GMCS, MFS	
s 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	CEO, GMCS, GMDCS, MPBH, SPC, SPMP	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution Power to specify the manner in which the payment is to be made	CEO, GMCS, GMDCS, MPBH, SPC, SPMP	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	CEO, GMCS, GMDCS, MPBH, SPC, SPMP	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	CEO, GMDCS, MPBH, SPC, SPMP	Where Council is the development agency
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	CEO, GMDCS, MPBH, SPC, SPMP	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	CEO, GMDCS, MPBH, SPC, SPMP	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	CEO, GMDCS, MPBH, SPC, SPMP	Where Council is the collecting agency

Colac Otway Shire

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	CEO, GMCS, GMDCS, GMEI, MFS, MPBH, SPC, SPMPC	Where Council is the collecting agency
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	Where Council is the collecting agency
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan, as responsible for those works, services or facilities	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	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

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZ(2)(b)	Function of receiving the monetary component	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the development agency specified in the approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	<p>If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4)</p> <p>Where Council is the collecting agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the development agency</p>
s 46GZ(9)	Function of receiving the fee simple in the land	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	<p>Where Council is the development agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the collecting agency</p>
s 46GZA(1)	Duty to keep proper and separate accounts and records	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	Where Council is a development agency under an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the development agency under an approved infrastructure contributions plan
s.46GZF(3)	Duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	s 46GZF(3)(a) function of receiving proceeds of sale	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collection agency under an approved infrastructure contributions plan This provision does not apply where Council is also the development agency
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency under an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	CEO, MFS, MHAC	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	CEO, GMCS, GMDCS, MHAC, MPBH	Where Council is a collecting agency or development agency
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	GMDCS, MPBH, PCofC, SPC, SPMP	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	GMDCS, MPBH, PCofC, SPC, SPMP	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	GMDCS, MPBH	
s 46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	GMDCS, MBS, MPBH	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	GMDCS, MBS, MPBH, SPC, SPMP	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	GMDCS, MPBH, SPC, SPMP	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CEO, GMDCS, MPBH, SPC, SPMP	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46Q(1)	Duty to keep proper accounts of levies paid	GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency or plan preparation costs incurred by a development agency	GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	CEO, GMDCS, MPBH, SPC, SPMPC	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	GMDCS, MPBH, SPC, SPMPC	Only applies when levy is paid to Council as a 'development agency'
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	CEO, GMDCS, MPBH, SPC, SPMPC	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	CEO, GMDCS, MPBH, SPC, SPMPC	Must be done in accordance with Part 3
s 46Q(4)(e)	Duty to expend that amount on other works etc.	CEO, GMDCS, MPBH, SPC, SPMPC	With the consent of, and in the manner approved by, the Minister
s 46QC	Power to recover any amount of levy payable under Part 3B	GMDCS, MFS, MPBH, SPC, SPMPC	
s 46QD	Duty to prepare report and give a report to the Minister	GMDCS, MFS, MPBH, SPC, SPMPC	Where Council is a collecting agency or development agency
s 47	Power to decide that an application for a planning permit does not comply with that Act	CEO, GMDCS, MPBH, SPC, SPMPC	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 49(2)	Duty to make register available for inspection	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA, PLO	
s 50(4)	Duty to amend application	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 50(5)	Power to refuse to amend application	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 50(6)	Duty to make note of amendment to application in register	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 50A(1)	Power to make amendment to application	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 50A(4)	Duty to note amendment to application in register	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 51	Duty to make copy of application available for inspection	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA, PLO	
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PLO	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PLO	
s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PLO	
s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PLO	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PLO	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	CEO, GMDCS, MPBH, PBAC, PCofC, SPC, SPMP	
s 52(3)	Power to give any further notice of an application where appropriate	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PLO	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PLO	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	CEO, GMDCS, MPBH, PBAC, PCofC, SPC, SPMP, PLO	
s 54(1)	Power to require the applicant to provide more information	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PLO	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PLO	
s 54(1B)	Duty to specify the lapse date for an application	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CEO, GMDCS, MPBH, SPC, SPMP	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 57(5)	Duty to make available for inspection copy of all objections	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA, PLO	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 57A(5)	Power to refuse to amend application	CEO, GMDCS, MPBH, SPC, SPMP	
s 57A(6)	Duty to note amendments to application in register	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 57B(1)	Duty to determine whether and to whom notice should be given	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 57C(1)	Duty to give copy of amended application to referral authority	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 58	Duty to consider every application for a permit	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	Save for permit applications to properties impacted by the 2015 Wye River/Separation bushfire
s 58A	Power to request advice from the Planning Application Committee	CEO, GMDCS, MPBH, SPC, SPMPC	
s 60	Duty to consider certain matters	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PA, PLO	<p>Save for permit applications to properties impacted by the 2015 Wye River/Separation bushfire</p> <p>Save where the proposed use and/or development.</p> <ul style="list-style-type: none"> Is located in a Commercial 1 or 2 Zone, or a Township Zone, and does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme, where the number of spaces being waived/reduced exceeds five (5). Or four (4) or more objections have been lodged against the grant of a permit. Or where the application may have an affect on the broader community. Or if the application seeks approval for works which had commenced under a lawful planning permit, where <ul style="list-style-type: none"> the works had not been completed prior to the expiry of the permit; and the officer recommendation is for refusal, unless that

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			<p>recommendation is made due to the response of a referral authority under Section 55 of the Act</p> <ul style="list-style-type: none"> • Or where the land is in the Farming or Rural Conservation Zones and: <ol style="list-style-type: none"> a) The officer recommendation is to refuse the application (except where a determining referral authority under the planning scheme has recommended refusal of the application); and; b) The proposal is to: <ol style="list-style-type: none"> i. Use and/or develop land for a dwelling, with or without outbuildings; or ii. Excise an existing dwelling. <p>These criteria do not apply to decisions or applications on properties impacted by the 2015 Wye River/Separation Creek bushfire</p>
s 60(1A)	Duty to consider certain matters	CEO, GMDCS, MPBH, PCofC, SPC, SPMP, PLO	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	GMDCS, MPBH, PCofC, SPC, SPMP, PLO	
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	CEO, GMDCS, MPBH, PCofC, SPC, SPMP, PLO	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006Save for permit applications to properties

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Planning and Environment Act 1987		
Provision	Powers and Functions Delegated	Delegate
		<p>Conditions and Limitations</p> <p>impacted by the 2015 Wye River/Separation bushfire</p> <p>Save where the proposed use and/or development:</p> <ul style="list-style-type: none"> Is located in a Commercial 1 or 2 Zone, or a Township Zone, and does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme, where the number of spaces being waived/reduced exceeds five (5). Or four (4) or more objections have been lodged against the grant of a permit. Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> a) The officer recommendation is to refuse the application (except where a determining referral authority under the planning

