



## **COUNCIL MEETING**

# **AGENDA**

**Wednesday 24 April 2024**

**at 4:00 PM**

**COPACC**

**95 - 97 Gellibrand Street, Colac**

**Next Council Meeting: 22 May 2024**





# COLAC OTWAY SHIRE COUNCIL MEETING

Wednesday 24 April 2024

## TABLE OF CONTENTS

1	Declaration of Opening of Meeting .....	4
2	Present.....	4
3	Apologies and Leave of Absence .....	4
4	Welcome and Acknowledgement of Country.....	4
5	Question Time .....	5
6	Petitions / Joint Letters.....	5
7	Declarations of Interest .....	5
8	Confirmation of Minutes .....	5
9	Officer Reports.....	6
9.1	Marengo Beacon Reinstatement .....	6
9.2	Project Budget Adjustments and Cash Reserve Transfers - April 2024.....	14
9.3	Preparation of 2024-25 Draft Budget - Endorsement of Fees and Charges for Local Laws and Community Services .....	24
9.4	Preparation of 2024-25 Draft Budget - Endorsement of Fees and Charges for Bluewater Leisure Centre .....	28
9.5	Preparation of 2024-25 Draft Budget - Endorse for Exhibition.....	31
9.6	J Barrys Road / Colac West Planning Scheme Amendment C125cola Referral to Planning Panel .....	157
9.7	Proposed property disposal via direct negotiation, Lot 1, 8-16 Great Ocean Road, Lavers Hill .....	165
9.8	Proposed property disposal via Expression of Interest, 69 McLachlan Street, Apollo Bay ...	171
9.9	Purchase of Offsets for Council's Greenhouse Gas Emissions - 2021-22 and 2022-23.....	233
9.10	Quarterly Budget Report (December 2023), for noting .....	242
9.11	Best Value Review of Aged and Disability Services, reports for noting .....	254



9.12 Award of Contract 2414 - Queen and Wilson Streets Intersection - Raised Pedestrian Platforms.....	261
9.13 Future commitment to G21 Geelong Region Alliance .....	265
9.14 Appointment of Independent Member - CEO Employment Matters Committee .....	270
9.15 Appointment of Councillor representative - Geelong City Deal Community Reference Groups for Apollo Bay Harbour and Kennett River projects .....	273
9.16 Appointment of new members - Apollo Bay Senior Citizens Centre Community Asset Committee .....	284
9.17 Community Awards Nominations 2024 .....	287
9.18 Update to S6 Instrument of Delegation Council to Members of Council Staff .....	290
9.19 Report of Informal Meeting of Councillors .....	395
10 Delegate Reports and Notices of Motion .....	407
11 Urgent Business .....	407
12 Closed Session .....	407
13 Close of meeting .....	407



## COLAC OTWAY SHIRE COUNCIL MEETING

NOTICE is hereby given that the next **COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL** will be held at COPACC on Wednesday 24 April 2024 at 4:00 PM.

### AGENDA

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

##### **OPENING PRAYER**

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

*AMEN*

#### **2 PRESENT**

#### **3 APOLOGIES AND LEAVE OF ABSENCE**

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

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

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

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

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

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

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



## 5 QUESTION TIME

A maximum of 30 minutes is allowed for question time. Any person wishing to participate in public question time by videoconference will need to register their intention to do so by contacting the shire prior to **5pm on Monday 22 April 2024**. To ensure that each member of the gallery has the opportunity to ask questions, it may be necessary to allow a maximum of two questions from each person in the first instance. You must ask a question. Question time is not a forum for public debate or statements.

1. Questions received in writing prior to the meeting. Written questions must be received by **5pm on Monday 22 April 2024**.
2. Questions via videoconference by prior arrangement.
3. Questions from the floor.

## 6 PETITIONS / JOINT LETTERS

Nil

## 7 DECLARATIONS OF INTEREST

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

## 8 CONFIRMATION OF MINUTES

- Council Meeting held on:
- 27 March 2024
- Unscheduled Council meetings held on
  - 13 March 2024
  - 10 April 2024

### **RECOMMENDATION**

***That Council confirm the minutes of the Council Meeting held on:***

- 27 March 2024
- Unscheduled Council meetings held on
  - 13 March 2024
  - 10 April 2024



Item: 9.1

## Marengo Beacon Reinstatement

<b>OFFICER</b>	Doug McNeill/Cameron Duthie
<b>GENERAL MANAGER</b>	Doug McNeill
<b>DIVISION</b>	Infrastructure and Operations
<b>ATTACHMENTS</b>	Nil

### 1. PURPOSE

To provide Council with the opportunity to provide direction regarding the reinstatement of the historic Marengo Beacon following its decision to defer this part of Item 9.1 from the Council Meeting held on 27 March 2024.

### 2. EXECUTIVE SUMMARY

Whilst Council has resolved to reinstate the beacon, there is currently no funding for implementation of this resolution. Council will need to prepare documentation for lodgement of an application for *Marine and Coastal Act* (MACA) consent with the Great Ocean Road Coast and Parks Authority (GORCAPA) and is unable to lodge this application without a funding commitment.