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			<p>scheme has recommended refusal of the application); and;</p> <p>b) The proposal is to:</p> <p>i. Use and/or develop land for a dwelling, with or without outbuildings; or</p> <p>ii. Excise an existing dwelling.</p> <p>Save where the application may have an affect on the broader community.</p> <p>The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006.</p> <p>These criteria do not apply to decisions or applications on properties impacted by the 2015 Wye River/Separation Creek bushfire</p>
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	<p>Save for permit applications to properties impacted by the 2015 Wye River/Separation bushfire</p> <p>Save where the proposed use and/or development.</p> <ul style="list-style-type: none"> Is located in a Commercial 1 or 2 Zone, or a Township Zone, and does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme, where the number of spaces being waived/reduced exceeds five (5). Or four (4) or more objections have 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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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			These criteria do not apply to decisions or applications on properties impacted by the 2015 Wye River/Separation Creek bushfire.
s 62(2)	Power to include other conditions	CEO, GMDCS, MPBH, PCofC, SPC, SPMP, PLO	<p>Save for permit applications to properties impacted by the 2015 Wye River/Separation bushfire</p> <p>Save where the proposed use and/or development.</p> <ul style="list-style-type: none"> Is located in a Commercial 1 or 2 Zone, or a Township Zone, and does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme, where the number of spaces being waived/reduced exceeds five (5). Or four (4) or more objections have been lodged against the grant of a permit. Or where the application may have an affect on the broader community Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> the works had not been completed prior to the expiry of the permit; and

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			<p>o the officer recommendation is for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act</p> <p>These criteria do not apply to decisions or applications on properties impacted by the 2015 Wye River/Separation Creek bushfire</p>
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a), (b) and (c)	CEO, GMDCS, MPBH, PCoFC, SPC, SPMPC, PLO	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	CEO, GMDCS, MPBH, PCoFC, SPC, SPMPC, PLO	
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	CEO, GMDCS, MPBH, PCoFC, SPC, SPMPC, PLO	<p>Save for permit applications to properties impacted by the 2015 Wye River/Separation bushfire</p> <p>Save where the proposed use and/or development.</p> <ul style="list-style-type: none"> Is located in a Commercial 1 or 2 Zone, or a Township Zone, and does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme, where the number of spaces being waived/reduced exceeds five (5). Or four (4) or more objections have been lodged against the grant of a permit.

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			<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 <p>These criteria do not apply to decisions or applications on properties impacted by the 2015 Wye River/Separation Creek bushfire</p>
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(3)	Duty not to issue a permit until after the specified period	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	This provision applies also to a decision to grant an amendment to a permit - see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s 69(1)	Function of receiving application for extension of time of permit	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA, PLO	
s 69(1A)	Function of receiving application for extension of time to complete development	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA, PLO	
s 69(2)	Power to extend time	CEO, GMDCS, MPBH, PCofC, SPC, SPMP, PLO	Delegation to officers applies save where the development has commenced lawfully under the planning permit and: <ul style="list-style-type: none"> 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.
s 70	Duty to make copy permit available for inspection	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA, PLO	
s 71(1)	Power to correct certain mistakes	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PLO	
s 71(2)	Duty to note corrections in register	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 73	Power to decide to grant amendment subject to conditions	CEO, GMDCS, MPBH, PCoC, SPC, SPMP, PLO	
s 74	Duty to issue amended permit to applicant if no objectors	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s 76D	Duty to comply with direction of Minister to issue amended permit	CEO, GMDCS, MPBH, SPC, SPMP, PLO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 83	Function of being respondent to an appeal	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 83B	Duty to give or publish notice of application for review	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	CEO, GMDCS, MPBH, PCofC, SPC, SPMP	<p>Save for permit applications to properties impacted by the 2015 Wye River/Separation bushfire</p> <p>Save where the proposed use and/or development.</p> <ul style="list-style-type: none"> Is located in a Commercial 1 or 2 Zone, or a Township Zone, and does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme, where the number of spaces being waived/reduced exceeds five (5) Or four (4) or more objections have been lodged against the grant of a permit. <ul style="list-style-type: none"> Or 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

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			<ul style="list-style-type: none"> Or where the land is in the Farming or Rural Conservation Zones and: <ul style="list-style-type: none"> a) The officer recommendation is to refuse the application (except where a determining referral authority under the planning scheme has recommended refusal of the application); and; b) The proposal is to: <ul style="list-style-type: none"> i. Use and/or develop land for a dwelling, with or without outbuildings; or ii. Excise an existing dwelling. <p>Save where the application may have an affect on the broader community.</p> <p>These criteria do not apply to decisions or applications for properties in the area impacted by the 2015 Wye River Separation Creek bushfire</p>
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	CEO, GMDCS, MPBH, SPC, SPMP	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 84AB	Power to agree to confining a review by the Tribunal	CEO, GMDCS, MPBH, SPC, SPMP, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 86	Duty to issue a permit at order of Tribunal within 3 working days	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	CEO, GMDCS, MPBH, SPC, SPMP	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 91(2)	Duty to comply with the directions of VCAT	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 93(2)	Duty to give notice of VCAT order to stop development	CEO, CUC, GMDCS, MPBH, SPC, SPMP, CO, PLO	
s 95(3)	Function of referring certain applications to the Minister	CEO, GMDCS, MPBH, SPC, SPMP	
s 95(4)	Duty to comply with an order or direction	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	CEO, GMDCS, MPBH, SPC, SPMP	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	CEO, GMDCS, MPBH, SPC, SPMP	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	CEO, GMDCS, MPBH, SPC, SPMP	
s 96F	Duty to consider the panel's report under s 96E	CEO, GMDCS, MPBH, SPC, SPMP	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996)	CEO, GMDCS, MPBH, PCoFC, SPC, SPMPIC	<p>Save for permit applications to properties Impacted by the 2015 Wye River/Separation bushfire</p> <p>Save where the proposed use and/or development.</p> <ul style="list-style-type: none"> Is located in a Commercial 1 or 2 Zone, or a Township Zone, and does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme, where the number of spaces being waived/reduced exceeds five (5). Or four (4) or more objections have been lodged against the grant of a permit. Or 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 application may have an affect on the broader community.

Colac Otway Shire

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			<ul style="list-style-type: none"> Or where the land is in the Farming or Rural Conservation Zones and: <ul style="list-style-type: none"> a) The officer recommendation is to refuse the application (except where a determining referral authority under the planning scheme has recommended refusal of the application); and; b) The proposal is to: <ul style="list-style-type: none"> i. Use and/or develop land for a dwelling, with or without outbuildings; or ii. Excise an existing dwelling. <p>These criteria do not apply to decisions or applications for properties in the area impacted by the 2015 Wye River Separation Creek bushfire</p>
s 96H(3)	Power to give notice in compliance with Minister's direction	CEO, GMDCS, MPBH, SPC, SPMP	
s 96J	Power to issue permit as directed by the Minister	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 97C	Power to request Minister to decide the application	CEO, GMDCS, MPBH, SPC, SPMP	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	CEO, GMDCS, MPBH, SPC, SPMP, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 97G(6)	Duty to make a copy of permits issued under s 97F available for inspection	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA, PLO	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	GMDCS, MPBH, SPC, SPMP	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 97Q(4)	Duty to comply with directions of VCAT	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	CEO, GMDCS, MPBH	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	CEO, GMDCS, MPBH	
s 101	Function of receiving claim for expenses in conjunction with claim	CEO, GMDCS, MPBH	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 103	Power to reject a claim for compensation in certain circumstances	CEO, GMDCS, MPBH	
s.107(1)	function of receiving claim for compensation	CEO, GMDCS, MPBH	
s 107(3)	Power to agree to extend time for making claim	CEO, GMDCS, MPBH	
s 114(1)	Power to apply to the VCAT for an enforcement order	CEO, CUC, GMDCS, MECS, MPBH, SPC, SPMP, CO	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	CEO, CUC, GMDCS, MECS, MPBH, SPC, SPMP, CO, PLO	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CEO, CUC, GMDCS, MECS, MPBH, SPC, SPMP, CO	
s 123(1)	Power to carry out work required by enforcement order and recover costs	CEO, CUC, GMDCS, MECS, MPBH, SPC, SPMP, CO	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	CEO, CUC, GMDCS, MECS, MPBH	Except Crown Land
s 129	Function of recovering penalties	CEO, CUC, GMDCS, MECS, MFS, MPBH, CO	
s 130(5)	Power to allow person served with an infringement notice further time	CEO, CUC, GMDCS, MECS, MPBH, SPC, SPMP, CO, PLO	
s 149A(1)	Power to refer a matter to the VCAT for determination	CEO, CUC, GMDCS, MECS, MPBH, SPC, SPMP, CO	
s 149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	CEO, CUC, GMDCS, MECS, MPBH, SPC, SPMP, CO	
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs	CEO, GMDCS, MPBH, SPC, SPMP	Where Council is the relevant planning authority

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B) power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)		
s 171(2)(f)	Power to carry out studies and commission reports	CEO, GMDCS, MPBH, SPC, SPMP	
s 171(2)(g)	Power to grant and reserve easements	CEO, GMDCS, MPBH, PCofC, SPC, SPMP	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	CEO, GMCS, GMDCS	Where Council is a development agency specified in an approved infrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	CEO, GMCS, GMDCS	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	CEO, GMCS, GMDCS	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	CEO, GMDCS, GMEI, MPBH, SPC, SPMP	
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	CEO, GMCS, GMDCS, GMEI, MPBH	Where Council is the relevant responsible authority
	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
	Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires that	CEO, GMDCS, MPBH, SPC, SPMP	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	something may not be done without the consent of Council or Responsible Authority		
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, GMDCS, MPBH, SPC, SPMP	
s 178	power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, GMDCS, MPBH, PCofC, SPC, SPMP	
s 178A(1)	Function of receiving application to amend or end an agreement	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PLO	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PLO	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PLO	
s 178A(5)	Power to propose to amend or end an agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 178C(4)	Function of determining how to give notice under s 178C(2)	CEO, GMDCS, MPBH, SPC, SPMP, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, GMDCS, MPBH, SPC, SPMP, PLO	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantially different from the proposal	CEO, GMDCS, MPBH, SPC, SPMP, PLO	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	If no objections are made under s 178D Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, GMDCS, MPBH, SPC, SPMP, PLO	After considering objections, submissions and matters in s 178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantially different from the proposal	CEO, GMDCS, MPBH, SPC, SPMP, PLO	After considering objections, submissions and matters in s 178B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantially different from the proposal	CEO, GMDCS, MPBH, SPC, SPMP, PLO	After considering objections, submissions and matters in s.178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	After considering objections, submissions and matters in s 178B
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	CEO, GMDCS, MPBH, SPC, SPMP, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 179(2)	Duty to make available for inspection copy agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 182	Power to enforce an agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 184G(2)	Duty to comply with a direction of the Tribunal	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 184G(3)	Duty to give notice as directed by the Tribunal	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 198(1)	Function to receive application for planning certificate	N/A	Certificates not issued by Council
s 199(1)	Duty to give planning certificate to applicant	N/A	Certificates not issued by Council
s 201(1)	Function of receiving application for declaration of underlying zoning	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA, PLO	
s 201(3)	Duty to make declaration	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
	Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	CEO, CUC, GMDCS, MECS, MPBH, PCofC, SPC, SPMP, CO, PLO	
	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	CEO, GMDCS, MPBH, PCofC, SPC, SPMP, PLO	
	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
	Power to give written authorisation in accordance with a provision of a planning scheme	CEO, GMDCS, MPBH, PCofC, SPC, SPMP, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	CEO, GMDCS, MPBH, SPC, SPMP	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	CEO, GMDCS, MPBH, SPC, SPMP	

Residential Tenancies Act 1997			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 91ZU(1)	Power to give a renter a notice to vacate rented premises	CRS, HPC, MAPD, MFS, MHAC, MPBH, All GMs	Where Council is a public statutory authority engaged in the provision of housing Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier
s 91ZZC(1)	Power to give a renter a notice to vacate rented premises	CRS, HPC, MAPD, MFS, MHAC, MPBH, All GMs	Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier
s 91ZZE(1)	Power to give a renter a notice to vacate rented premises	CRS, HPC, MAPD, MFS, MHAC, MPBH, All GMs	Where Council is a public statutory authority engaged in the provision of housing Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier
s 91ZZE(3)	Power to publish Council's criteria for eligibility for the provision of housing	CRS, HPC, MAPD, MFS, MHAC, MPBH, All GMs	Where Council is a public statutory authority engaged in the provision of housing Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier

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Residential Tenancies Act 1997			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 142D	Function of receiving notice regarding an unregistered rooming house	HPC	
s 142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district	EHTO, HPC, HPSO, HPO	
s 142G(2)	Power to enter certain information in the Rooming House Register	EHTO, HPC, HPSO, HPO	
s 142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	EHTO, HPC, HPO	
s 206AZA(2)	Function of receiving written notification	CRS, HPC, MAPD, MFS, MHAC, MPBH, All GMs	Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier
s 207ZE(2)	Function of receiving written notification	CRS, HPC, MAPD, MFS, MHAC, MPBH, All GMs	Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier
s 311A(2)	Function of receiving written notification	CRS, HPC, MAPD, MFS, MHAC, MPBH, All GMs	
s 317ZDA(2)	Function of receiving written notification	HPC, MAPD, MHAC, MPBH, All GMs	
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	HPC, MECS, MPBH	
s 522(1)	Power to give a compliance notice to a person	CRS, CUC, MECS, MFS, MPBH, CO	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	All GMs	
s 525(4)	Duty to issue identity card to authorised officers	All GMs	

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

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	GMEI, MAPD	Obtain consent in circumstances specified in s 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	CRS, GMCS, GMEI, MAPD	
s 11(9)(b)	Duty to advise Registrar	CRS, GMCS, GMEI, MAPD	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	CRS, GMEI, MAPD	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	GMEI, MAPD, MSO	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	GMEI, MAPD	Where Council is the coordinating road authority
s 12(4)	Duty to publish, and provide copy, notice of proposed discontinuance	GMEI, MAPD	Power of coordinating road authority where it is the discontinuing body Unless s 12(1') applies