Council considered a report at its 27 March 2024 meeting and resolved to defer a decision on allocating funds to the project to enable further options to be provided in a report at the April meeting. In particular, Councillors sought to understand if the 'top mark' navigational component of the beacon could be reinstated if turned to the side. Advice sought from Safe Transport Victoria has confirmed that this is not permitted to avoid any risk of the device being confused with other navigational devices. Councillors also sought to understand if further options were available to deliver the project at a lower cost, including potential for community input with the construction phase. Representatives of the Apollo Bay Mens Shed have responded positively to this suggestion subject to further information being provided on the specifications of the work and time likely to be involved. This potential will be further explored if Council endorses funding for the project.

It is proposed that Council allocates a project budget of \$20,000 (exc. GST) to support reinstatement of the beacon (without the 'top mark' navigational device as directed by Safe Transport Victoria). This includes the cost of design, approvals and construction. Council would seek to utilise local community



volunteers in the reinstatement of the structure to minimise costs, and any unexpended costs would be returned to the budget.

### 3. RECOMMENDATION

***That Council:***

- 1. Notes it deferred making a decision regarding item 9.1 of the 27 March 2024 Council Meeting Agenda to enable it to consider further options with respect to recognising the former Marengo Pillar Beacon and its importance to Apollo Bay and district.***
- 2. Notes the advice from Safe Transport Victoria that if the historic pillar beacon is reinstated it should not include the 'top mark' to avoid risk of confusion with other navigational devices.***
- 3. Notes that discussions with representatives of the Apollo Bay Men's Shed group indicate that they are keen to have a role in supporting the reinstatement of the pillar beacon.***
- 4. Determines to pursue the reinstatement of the former Marengo Pillar Beacon, with installation of interpretive sign including a photograph of the complete pillar beacon with 'top mark' and description of its historic significance, noting that the 'top mark' will not be reinstated.***
- 5. Allocates \$20,000 (excluding GST) from the Unallocated Discretionary Funds for the purpose of gaining approvals and reinstating the beacon, noting that a partnership with the Apollo Bay Men's Shed group may assist in minimising projects costs in which case unexpended funds will be returned to Council.***
- 6. Notes that the update of the Colac Otway Heritage Study was presented to Councillors as a candidate as part of the development of the Budget 2024-25.***

### 4. KEY INFORMATION

The former Marengo Beacon was located on the foreshore of Marengo as shown on the aerial photo below, indicated by the red marker:







***That Council resolves to advise the community of its proposed actions and expected timeframes to:***

- 1. Reinstate the Marengo Pillar Beacon; and***
- 2. Update the Colac Otway Heritage Plan to include significant heritage features and heritage buildings not currently included in the plan.***

Council's resolution of April 2023 indicates its intention to have the structure reinstated in response to community concerns.

Council considered a report at its 27 March 2024 meeting which sought a funding commitment of \$20,000 to facilitate the reinstatement of the former beacon, but resolved to defer a decision as follows:

***That Council:***

- 1. Notes that, having considered a Notice of Motion as Item 10.4 at its 26 April 2023 meeting, it resolved "to advise the community of its proposed actions and expected timeframes to:***
  - 1. Reinstate the Marengo Pillar Beacon; and***
  - 2. Update the Colac Otway Heritage Plan to include significant heritage features other than buildings."***
- 2. Defers this matter to the April Council Meeting with an updated report to include further options with respect to recognising the former Marengo Pillar Beacon and its importance to the heritage of Apollo Bay and District.***

This report updates the one provided to the 27 March 2024 meeting with further information obtained in relation to issues raised by the Council concerning whether the 'top mark' of the beacon could be reinstated and whether the project could be delivered at a reduced cost.

#### Required Consent under Marine and Coastal Act (MACA)

The Great Ocean Road Coast and Parks Authority (GORCAPA) has advised the following:

*"The Marine and Coastal Management Framework, including the Great Ocean Road and Environs Protection Act (2020) (GOREPA), Marine and Coastal Act (2018) (MACA), Marine and Coastal Policy (2020) and Marine and Coastal Strategy (2022), are strong mechanisms to ensure the protection of the Victorian Coastline. As marine and coastal land managers the Great Ocean Road Coast and Parks Authority (the Authority) must align with the Marine and Coastal Management Framework which supports the protection of intangible and tangible cultural values. Any development of coastal Crown land requires a Marine and Coastal Act consent application approval; of which a third party can be a proponent but does require the endorsement of the land manager, who submits the consent to the Department of Energy, Environment and Climate Action (DEECA) for assessment and approval."*

The Authority advised that there would be the following considerations:

- 1) To reinstall the Beacon, we (GORCAPA) will consider the rights, assertions, and knowledge of the Traditional Owners (Eastern Maar Aboriginal Corporation or EMAC). The MACA policy (enacted in March 2020) and GOREPA have strongly emphasised Traditional Owners care for*



*and respect Country through self-determination and we as Land Managers are required to facilitate this. Therefore, they must be involved in any discussions to reinstate the Beacon.*

- 2) *Expenses associated with producing a MACA consent application, which will be approved by DEECA, could be up to \$5,000, additionally there could be a cost of the restoration of the Beacon itself to ensure it is not an environmental or public safety hazard, also, the installation and ongoing maintenance costs.*
- 3) *DEECA will require robust reasoning for reinstalling the Beacon, this might include (but is not limited to):*
  - a) *Community concern and appetite – are a great number of people concerned about the removal of the Beacon? A large groundswell of community support will support a robust MACA application,*
  - b) *Do the Traditional Owners (Eastern Maar Aboriginal Corporation) support the Beacon being reinstated?*
  - c) *Is the project fully funded and by whom?*
  - d) *Is the Beacon safe to install?*
  - e) *Who will manage and fund the ongoing maintenance of Beacon?*
  - f) *Land Manager endorsement of the project.*
- 4) *What other options have been considered by the proponents of this reinstatement proposal? Given the fragile nature of the Beacon and its current condition a location indoors may be more appropriate to ensure prolonged preservation”.*

Council will need to prepare an application for *Marine and Coastal Act* (MACA) consent and demonstrate that matters referred to above have been satisfactorily addressed.

Discussions have occurred with the Traditional Owners and a letter of support has been received. In order to advance the MACA application and enact Council’s resolution funding is required to be committed by Council. This will enable the relevant documentation to be prepared and lodged with the Authority for approval.

#### Estimated Cost

A project budget is required if reinstatement is to proceed and has been developed on the basis of the following:

- It is anticipated that up to \$10,000 would be required for engineering, design, and a MACA consent.
- A further \$10,000 would likely be required for the ground works.

Both the above amounts aim to be conservative to avoid a need to ask for further funding, and any unexpended funds would be returned to Council.

As there is no Council budget for this project support is sought for allocation of \$20,000 through this report. It is hoped that this is the upper estimate of project costs and that the total cost will be far less than this. Any savings would be returned to the Council budget.



As noted above, the Apollo Bay Men's Shed has been contacted to understand whether there would be interest in that group assisting with the delivery of the on-ground works component of the project. Initial conversations are positive however the design and engineering including specification of the works would need to be completed and discussed further with the organisation. Council may still need to provide assistance with use of heavy machinery. It is therefore difficult to determine what quantum of savings could be achieved through use of voluntary labour at this point. It is recommended that if Council endorses proceeding with the project by allocating funds, this opportunity will be explored as a preference in order to minimise the costs incurred.

### Cultural Heritage

The above cost estimates do not include the need to undertake a Cultural Heritage Management Plan under the *Aboriginal Heritage Act 2006*, or any other cultural heritage assessment, on the basis that ground at this location has already been disturbed and the structure would be reinstated in its former position. As noted above, a letter has been received from Eastern Maar as the Registered Aboriginal Party expressing support for the reinstatement.

### Scope of Reinstatement

Whilst it is intended to pursue reinstatement of the structure as far as practical, the 'top mark' navigational device part of the beacon which sat atop the post (as seen in the photo above) cannot be reinstated given it no longer has a navigational purpose. This has been confirmed by Safe Transport Victoria following the 27 March 2024 Council meeting.

The post will be returned and supporting timber at the base of the post sourced to recreate that which was decayed and disposed of previously. Some of the timber from the former installation is in storage at the Council depot located at Nelson Street Apollo Bay.

It is recommended that a small sign display be erected in conjunction with the beacon that has a photo of the original beacon before it was removed, explaining its history and importance to navigation of vessels in the vicinity of Apollo Bay/Marengo.

### Project Timeframe

On ground works for the reinstatement of the beacon are not able to commence prior to MACA consent. The process of obtaining consent may take up to 6 months for joint document preparation and assessment. During the permit phase engineering and material quotations can be undertaken.

### Future Heritage Review

The second point of Council's April 2023 resolution expressed support for an update of the Colac Otway Heritage Plan to include significant heritage features other than buildings. At present there is no scheduled review of the 2003 Heritage Study or heritage overlays in the Planning Scheme. Any proposal to undertake further heritage assessment of places not yet identified in the Heritage Study or included in the Heritage Overlay would require a future budget commitment from Council.

This project was considered by Councillors in the preparation of the draft budget for 2024-25 but was not identified for funding when balanced with other competing priorities such as the Apollo Bay Structure Plan Review (which was included in the draft). It is nonetheless considered to be an important project that will be considered for funding in future budget processes.



## 5. CONSIDERATIONS

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

This report aims to achieve transparency in decision making in accordance with the Governance principles.

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

As indicated above, Council will need to demonstrate that the proposed beacon reinstatement is consistent with the *Marine and Coastal Act*.

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

It is unlikely the proposed reinstatement will have adverse environmental impacts given it will be sited in its former position.

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

Community engagement is not required for this proposal. Officers are seeking to respond to a Council resolution on the matter. Notwithstanding, as noted there is an opportunity to involve the community in reinstatement of the beacon, and this will be pursued if funding is allocated.

### **Public Transparency (s58 LGA 2020)**

As noted above this report aims to achieve transparency in decision making concerning this issue by outlining the process required to reinstate the beacon together with anticipated costs.

### **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 2 - Valuing the Natural and Built Environment

Objective 3: Protect and enhance the natural environment

The proposal will need to align with the *Marine and Coastal Act* requirements.

### **Financial Management (s101 Local Government Act 2020)**

As noted above, it is considered that a project budget of up to \$20,000 will be required to reinstate the beacon. Any unused funds would be returned to the budget. It is proposed these funds be drawn from the Unallocated Discretionary Funds. It is hoped that with use of community volunteer labour (such as the Men's Shed), this cost can be minimised and unspent funds returned to the budget.

### **Service Performance (s106 Local Government Act 2020)**

The project will be carried out by the Services and Operations team. Funds required are for the costs of documentation for the MACA consent process and the physical cost of the works.

### **Risk Assessment**

All relevant risks will be considered in the development of a MACA application. There is some risk the project will not be supported however discussions with the Authority to date have been positive and support has been received from the Eastern Maar Traditional Owners.