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 12(5)	Duty to consider written submissions received within 28 days of notice	GMEI, MAPD	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(6)	Function of hearing a person in support of their written submission	GMEI, MAPD	Function of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	GMEI, MAPD	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(10)	Duty to notify of decision made	GMEI, MAPD	Duty of coordinating road authority where it is the discontinuing body Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	GMEI, MAPD	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	GMEI, MAPD	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	GMEI	
s 15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	GMEI	

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	GMEI, MAPD	
s 15(2)	Duty to include details of arrangement in public roads register	GMEI, MAPD	
s 16(7)	Power to enter into an arrangement under s 15	GMEI	
s 16(8)	Duty to enter details of determination in public roads register	GMEI, MAPD	
s 17(2)	Duty to register public road in public roads register	GMEI, MAPD	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	GMEI, MAPD	Where Council is the coordinating road authority
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	GMEI, MAPD	Where Council is the coordinating road authority
s 17(4)	Power to decide that a road is no longer reasonably required for general public use	GMEI	Where Council is the coordinating road authority
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	GMEI, MAPD	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	GMEI	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s 18(3)	Duty to record designation in public roads register	GMEI, MAPD	Where Council is the coordinating road authority
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	GMEI, MAPD	
s 19(4)	Duty to specify details of discontinuance in public roads register	GMEI, MAPD	
s 19(5)	Duty to ensure public roads register is available for public inspection	GMEI, MAPD	

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 21	Function of replying to request for information or advice	GMEI, MAPD	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	GMEI, MAPD	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	GMEI, MAPD	
s 22(5)	Duty to give effect to a direction under s 22	GMEI, MAPD	
s 40(1)	Duty to inspect, maintain and repair a public road.	GMEI, MAPD, MSO	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	GMEI, MAPD	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	GMEI, MAPD, MSO	
s 42(1)	Power to declare a public road as a controlled access road	GMEI	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	GMEI	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	GMEI	Where Council is the coordinating road authority If road is a municipal road or part thereof
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	GMEI, MAPD	Where Council is the coordinating road authority If road is a municipal road or part thereof and where road is to be specified a freight road

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	GMEI, MAPD	Where Council is the responsible road authority, infrastructure manager or works manager
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	GMEI, MAPD	
s 49	Power to develop and publish a road management plan	GMEI, MAPD	
s 51	Power to determine standards by incorporating the standards in a road management plan	GMEI, MAPD	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	GMEI, MAPD	
s 54(2)	Duty to give notice of proposal to make a road management plan	GMEI, MAPD	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	GMEI, MAPD	
s 54(6)	Power to amend road management plan	GMEI, MAPD	
s 54(7)	Duty to incorporate the amendments into the road management plan	GMEI, MAPD	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	GMEI, MAPD	
s 63(1)	Power to consent to conduct of works on road	GMEI, MAPD, MSO	Where Council is the coordinating road authority
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	GMEI, MAPD, MECS, MEMC, MSO	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	GMEI, MAPD, MSO	Where Council is the infrastructure manager or works manager

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 66(1)	Power to consent to structure etc	CUC, MECS, CO	Where Council is the coordinating road authority
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	CUC, MECS, CO	Where Council is the coordinating road authority
s 67(3)	Power to request information	CUC, MECS, CO	Where Council is the coordinating road authority
s 68(2)	Power to request information	CUC, MECS, CO	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	GMCS, GMDCS, GMEI	
s 72	Duty to issue an identity card to each authorised officer	GMCS, MPC	
s 85	Function of receiving report from authorised officer	GMEI, MAPD, MSO	
s 86	Duty to keep register re s 85 matters	GMEI	
s 87(1)	Function of receiving complaints	GMEI, MAPD, MSO	
s 87(2)	Duty to investigate complaint and provide report	GMEI	
s 112(2)	Power to recover damages in court	GMEI, MAPD, MSO	
s 116	Power to cause or carry out inspection	GMEI, MAPD, MSO	
s 119(2)	Function of consulting with the Head, Transport for Victoria	GMEI, MAPD, MSO	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	GMEI, MAPD, MSO	

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	GMEI	
s 121(1)	Power to enter into an agreement in respect of works	GMEI	
s 122(1)	Power to charge and recover fees	GMEI, MAPD	
s 123(1)	Power to charge for any service	GMEI, MAPD	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	GMEI	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	GMEI	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	GMEI	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	GMEI, MAPD	
sch 2 cl 5	Duty to publish notice of declaration	GMEI	
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	GMEI, MAPD	Where Council is the infrastructure manager or works manager
sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	GMEI, MAPD, MSO	Where Council is the infrastructure manager or works manager
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	GMEI, MAPD	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	GMEI, MAPD, MSO	Where Council is the infrastructure manager or works manager

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	GMEI, MAPD	Where Council is the infrastructure manager or works manager
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	GMEI	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	GMEI, MAPD	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	GMEI, MAPD	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	GMEI, MAPD, MFS	Where Council is the coordinating road authority
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	GMEI, MAPD, MSO	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	GMEI, MAPD, MSO	Where Council is the coordinating road authority
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	GMEI	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	GMEI, MAPD, MSO	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	GMEI, MAPD, MSO	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	GMEI, MAPD	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	GMEI, MAPD	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	GMEI, MAPD	Where Council is the coordinating road authority
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	GMEI	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 18(1)	Power to enter into an agreement	GMEI, MAPD	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	GMEI, MAPD	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	GMEI, MAPD	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	CUC, GMEI, MAPD, CO	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	GMEI, MAPD	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	GMEI, MAPD	Where Council is the responsible road authority
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas	GMEI, MAPD	Where Council is the responsible road authority
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4	GMEI, MAPD	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

Planning and Environment Regulations 2015		
Provision	Powers and Functions Delegated	Conditions and Limitations
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	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.

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Planning and Environment Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA, PLO	where Council is the responsible authority
r.25(b)	function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA, PLO	where Council is not the responsible authority but the relevant land is within Council's municipal district
r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	CEO, GMDCS, MPBH, SPC, SPMP	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.

Planning and Environment (Fees) Regulations 2016			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CEO, GMDCS, MPBH, SPC, SPMP	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CEO, GMDCS, MPBH, SPC, SPMP	
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r 19 or 20	CEO, GMDCS, MPBH, SPC, SPMP	

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Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 7	Function of entering into a written agreement with a caravan park owner	EHTO, HPC, HPO	
r 10	Function of receiving application for registration	EHTO, HPC, HPSO, HPO	
r 11	Function of receiving application for renewal of registration	EHTO, HPC, HPO	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	EHTO, HPC, HPSO, HPO	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHTO, HPC, HPO	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	EHTO, HPC, HPSO, HPO	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHTO, HPC, HPO	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	EHTO, HPC, HPO	
r 12(4) & (5)	Duty to issue certificate of registration	EHTO, HPC, HPSO, HPO	
r 14(1)	Function of receiving notice of transfer of ownership	EHTO, HPC, HPSO, HPO	
r 14(3)	Power to determine where notice of transfer is displayed	EHTO, HPC, HPSO, HPO	
r 15(1)	Duty to transfer registration to new caravan park owner	EHTO, HPC, HPSO, HPO	
r 15(2)	Duty to issue a certificate of transfer of registration	EHTO, HPC, HPSO, HPO	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	EHTO, HPC, HPO	
r 17	Duty to keep register of caravan parks	EHTO, HPC, HPSO, HPO	