### **Communication/Implementation**

The community will be kept up to date with progress on the reinstatement.



## Human Rights Charter

No impact.

## Officer General or Material Interest

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

## Options

### Option 1 – Allocate funding to reinstate the former beacon (\$20,000)

This option is recommended by officers given the resolution in April 2023 to undertake the reinstatement. Project funds need to be allocated to enable the project to proceed. Council would seek to minimise the cost by working with the Apollo Bay Men's Shed to utilise local volunteers. Unspent funds would be returned to the budget. It is proposed that a small sign be erected to accompany the reinstated structure with a photo and description of its heritage significance.

### Option 2 – Decide not to proceed with the reinstatement of the former beacon

This option is not recommended by officers given Council's previous resolution but is an option if Council does not agree to allocate the estimated funds required.

### Option 3 – Rather than support reinstatement of the beacon, allocate funds to support the installation of a plaque or sign

Whilst community members would prefer reinstatement of the beacon itself, the erection of a plaque or suitable sign on the site of the former beacon could appropriately acknowledge its navigational history at a lower cost than full reinstatement of the beacon itself. It is estimated that up to \$7,000 would need to be allocated if this approach was to be pursued.

### Option 4 – Allocate a lesser amount of funds to support reinstatement of the former beacon

An option is to allocate a lesser amount of funding to complete the reinstatement works based on potential for use of local volunteers in the construction phase. However, whilst volunteer assistance will help to reduce the cost, it is as yet unclear to what extent this is possible, and it is preferred that funds be allocated for the full \$20,000 to avoid further reporting to Council seeking additional budget. There is a commitment to minimising the project cost as far as possible and returning any unspent funds to the budget.



Item: 9.2

## Project Budget Adjustments and Cash Reserve Transfers - April 2024

<b>OFFICER</b>	Paula Gardiner
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	Nil

### 1. PURPOSE

To present the project budget adjustments and cash reserve transfers for Council ratification and approval. These budgets are for 2023-24 Capital Works and Operational projects.

### 2. EXECUTIVE SUMMARY

The project budget adjustments presented in this report relate to the 2023-24 financial year. It seeks formal approval to adjust project budgets, create new projects where needed, or recognise that some projects are complete and can be formally closed. The report demonstrates good governance and project management practice and provides improved transparency to the community about matters that occur outside of the annual budget cycle.

### 3. RECOMMENDATION

***That Council:***

- 1. Approves the new projects as presented in Tables 1 and 2 of this report, at a total cost to Council of \$10,000 (exc. GST), funded from Unallocated Discretionary Fund.***
- 2. Approves the project budget adjustments in Table 3a.***
- 3. Approves the project budget adjustments in Table 3b.***



## 4. KEY INFORMATION

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

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

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

The opening balances, at the time of writing this report, before any transfers recommended in this report are considered, are:

- Unallocated Renewal Funds: \$1,065,347
- Unallocated Discretionary Funds: \$29,698

The balance of Unallocated Discretionary Funds may have been adjusted through Council's consideration of an earlier item in this agenda relating to the Marengo Beacon reinstatement.

**Table 1 – New projects for Council ratification**

Project name	Funding source	Basis for variation	Project allocation (exc. GST)	
			Exp	Income
Botanic Gardens Fountain Remediation	External Grant	Council has established a relationship with Dawn Wade Foundation that has committed to fund works at the Colac Botanic Gardens. The first agreed project is the remediation of the historic fountain in the gardens.	\$28,500	\$28,500
Council Covid-19 Rapid Antigen Test Variation	State Government Grant	Council received a grant from State Government to financially recognise Council for its costs associated with the distribution of COVID test kits to the community.	\$54,545	\$54,545

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



**Table 2 – Newly initiated projects for Council approval**

Project name	Funding source	Basis for variation	Project allocation (exc. GST)	
			Exp	Income
Hall Street, Cressy – Turnaround Construction	Unallocated Discretionary Funds	Council has completed a partial road closure of Hall Street, Cressy and requires the construction of gravel turnaround areas. The need for this budget was flagged in the officer report on the proposed road closure, but it was not addressed in the resolution. It is proposed that \$10k be allocated to establish the turning circle with an unsealed pavement.	\$10,000	\$0

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

**Table 3a – Project budgets requiring adjustment (Capital Projects)**

Project Name	Transfers <u>from</u> project account	Transfers <u>to</u> project account	Basis for variation	Project budget adjustment (exc. GST) Note increases are without brackets	
				Expenditure	Income
Bridge Replacement Program - Devondale Road Culvert Replacement	WO 00037790 - 2022 -2023 Capital Works - Bridge Replacement Program - Devondale Road Culvert Replacement	WO 00031845 Unallocated Renewal Funds	Project complete at a final cost of \$20,405 with savings to be returned to Council.	(\$11,718)	\$0
Western Reserve Netball Court Resurfacing.	New Income	WO 00037917 - 2022 - 2023 Capital Works - Western Reserve Netball Court Resurfacing	Income relates to the refund of costs incurred from trial surface treatment.	\$29,900	\$29,900