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Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 18(4)	Power to determine where the emergency contact person's details are displayed	EHTO, HPC, HPSO, HPO	
r 18(6)	Power to determine where certain information is displayed	EHTO, HPC, HPSO, HPO	
r 22(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	EHTO, HPC, HPSO, HPO	
r 22(2)	Duty to consult with relevant emergency services agencies	EHTO, HPC, HPO	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	EHTO, HPC, HPSO, HPO	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	EHTO, HPC, HPSO, HPO	
r 25(3)	Duty to consult with relevant floodplain management authority	EHTO, HPC, HPO	
r 26	Duty to have regard to any report of the relevant fire authority	EHTO, HPC, HPO	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	EHTO, HPC, HPSO, HPO	
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	EHTO, HPC, HPSO, HPO	
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	EHTO, HPC, HPSO, HPO	
r 41(4)	Function of receiving installation certificate	EHTO, HPC, HPSO, HPO	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	EHTO, HPC, HPSO, HPO	
sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	EHTO, HPC, HPSO, HPO	

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Road Management (General) Regulations 2016			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 8(1)	Duty to conduct reviews of road management plan	GMEI	
r 9(2)	Duty to produce written report of review of road management plan and make report available	GMEI	
r 9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	GMEI	Where Council is the coordinating road authority
r.10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	GMEI	
r 13(1)	Duty to publish notice of amendments to road management plan	GMEI	where Council is the coordinating road authority
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	GMEI	
r 16(3)	Power to issue permit	GMEI	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	GMEI	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	GMEI	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	GMEI	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	GMEI	Where Council is the responsible road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	GMEI	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	GMEI	

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Road Management (Works and Infrastructure) Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	GMEI	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive whole or part of fee in certain circumstances	GMEI	Where Council is the coordinating road authority

10.13

Notice of Motion - Key and Essential Worker Housing Crisis

COUNCILLOR Cr Graham Costin

ATTACHMENTS Nil

1. COUNCILLOR COMMENT (OPTIONAL)

A crisis is “*an extremely difficult or dangerous point of time*” (Cambridge Dictionary). A crisis is declared to identify, resource and quickly implement actions to mitigate any expected adverse impacts of the crisis. A crisis is a time when difficult or important decisions must be made.

The G21 Regional Social Housing Project *Colac Otway Social Housing Plan* (Draft 2021) is out for public exhibition. This Plan identifies i) some 282 households are spending more than 30% of their income on housing, ii) a conservative 62 persons are homeless, and iii) a need for an additional 344 social housing properties. This Plan includes actions to close the gap between current level of social housing and the demand to house those who are homeless or in severe rental stress. The Plan proposes Council, other G21 councils and State Government collaborate to drive economic recovery, build jobs and address disadvantage.

The Victorian Planning Authority’s *Key and Essential Worker Housing Supply Action Plan* (2020) identified i) minimal growth in housing stock in Barwon South-West (~56 houses p.a. in Colac-Otway), ii) a high proportion of unoccupied and short-term rental properties, and iii) a significant decrease in affordable and secure rentals (i.e. 12-months or more). The Plan found many workers commute long distances, and that the high cost of land and housing development was constraining the supply of new housing.

Colac has a moderate level of population and jobs growth. It needs additional higher-quality housing for health care and professional workers, and more affordable housing for less well-paid commercial and industry workers. Our small coastal towns have similar needs, and also need to house the seasonal food, accommodation and tourism workers needed to service an increasing number of tourists. The coastal towns also need more affordable housing to attract and retain more permanent workers, and to maintain local community services, grow volunteer bases and support inter-generational family care arrangements.

The study found coastal worker housing shortage is compounded by i) remoteness from commuter towns, ii) a high-level of holiday home ownership (65%-75% of housing stock), and iii) an increasing diversion of rental housing stock to short-term accommodation rental platforms. 11 key actions are proposed in the Plan for implementation by Council. These actions need to be addressed with a sense of urgency.

The Great Ocean Road Regional Tourism *Great Ocean Road Visitor Economy Workforce Development Strategy* (2020) identified a significant proportion of tourism-oriented businesses cannot fill the staff positions they have available. It forecast a considerable increase in workers is needed to grow the visitor economy. It also highlighted a contraction of the working age population along the coast – particularly younger workers – and that additional affordable higher-density housing is being constrained by outdated planning schemes and, in some cases, land-holder opposition. The Strategy states the delivery of more affordable housing requires a shift from business-as-usual and housing developments that are not subject to the (cost-escalating) demands of the private residential investment market.

The Australian Coastal Councils Association *Planning Responses to Online Short-term Holiday Rental Platforms* (2018) report concludes that traditional planning controls (i.e. coastal zoning and overlays) and the increasing use of short-term accommodation rental platforms are a significant factor in driving up the cost of housing. The Association is working with affected coastal councils to lobby for changes to legislation, planning regulations and taxation at local, state and federal levels.

Most businesses responding to the Apollo Bay Chamber of Commerce *Key Worker Accommodation Survey* (early 2021) reported they were constrained by a shortage of workers. Many said the shortage has forced them to reduce operating hours or close completely for days at a time. The businesses indicated they would employ an additional 103 permanent, 92 casual and 173 seasonal workers if adequate worker accommodation was available. Council officers are working to calculate the lost opportunity cost of this worker shortage to the coastal economy.

The Survey also found that families, couples and singles all expressed a high need for secure long-term housing (i.e. 12-months or more) and that affordability and availability were equally a problem. 29% of renters responding said they did not have secure accommodation, and 2.5% of responders considered themselves “homeless”.

The limited availability of affordable and secure worker housing across Colac Otway Shire is having a significant impact on large and small employers such as AKD, ALC, Bulla and the many smaller food and accommodation providers. It is similarly impacting on coastal community service providers such as GOR Health, Apollo Bay P-12 College, Bendigo Bank, Community Care Pharmacy, Country Fire Authority and Victoria Police. The small permanent populations of coastal towns - and – makes these already fragile communities vulnerable to the adverse impacts of an affordable housing shortage. Unless the shortage can be reversed, there will be a continued decline in young family, less able-bodied volunteers to run community service or sports organisations, and less same-community family members to provide inter-generational family support for the very young and elderly.

It is becoming increasingly urgent for Council to set a clear direction and ensure an adequate supply of safe, secure and affordable housing for the growing number of people choosing to live and work within our municipality. A recent survey by the respected forecaster .id (Informed Decisions) identified “affordable decent housing” as the second most important attribute that makes somewhere a good place to live; with 51% nominating this among their top five liveability attributes – behind ‘feeling safe’ (72%) and ahead of ‘high quality health services’ (48%).

Business-as-usual in relation to affordable housing will not be sufficient for Colac Otway Shire to maintain its reputation as a great place to live and to attract the workers it needs to grow and thrive.