Project Name	Transfers <u>from</u> project account	Transfers <u>to</u> project account	Basis for variation	Project budget adjustment (exc. GST) Note increases are without brackets	
				Expenditure	Income
Bridge Renewal Program - De La Rues Rd	WO 00037932 - 2023 - 2024 Capital Works Bridge Renewal Program - De La Rues Rd	WO 00031845 Unallocated Renewal Funds	Project to be closed, as final scope of works is deemed to be minor and not asset replacement, and accordingly will be completed using maintenance budget at a lower cost.	(\$60,000)	\$0
Sale Yards Septic System	WO 00031845 Unallocated Renewal Funds	WO 00037948 - 2023 - 2024 Capital Works Buildings Renewal Program - Sale Yards Septic system	Final scope has resulted in removal of the septic system instead of replacing it, and instead connection will be made to the sewer system. This additional cost provides an improved outcome as it also enables removal of a redundant asset and reduced future maintenance costs.	\$2,000	\$0
2022/23 Fixtures, Fittings and Furniture Replacement Program	WO 00037534 - 2022 - 2023 Capital Works - Fixtures, Fittings and Furniture Replacement	WO 00031845 Unallocated Renewal Funds	2022-23 program complete at a final cost of \$6,263 with savings to be returned to Council.	(\$684)	\$0



Project Name	Transfers <u>from</u> project account	Transfers <u>to</u> project account	Basis for variation	Project budget adjustment (exc. GST) Note increases are without brackets	
				Expenditure	Income
Open Space Renewal Program - Barwon Downs Tennis Court Repair	WO 00038191 - 2023-2024 Capital Works - Barwon Downs Tennis Court Repair	WO 00037864 - Budget Work Order - Other Infrastructure	Project complete at a final cost of \$1,200 with savings to be returned to the Open Space Renewal Program.	(\$800)	\$0
Road Resealing Program	Road Resealing Program	WO 00031845 Unallocated Renewal Funds	Program complete at a total cost of \$910,847 with savings to be returned to Council.	(\$89,153)	\$0
Community Sport Lighting Upgrades	WO 00037019 - 2021-22 Capital Works - Open Space Programme - Community Sport Lighting Upgrades	WO 00031845 Unallocated Renewal Funds	Project complete at a total cost of \$1,670 with savings to be returned to Council.	(\$1,330)	\$0
Kerb and Channel Program	WO 00031845 Unallocated Renewal Funds	Kerb and Channel Program	The current budget is \$109,346, and additional budget is required to deliver the kerb and channel renewal program.	\$70,000	\$0



Project Name	Transfers <u>from</u> project account	Transfers <u>to</u> project account	Basis for variation	Project budget adjustment (exc. GST) Note increases are without brackets	
				Expenditure	Income
Queen and Wilson Street Intersection Upgrade	WO 00031845 Unallocated Renewal Funds (allocation of \$30,000)  WO 00031867 - Budget Work Order - Road Safety Devices Programme (allocation of \$50,000)	WO 00037916 - 2022 - 2023 Capital Works - Road Improvement Program - Queen and Wilson Street Intersection Upgrade	The current budget is \$315,289 and is fully funded by a grant from the Federal Government's Blackspot Program. Tenders received indicate that the works will cost more than the budget and needs additional budget before Council can consider award of a construction contract. The funding body has indicated that no further grant funding is available and so to proceed with this safety improvement project Council needs to allocate funding to the project.	\$80,000   Made up from \$50,000 of Road Safety Devices Program and \$30,000 from Unallocate d Renewal Fund	\$0



Project Name	Transfers <u>from</u> project account	Transfers <u>to</u> project account	Basis for variation	Project budget adjustment (exc. GST) Note increases are without brackets	
				Expenditure	Income
Footpath Renewal Program	WO 00031845 Unallocated Renewal Funds	Footpath Renewal Program	Council resolved to close this in March 2024 meeting, with savings of \$2,506 however it has been identified that a minor cost was oversighted and needs adjustment to close out.	\$116	\$0
PoAB – Breakwall Remediation Project - Sheet Pile Wall	WO 00036958 - 2020-21 POAB Cap Ex - Breakwall Remediation Project - Sheet Pile Wall	WO 00037541 - 2021 - 2022 POAB Capital Works - Lee Breakwater Remediation, Sections A and C	Administrative correction – transfer project budget to correct project.	(\$43,980)	\$0

**Table 3b – Project budgets requiring adjustment (Operational Projects)**

Project name	Transfers <u>from</u> project account	Transfers <u>to</u> project account	Basis for variation	Project allocation (exc. GST)	
				Expenditure	Income
Closed Landfill Aftercare Management Plan, Landfill Gas and Groundwater Investigation	Landfill Reserve	WO 00036984 - 2021-22 Operating Project - Closed Landfill Aftercare Management Plan, Landfill Gas and Groundwater Investigation	Multiyear program that requires budget allocation from reserve to ensure Council's obligations are met for 2023-24.	\$75,010	\$0



Project name	Transfers <u>from</u> project account	Transfers <u>to</u> project account	Basis for variation	Project allocation (exc. GST)	
				Expenditure	Income
Grant Preparation / Detailed Design - Hart Street Pedestrian Crossing	WO 00037309 - 2020-21 Operating Project - Grant Preparation / Detailed Design - Hart Street Pedestrian Crossing	WO 00037918 - Operating Projects – Unallocated Discretionary Funds	Project works completed in previous financial year. Project complete.	(\$19,696)	\$0

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

**Table 4 – Project closures for ratification**

Project name	Funding source for return of unexpended budget funds	Project Allocation (Expenditure)	Actual YTD
Building Renewal Program - Forrest Caravan Park Fire Services	N/A	\$93,884	\$93,884
CRM Replacement Renewal	N/A	\$0	\$0
Road Safety Program Guard Rail Replacement - Warncoort Cemetery Road	N/A	\$22,423	\$22,423
Road Safety Program Guard Rail Replacement - Irrewillipe Road	N/A	\$6,440	\$6,400
Drainage Renewal Program - Yacht club Pipe replacement	N/A	\$15,667	\$15,667



## 5. CONSIDERATIONS

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

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

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

Not applicable.

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

Not applicable.

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

Not applicable.

### **Public Transparency** (s58 LGA 2020)

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

### **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 4 – Strong Leadership and Management

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

Objective 2: We are a financially robust organisation.

### **Financial Management** (s101 Local Government Act 2020)

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

### **Service Performance** (s106 Local Government Act 2020)

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

### **Risk Assessment**

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

### **Communication/Implementation**

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

### **Human Rights Charter**

There are no matters identified with this report that impact on human rights as defined in the charter.

### **Officer General or Material Interest**

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



## **Options**

### Option 1 – Approve transfers as per the recommendation.

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

### Option 2 – Not approve transfers as recommended.

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



Item: 9.3

## Preparation of 2024-25 Draft Budget - Endorsement of Fees and Charges for Local Laws and Community Services

<b>OFFICER</b>	Toni Uphill
<b>GENERAL MANAGER</b>	Andrew Tenni
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	Nil

### 1. PURPOSE

To seek Council approval of the fees and charges for the 'Local Laws – Local law No 1' and 'Community Services – Older Persons Ability Support Service', which form part of the Proposed Fees and Charges 2024-25, in order to manage a Councillor conflict of interest.

### 2. EXECUTIVE SUMMARY

The Proposed Fees and Charges 2024-25 have been developed over a period of months, with Council officers working collaboratively with Councillors. Due to a conflict of interest, endorsement of the budgeted fees and charges for the 'Local Laws – Local law No 1' and 'Community Services – Older Persons Ability Support Service', is being sought separately from the overall Draft Budget 2024-25.

### 3. RECOMMENDATION

***That Council endorses the following fees and charges, presented in the Proposed Fees and Charges 2024-25 document (as Attachment 2 to Agenda Item 9.5):***

- 1. 'Local Laws – Local law No 1', on page 26 and 27 of 28***
- 2. 'Community Services – Older Persons Ability Support Service', on page 13 to 15 of 28***



## 4. KEY INFORMATION

The proposed budget for the financial year 2024-25 has been prepared in the form set out in the Local Government Model Financial Report (LGMFR) and developed in accordance with the financial management principles outlined in the *Local Government Act 2020* (LGA 2020). Therefore, the budget to be adopted by 30 June 2024 is in accordance with the LGA 2020.

The development process for setting fees and charges for the 2024-25 financial year has been extensive and aims to enable the community to access affordable services as well as supporting the sustainability of these services within available resources.

The fees and charges for the Local Laws – Local law No 1 are outlined on pages 26 and 27 in the Proposed Fees and Charges 2024-25, Discretionary Fees, and Charges. The fees and charges for Community Services – Older Persons Ability Support Service are outlined on page 13 to 15. Due to a conflict of interest, endorsement of the fees and charges for both sets of fees and charges are being sought separately to the overall Draft budget 2024-25.

## 5. CONSIDERATIONS

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

Transparency of Council decisions, actions and information is ensured.

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

Council has specific obligations under the following sections of the LGA 2020:

- Section 94 – The Budget
- Section 95 – Revised Budget
- Section 96 – Preparation of budget and revised budget

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

Not applicable.

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

It is proposed that the Proposed Fees and Charges 2024-25, be placed on public exhibition for a period of four weeks. During this time submissions will be invited to be considered by Council.

### **Public Transparency** (s58 LGA 2020)

The Chief Executive Officer, authorised by Council, will give public notice via Council's website, local newspapers and social media following endorsement of the Proposed Fees and Charges 2024-25, at this Council Meeting, in accordance with Council's Community Engagement Policy. The public notice will inform the community that Council has prepared the Proposed Fees and Charges for 2024-25 and will be on public exhibition for a period of four weeks. Copies of the Draft Budget will be available via Council's website, local newspapers, and social media to view on Council's website at [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au) or in person at Council's Customer Service Centres in Colac (2-6 Rae Street) or Apollo Bay (100 Great Ocean Road).



## **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 4 – Strong Leadership and Management

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

Objective 2: We are a financially robust organisation

## **Financial Management** (*s101 Local Government Act 2020*)

S96 of the LGA 2020 specifies that Council must develop the budget in accordance with the financial management principles outlined in S101 of the LGA 2020. The budget has been prepared in the form set out in the Local Government Model Financial Report (LGMFR), in accordance with the regulations.

## **Service Performance** (*s106 Local Government Act 2020*)

The development of the Proposed Fees and Charges 2024-25 has followed a process to ensure that quality and cost standards for services set by Council provide good value to the municipal community.

## **Risk Assessment**

The financial sustainability of the Council over the long term has been a focus of this budget process and Council is committed to address these challenges. Without important changes to Council's service offering and delivery models, future years will also present deficits and erode Council's ability to support the community in the future.