2. OFFICER COMMENT

Introduction

It is agreed that the unavailability of affordable housing in both Colac and Apollo Bay is impacting on those communities, albeit in different ways. The Key & Essential Worker Housing Action Plan prepared by UrbanXchange in 2020 for the Victorian Planning Authority highlighted the need for housing to meet the needs of workers in both towns.

In Colac, lack of housing for rental is impacting the capacity of manufacturers to recruit staff to fill vacant positions and other organisations are being impacted in areas such as education and health. There is also a shortage of residential land available on the market for purchase, both housing and vacant land, which is at present not meeting the demand for people seeking to relocate to Colac in the post COVID environment.

In Apollo Bay there is a severe shortage of housing available for longer term rental, with the majority of houses owned by non-permanent residents being rented for short term accommodation, not suited to the needs of business seeking staff to service the hospitality sector, as well as other organisations including the school and local health service.

Market Forces

It is acknowledged that a short fall in sufficient quantity and affordability of housing in Colac Otway Shire is affecting key and essential worker availability, particularly in our coastal areas. However, housing projects are recommended to be in conjunction with activation, education and empowerment of current residents to increase workforce participation and advocacy to State Government to allow access to temporary visa holders, specifically working holiday visas.

Multiple market forces have recently combined to compound key and essential worker shortages. This has shone a light on housing issues when the scale of the problem is not entirely housing solution oriented. Other factors influencing worker availability should be considered to create a strategic multifaceted approach to resolve multiple failings. These alternative influences have larger proportional effects in Coastal and Tourism towns. Two prominent market forces are:

- Workforce Participation
- Temporary Visa Holder Availability

Compared to the rest of Victoria, Colac Otway has a relatively low unemployment rate, but also a low rate of workforce participation. This includes a high percentage of women not engaging in the workforce and a high percentage of workers receiving employment benefits. Table 1 below demonstrates the number of Jobseeker recipients in Colac Otway and Coastal Towns (Source REMPLAN/ABS).

Table 1

Date	# of Jobseeker Recipients in COS	% of Workforce in COS	# of Jobseeker Recipients in Coastal Towns	% of Workforce in Coastal Towns
2020 December	1,125	9.7%	265	13%
2020 September	1,173	10.1%	280	13.7%
2020 June	1,184	10.2%	274	13.4%
2020 March	672	5.8%	108	5.3%
2019 December	639	5.5%	104	5.1%
2019 September	638	5.5%	117	5.7%

As shown in Table 1, in December 2020 there was a substantial available workforce that was either not employed or are underemployed. Since COVID-19 impacted Australia, the level of disengagement in the workforce has increased. This potential workforce does not require additional housing due to already being located within Colac Otway Shire.

Whilst this is only one source of information, it does indicate the complexity of the issue and that a range of actions need to be developed that consider all of the issues holistically.

In addition, Temporary Visa Holders make up a substantial part of the workforce in Australia with there being 2.17 million temporary visa holders at 31 March 2020 including between 100,000-200,000 on Working Holiday Visa's (Source: Parliament of Australia 2020). Tourism destinations like Apollo Bay rely on this transitional workforce to meet spikes in workforce demand during peak season and an element of the low skilled essential year round workforce. Australian border closures due to COVID-19 have reduced the availability of temporary visa holders causing a large worker shortage in Apollo Bay as demonstrated by the Apollo Bay Chamber of Commerce's staff shortage survey. Not all temporary visa holders require traditional accommodation with many being housed in Backpackers, share houses, camping facilities and homestays, a quantity of which are already available in Apollo Bay.

Councils Current Housing Response

Council has been active in responding to the residential land shortage in Colac, undertaking the following actions over the past twelve months:

- Commencing an Outline Development Plan (and Development Contributions Plan) for the Deans Creek Growth Area identified in the Colac 2050 Growth Plan, with the pending appointment of a new senior strategic planning staff member with a two year tenure dedicated to overseeing this planning work. Council has allocated \$225,000 in the draft budget for this project and staff are approaching a range of State Government agencies to secure further funding. This planning is required before the State Government can support rezoning of more land.
- Officers are working collaboratively with the owners of two areas in Elliminyt that are within Colac's designated growth corridors to progress planning scheme amendments to rezone their land. These rezonings will be progressed concurrently with the broader Outline Development Plan.
- Council has led the preparation of a Development Plan to co-ordinate development of residential land west of the former Colac High School site between Lake Colac and Murray Street. A draft is due to be considered by Council in July 2021. This plan will unlock potential for subdivision of land.
- Council has undertaken environmental investigations to confirm that its land adjoining the former landfill site at Bruce Street, Colac can be developed for housing. Council is about to seek Expressions of Interest from developers for the site.

The situation in Apollo Bay and the other smaller towns such as Wye River and Kennett River (and Surf Coast Shire towns such as Lorne) is more difficult to address given their lack of developable land, high fire risk, significant part-time population and market forces affecting the housing market. The UrbanXchange report on Key and Essential Worker Housing provided some recommendations, however none of these are quick or easy solutions. Notwithstanding, Council has been taking a collaborative position with the Apollo Bay Chamber of Commerce, attending a recent housing forum hosted by the Chamber, having a member of staff on its Housing Working Party and connecting the Chamber with G21 staff to enhance awareness raising of the issue.

Actions taken include:

- Lodgement of a submission raising this issue to the State Government's 10 Year Social and Affordable Housing Strategy.
- Raising the issue with the G21 Planning pillar to identify it as a regional priority.
- Liaising with other Barwon South-West Councils to secure funding from Regional Development Australia to further implement a number of the Key and Essential Worker Action Plan recommendations – the outcome of this application is expected to be announced soon.
- Liaison with officers at Surf Coast Shire who are similarly grappling with the coastal housing affordability issue, and where a similar Notice of Motion was successfully passed in May.
- Officers have scoped potential sites for future State or Federal investment in key worker housing at Apollo Bay (this is very preliminary work).

The motion seeks that officers present Councillors with an analysis of actions it could take to address the crisis. This would offer an opportunity for discussion on where efforts may be prioritised. If a crisis-response is to be actioned, it will be important to ensure it is focussed in the most critical areas rather than responding to less-urgent or longer-term issues.

It may be that following further discussion with Councillors, a decision may be made to prioritise this issue over other issues Council is facing. There is certainly scope for collaboration with Surf Coast Shire, and to utilise any funds which potentially might arise from the Regional Development Australia grant application to focus on coastal housing availability and affordability issues.

3. NOTICE OF MOTION

That Council;

- 1. Declares a Key and Essential Worker Housing Crisis in Colac Otway Shire;***
- 2. Notes the work underway to facilitate social and key worker housing in Colac;***
- 3. Notes the substantial shortage of key and essential worker housing in coastal towns and the urgent need to secure:***
 - a. Short-term safe and affordable seasonal worker housing for this Summer and future holiday periods; and***
 - b. Longer-term (> 12-months) safe, secure and affordable permanent worker housing throughout the year.***
- 4. Resolves to regularly engage with coastal communities, coastal businesses, similar coastal councils and other key stakeholders to forecast the future demand for coastal worker housing and to secure housing to meet that demand;***
- 5. Resolves to ensure Stage 2 of the Regional Key and Essential Worker Housing Action Plan will include specific, robust and costed actions to respond to the forecast demand for worker housing, or alternatively resolves to prepare a similar stand-alone Colac Otway Shire Key and Essential Worker Housing Action Plan;***
- 6. Directs the Chief Executive present to Council within three months a range of achievable and resourced actions to mitigate a coastal worker housing shortage over the coming Summer holiday period;***

- 7. Directs the Chief Executive Officer to report to Council on the benefits and costs of becoming a member of the Australian Coastal Councils Association; and**
- 8. Advocates directly and in collaboration with key stakeholders to State and Federal Governments for immediate support to mitigate the key and essential worker housing crisis in Colac Otway Shire.**

Item: 10.14

Report of Informal Meetings of Councillors

OFFICER	Lyndal McLean
CHIEF EXECUTIVE	Peter Brown
DIVISION	Corporate Services
ATTACHMENTS	<ol style="list-style-type: none"> 1. Informal Meeting of Councillors Record - City Deals Executive Steering Committee - 20210511 [10.14.1 - 1 page] 2. Informal Meeting of Councillors - Councillor Briefing - 19 May 2021 CB 20210519 [10.14.2 - 3 pages] 3. Informal Meeting of Councillors - Council Preparation Meeting - 26 May 2021 OCM 20210526 [10.14.3 - 2 pages] 4. Informal Meeting of Councillors - Councillor Briefing - 3 June 2021 CB 20210603 [10.14.4 - 2 pages] 5. Informal Meeting of Councillors Record - City Deals Executive Steering Committee - 20210608 [10.14.5 - 1 page] 6. Informal Meeting of Councillors - Councillor Briefing - 10 June 2021 CB 20210610 [10.14.6 - 2 pages]
PURPOSE	To report the Informal Meetings of Councillors.

1. EXECUTIVE SUMMARY

INFORMAL MEETINGS OF COUNCILLORS

The Colac Otway Shire Governance Rules require that records of Informal Meetings of Councillors which meet the following criteria:

If there is a meeting of Councillors that:

- *is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;*
- *is attended by at least one member of Council staff; and*
- *is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting*

be tabled at the next convenient meeting of Council and recorded in the minutes of that Council meeting.

All relevant meetings have been recorded and documented, as attached.

2. REPORTING

The Informal Meetings of Councillors are reported herewith:

- | | |
|--|---------------------|
| • <i>City Deals Executive Steering Committee</i> | <i>11 May 2021</i> |
| • <i>Councillor Briefing</i> | <i>19 May 2021</i> |
| • <i>Council Meeting Preparation</i> | <i>26 May 2021</i> |
| • <i>Councillor Briefing</i> | <i>3 June 2021</i> |
| • <i>City Deals Executive Steering Committee</i> | <i>8 June 2021</i> |
| • <i>Councillor Briefing</i> | <i>10 June 2021</i> |

3. KEY INFORMATION

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

- | | |
|---|--------------|
| • City Deals Executive Steering Committee | 11 May 2021 |
| • Councillor Briefing | 19 May 2021 |
| • Council Meeting Preparation | 26 May 2021 |
| • Councillor Briefing | 3 June 2021 |
| • City Deals Executive Steering Committee | 8 June 2021 |
| • Councillor Briefing | 10 June 2021 |

4. OFFICER DIRECT OR INDIRECT INTEREST

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



Informal Meeting of Councillors Record

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: City Deal Projects COS Executive Steering Committee Meeting

Date: 11/05/2021 **Time:** 11:15 am

Meeting Location: Online – Microsoft Teams

(eg. COPACC; Colac Otway Shire Offices – 2-6 Rae Street, Colac; Shire Offices – Nelson Street, Apollo Bay)

Matter/s Discussed: Kennett River Tourism Infrastructure Improvements City Deal, Apollo Bay to Skenes Creek Coastal Trail City Deal, Redevelopment of Apollo Bay Harbour City Deal and Geelong City Deal

(eg. Discussions with property owners and/or residents; Planning Permit Application No. xxxx re proposed development at No. xx Pascoe Street, Apollo Bay; Council Plan steering committee with Councillors and officers.)

In Attendance:

Councillors:
Cr Stephen Hart
Officers:
Peter Brown (COS CE), Errol Lawrence (COS GM Corporate Services), Tony McGann (COS GM Environment & Infrastructure), Ian Seuren (COS GM Development & Community), Marlo Emmit (Manager COS Governance), Frank Castles (City Deals - Project Director), Lisa Healey (City Deals - Administrator & Projects)

Conflict of Interest Disclosures for Councillors and Officers: (refer to over page for guidelines)

Name	Type of interest	Left meeting at	Returned to meeting at
Nil			

Completed by: Lisa Healey

Updated 24 October 2020



Informal Meeting of Councillors Record

Councillor Briefing

Date: 19 May 2021

Time: 1:25pm

Meeting Location: Meeting Rooms 1, COPACC

Invitees:

Cr Jamie Bell, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Margaret White, Peter Brown, Errol Lawrence, Tony McGann, Ian Seuren, Marlo Emmitt

Attendees:

Cr Jamie Bell, Cr Graham Costin (videoconference), Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Margaret White, Peter Brown, Errol Lawrence, Tony McGann, Ian Seuren, Marlo Emmitt, Belinda Rocka, Louise Harvey, Jo Grainger, Sharyn Rayner, Doug McNeill, Simon Clarke, Madeleine Bisits, Jason Clissold, Paul Carmichael

External attendees:

Principal - Croxford Consulting
Officer - Senior Regional Property Valuer - Valuer-General Victoria
Land Valuer - Valuer-General Victoria, Department of Sustainability and Environment
Valuer - Preston Rowe Patterson

Apologies:

Nil

Absent:

Nil

Meeting Commenced at: 1:24pm

Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Nil			



Councillor Briefing 19 May 2021 (continued)		
Time	Item	Attendees
1:24pm – 1:30pm	Councillor and EA to CEO, Mayor and Councillors catch up	Louise Harvey Belinda Rocka
1:30pm – 2:10pm	History of Contract 1803 – Digital Mobile Radio (DMR) Network Managed Service	Tony McGann
2:10pm – 2:18pm	General Business <ul style="list-style-type: none"> Forrest General Store amenities 	
2:18pm – 2:21pm	Break	
2:21pm – 2:45pm	Gender Equity and Workforce Planning	Principal - Croxford Consulting Jo Grainger Sharyn Rayner
2:45pm – 2:56pm	Prevention of Sexual Harassment in the Workplace - Action Plan and Policy	Principal - Croxford Consulting Jo Grainger Sharyn Rayner
2:56pm – 3:09pm	Break	
3:09pm – 3:34pm	Apollo Bay, Skenes Creek and Marengo Community Infrastructure Plan Update Cr Bell left the meeting at 3:30pm and did not return.	Doug McNeill Simon Clarke Madeleine Bisits
3:34pm – 4:14pm	2021 Revaluation – Presentation	Principal - Croxford Consulting, Officer - Senior Regional, Property Valuer - Valuer-General Victoria, Land Valuer - Valuer-General Victoria, Department of