## **Communication/Implementation**

The Draft Fees and Charges are planned to be placed on public exhibition for a period of four weeks, following endorsement at this Council Meeting as per Council's Community Engagement Policy. In order to achieve the legislated deadline of adoption by 30 June, submissions will be invited during May and any person wishing to be heard in support of their submission will be invited to a Submissions Committee meeting scheduled on 12 June 2024 prior to consideration and adoption of the Budget at the Council Meeting to be scheduled on 26 June 2024.

## **Human Rights Charter**

No impact.

## **Officer General or Material Interest**

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

## **Options**

### Option 1 – Endorse the Proposed Fees and Charges 2024-25 for the financial year as presented

This option is recommended by officers. The Proposed Fees and Charges 2024-25 document has been developed over a number of months and incorporates Council's most recent information and decisions.

### Option 2 – Endorse the Proposed Fees and Charges 2024-25 with amendments

This option is not recommended by officers as the implications of amendments to the Proposed Fees and Charges 2024-25 at this meeting will not be able to be assessed, nor financial implications determined to inform Councillors' consideration of the changes.



### Option 3 – Do not endorse the Proposed Fees and Charges 2024-25

This option is not recommended by officers. If Council does not endorse the Proposed Fees and Charges 2024-25, it may compromise Council's ability to comply with its obligations under the Local Government Act 2020 and Local Government Act 1989.



Item: 9.4

## Preparation of 2024-25 Draft Budget - Endorsement of Fees and Charges for Bluewater Leisure Centre

<b>OFFICER</b>	Toni Uphill
<b>GENERAL MANAGER</b>	Andrew Tenni
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	Nil

### 1. PURPOSE

To seek Council approval of the fees and charges for the 'Bluewater Leisure Centre', which form part of the Proposed Fees and Charges 2024-25, in order to manage a Councillor conflict of interest.

### 2. EXECUTIVE SUMMARY

The Proposed Fees and Charges 2024-25 have been developed over a period of months, with Council officers working collaboratively with Councillors. Due to a conflict of interest, endorsement of the budgeted fees and charges for 'Bluewater Leisure Centre', is being sought separately from the overall Draft Budget 2024-25.

### 3. RECOMMENDATION

***That Council endorses the fees and charges for the 'Bluewater Leisure Centre', on page 8 to 11 of 28 in the Proposed Fees and Charges 2024-25 document (as Attachment 2 to Agenda Item 9.5):***

### 4. KEY INFORMATION

The proposed budget for the financial year 2024-25 has been prepared in the form set out in the Local Government Model Financial Report (LGMFR) and developed in accordance with the financial management principles outlined in the Local Government Act 2020 (LGA 2020). Therefore, the budget to be adopted by 30 June 2024 is in accordance with the LGA 2020.



The development process for setting fees and charges for the 2024-25 financial year has been extensive and aims to enable the community to access affordable services as well as supporting the sustainability of these services within available resources.

The fees and charges for the 'Bluewater Leisure Centre', are outlined in the Proposed Fees and Charges 2024-25, Discretionary Fees and Charges on pages 8 to 11. Due to a conflict of interest, endorsement of the fees and charges for the 'Bluewater Leisure Centre' is being sought separately to the overall Draft budget 2024-25.

## 5. CONSIDERATIONS

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

Transparency of Council decisions, actions and information is ensured.

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

Council has specific obligations under the following sections of the LGA 2020:

- Section 94 – The Budget
- Section 95 – Revised Budget
- Section 96 – Preparation of budget and revised budget

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

Not applicable.

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

It is proposed that the Proposed Fees and Charges 2024-25, be placed on public exhibition for a period of four weeks. During this time submissions will be invited to be considered by Council.

### **Public Transparency** (s58 LGA 2020)

The Chief Executive Officer, authorised by Council, will give public notice via Council's website, local newspapers and social media following endorsement of the Proposed Fees and Charges 2024-25, at this Council Meeting, in accordance with Council's Community Engagement Policy. The public notice will inform the community that Council has prepared the Proposed Fees and Charges for 2024-25 and will be on public exhibition for a period of four weeks. Copies of the Draft Budget will be available via Council's website, local newspapers, and social media to view on Council's website at [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au) or in person at Council's Customer Service Centres in Colac (2-6 Rae Street) or Apollo Bay (100 Great Ocean Road).

### **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 4 – Strong Leadership and Management

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

Objective 2: We are a financially robust organisation

### **Financial Management** (s101 Local Government Act 2020)

S96 of the LGA 2020 specifies that Council must develop the budget in accordance with the financial management principles outlined in S101 of the LGA 2020. The budget has been prepared in the form set out in the Local Government Model Financial Report (LGMFR), in accordance with the regulations.



### **Service Performance (s106 Local Government Act 2020)**

The development of the Proposed Fees and Charges 2024-25 has followed a process to ensure that quality and cost standards for services set by Council provide good value to the municipal community.

### **Risk Assessment**

The financial sustainability of the Council over the long term has been a focus of this budget process and Council is committed to address these challenges. Without important changes to Council's service offering and delivery models, future years will also present deficits and erode Council's ability to support the community in the future.

### **Communication/Implementation**

The Draft Fees and Charges are planned to be placed on public exhibition for a period of four weeks, following endorsement at this Council Meeting as per Council's Community Engagement Policy. In order to achieve the legislated deadline of adoption by 30 June, submissions will be invited during May and any person wishing to be heard in support of their submission will be invited to a Submissions Committee meeting scheduled on 12 June 2024 prior to consideration and adoption of the Budget at the Council Meeting to be scheduled on 26 June 2024.