Councillor Briefing 19 May 2021 (continued)		
Time	Item	Attendees
		Sustainability and Environment Valuer - Preston Rowe Patterson Jason Clissold Paul Carmichael
4:14pm – 4:20pm	General Business <ul style="list-style-type: none"> Sports grant funding 	
4:20pm	Meeting closed	



Informal Meeting of Councillors Record

Council Meeting Preparation

Date: 26 May 2021

Time: 2:00pm

Meeting Location: Apollo Bay Senior Citizens' Centre, Whelan Street, Apollo Bay

Invitees:			
Cr Jamie Bell, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Margaret White, Peter Brown, Errol Lawrence, Tony McGann, Ian Seuren, Marlo Emmitt, Lyndal McLean			
Attendees:			
Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Margaret White, Peter Brown, Errol Lawrence, Tony McGann, Ian Seuren, Marlo Emmitt, Lyndal McLean, Doug McNeill, Simone Robertson, Cameron Duthie			
External attendees:			
Nil			
Apologies:			
Cr Jamie Bell			
Absent:			
Nil			

Meeting Commenced at: 2:00pm

Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Nil			



Council Meeting Preparation 26 May 2021		
Time	Item	Attendees
2:00pm – 3:25pm	Council Meeting preparation Cr Costin left the meeting at 3:05pm; returned at 3:07pm.	Doug McNeill Simone Robertson Cameron Duthie
3:25pm	Meeting closed	



Informal Meeting of Councillors Record

Councillor Briefing

Date: 3 June 2021

Time: 12:30pm

Meeting Location: by videoconference

Invitees:

Cr Jamie Bell, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Margaret White, Peter Brown, Errol Lawrence, Tony McGann, Ian Seuren, Marlo Emmitt

Attendees:

Cr Jamie Bell, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Peter Brown, Errol Lawrence, Tony McGann, Ian Seuren, Marlo Emmitt, James Myatt, Mark McLennan, Katrina Kehoe, Fiona Maw, Ben McLaughlin, Louise Harvey

External attendees:

Nil

Apologies:

Cr Joe McCracken

Absent:

Nil

Meeting Commenced at: 12:33pm

Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Cr Chris Potter	General	1.3 - Colac Otway Shire Grants Program 2021 – 2022 – Allocation of Funds	Conflict in that I am a board member of Colac RSL and Colac RSL had applied for two separate grants.
Peter Brown	General	1.3 - Colac Otway Shire Grants Program 2021 – 2022 – Allocation of Funds	I am a member of Colac West Rotary Club who have applied for a grant.



Councillor Briefing 3 June 2021 (continued)		
Time	Item	Attendees
12:33pm – 12:58pm	Lake Colac Caravan Park	James Myatt Mark McLennan
12:58pm – 1:20pm	Forrest Caravan Park EOI	James Myatt Mark McLennan
1:20pm – 2:05pm	Colac Otway Shire Grants Program 2021 – 2022 – Allocation of Funds Cr Bell attended the meeting at 1.51pm	James Myatt Katrina Kehoe
2:05pm – 2:25pm	Break	
2:25pm – 2:30pm	Councillor and EA to CEO, Mayor and Councillors catch up	Louise Harvey
2:30pm – 3:00pm	Procurement Policy - Version 3.4	Ben McLaughlin
3:00pm – 3:20pm	S6 Instrument of Delegation - Council to Members of Council Staff	Errol Lawrence
3:20pm – 3:35pm	General Business <ul style="list-style-type: none"> East entry roundabout Declaration of housing crisis - Cr Costin Meeting with Minister Thomas 	
3:35pm	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.

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Meeting Details

Meeting name: City Deal Projects COS Executive Steering Committee Meeting

Date: 8/06/2021 **Time:** 11:15 am

Meeting Location: Online – Microsoft Teams

(eg. COPACC; Colac Otway Shire Offices – 2-6 Rae Street, Colac; Shire Offices – Nelson Street, Apollo Bay)

Matter/s Discussed: Kennett River Tourism Infrastructure Improvements City Deal, Apollo Bay to Skenes Creek Coastal Trail City Deal, Redevelopment of Apollo Bay Harbour City Deal and Geelong City Deal

(eg. Discussions with property owners and/or residents; Planning Permit Application No. xxxx re proposed development at No. xx Pascoe Street, Apollo Bay; Council Plan steering committee with Councillors and officers.)

In Attendance:

Councillors:
Cr Stephen Hart
Officers:
Peter Brown (COS CE), Errol Lawrence (COS GM Corporate Services), Tony McGann (COS GM Environment & Infrastructure), Ian Seuren (COS GM Development & Community), Marlo Emmit (Manager COS Governance), Frank Castles (City Deals - Project Director), Lisa Healey (City Deals - Administrator & Projects)

Conflict of Interest Disclosures for Councillors and Officers: (refer to over page for guidelines)

Name	Type of interest	Left meeting at	Returned to meeting at
Nil			

Completed by: Lisa Healey

Updated 24 October 2020



Informal Meeting of Councillors Record

Councillor Briefing

Date: 10 June 2021

Time: 10:00am

Meeting Location: by videoconference

Invitees:

Cr Jamie Bell, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Margaret White, Peter Brown, Errol Lawrence, Tony McGann, Ian Seuren, Marlo Emmitt

Attendees:

Cr Jamie Bell, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Peter Brown, Errol Lawrence, Tony McGann, Ian Seuren, Marlo Emmitt, Tamzin McLennan, Melanie Duvé, Peter Macdonald, Emma Ashton, Peter Smith, James Myatt, Fiona Maw, Madeleine Bisits, Mark McLennan

External attendees:

Representatives of CT Management

Apologies:

Cr Joe McCracken

Absent:

Nil

Meeting Commenced at: 10:00am

Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Nil			



Councillor Briefing 10 June 2021 (continued)		
Time	Item	Attendees
10:00am – 10:58am	Council Plan and MHWBP Draft Actions for Feedback	Tamzin McLennan Marlo Emmitt Melanie Duvé Peter Macdonald Emma Ashton
10:58am – 11:00am	Break. Councillors break to change videoconferencing platforms. All Councillors return at 11:00am, except for Cr White and Cr Bell.	
11:00am – 11:56am	Draft Service Planning Report and 10 Year Financial Plan Cr White returned to the meeting at 11:21am. Cr Bell returned to the meeting at 11:29am.	Managing Director - CT Management Financial Services Manager - CT Management Peter Smith
11:56am – 12:08pm	Break Cr Hanson left the meeting at 11:56am.	
12:08pm – 12:34pm	Covid-19 Business Community Support Package Cr Hanson returned to the meeting at 12:28pm.	James Myatt Fiona Maw
12:34pm – 12:49pm	Policy Review - Acquisition and Disposal of Council Property	Madeleine Bisits Mark McLennan
12:49pm – 1:10pm	General Business <ul style="list-style-type: none"> • Unused roads and trails study • Key and Essential Worker Housing Crisis – Notice of Motion • Entrance signs • Participation in Australian Local Government Association's National General Assembly in Canberra • Communications team • Budget submissions 	
1:10pm	Meeting closed	