### **Human Rights Charter**

No impact.

### **Officer General or Material Interest**

Andrew Tenni, General Manager Corporate Services, has declared a conflict of interest in the preparation of this report. This officer does not have direct responsibility for this service and has not influenced the development of the proposed fees.

### **Options**

#### Option 1 – Endorse the Proposed Fees and Charges 2024-25 for the financial year as presented

This option is recommended by officers. The Proposed Fees and Charges 2024-25 document has been developed over a number of months and incorporates Council's most recent information and decisions.

#### Option 2 – Endorse the Proposed Fees and Charges 2024-25 with amendments

This option is not recommended by officers as the implications of amendments to the Proposed Fees and Charges 2024-25 at this meeting will not be able to be assessed, nor financial implications determined to inform Councillors' consideration of the changes.

#### Option 3 – Do not endorse the Proposed Fees and Charges 2024-25

This option is not recommended by officers. If Council does not endorse the Proposed Fees and Charges 2024-25, it may compromise Council's ability to comply with its obligations under the Local Government Act 2020 and Local Government Act 1989.



## Item: 9.5

# Preparation of 2024-25 Draft Budget - Endorse for Exhibition

<b>OFFICER</b>	Toni Uphill
<b>GENERAL MANAGER</b>	Andrew Tenni
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. Draft Budget 2024-25 - for Council endorsement 24 April 2024 [9.5.1 - 73 pages]</li><li>2. COS Draft 2024 25 Fees &amp; Charges - Discretionary [9.5.2 - 29 pages]</li><li>3. COS Draft 2024 25 Fees &amp; Charges - Statutory [9.5.3 - 12 pages]</li></ol>

## 1. PURPOSE

To present the Draft Budget 2024-25 and Draft 2024-25 Fees and Charges to Council for endorsement prior to public exhibition.

## 2. EXECUTIVE SUMMARY

The Draft Budget 2024-25 and Draft 2024-25 Fees and Charges (attached) have been developed over a period of months, working collaboratively with Councillors through fees and charges, operating budgets, projects and capital works at several budget workshop sessions.

The Draft Budget 2024-25 has been guided by the Revenue and Rating Plan, Workforce Plan and Long-Term Financial Plan to enable the priorities identified in the Council Plan 2021-2025 to be progressed within the available resources of the Council.

The proposed budget has been prepared in the form set out in the Local Government Model Financial Report (LGMFR) and developed in accordance with the financial management principles outlined in the *Local Government Act 2020* (LGA 2020). Therefore, the budget to be adopted by 30 June 2024 is in accordance with the LGA 2020.

The key financial outcomes from the attached budget include:

- Net Deficit (\$4.37m)
- Closing Cash Balance - \$26.07m



- Reserve Balance - \$20.32m
- \$11.52m Capital Works Program
- \$11.30m renewal, which equates to 78% of total depreciation (\$14.5m).

Council continues to maintain a low level of debt, with only one loan planned to commence in June 2025. The borrowings are based on the assumption that Council will enter a loan for \$500k in late June 2025 as per the adopted 2024-25 Budget.

This Draft Budget proposes to increase rate revenue in line with the Fair Go Rates System which is capped at 2.75% for the 2024-25 financial year. The cap is set by the State Government and applies to the total revenue generated through general rates and the municipal charge.

The Draft Budget is also guided by actual expenses incurred in 2023-24 to date which informs a forecast for 30 June 2023. The Forecast 2023-24 figures differ from the Quarterly Budget Report at end December 2023 included later in this agenda as the Draft Budget document is more recent and based on more information.

### 3. RECOMMENDATION

***That Council:***

- 1. Notes that draft fees for Bluewater Leisure Centre, Community Services – Older Persons Ability Support Service and Local Laws have been separately approved by Council for exhibition with the Draft Budget 2024-25.***
- 2. Endorses the Draft Budget 2024-25 for the financial year, and subsequent 3 financial years, for the purposes of Section 94 of the Local Government Act 2020, including the Draft 2024-25 Fees and Charges.***
- 3. Gives public notice via Council's website, local newspapers and social media that Council has prepared a Draft Budget for the 2024-25 year and subsequent 3 financial years, including the Draft 2024-25 Fees and Charges.***
- 4. Determines that the public consultation period will be no less than 28 days from the initial public notice, to ensure sufficient time to consider submissions and adopt the budget by 30 June 2024.***
- 5. Schedules a Submissions Committee meeting to be held on Wednesday 12 June 2024, commencing at 4 pm at the Colac Otway Performing Arts and Cultural Centre, to provide the opportunity for any person wishing to speak to their written submission to be heard, or a nominated representative to speak to their submission on behalf of the person.***
- 6. Authorises the Chief Executive Officer to undertake administrative procedures necessary to enable Council to carry out its obligations under sections 94, 95 and 96 of the Local Government Act 2020.***



7. **Considers for adoption the Budget 2024-25, and subsequent 3 financial years, including the 2024-25 Fees and Charges at the Council Meeting scheduled to be held on Wednesday 26 June 2024 at 4pm at Colac Otway Performing Arts and Cultural Centre after consideration of any written and verbal submissions received by Council.**

## 4. KEY INFORMATION

Council has prepared a Draft Budget for the 2024-25 financial year which seeks to support the provision of important services and infrastructure that are affordable for our community. The Draft Budget is informed by the principles and assumptions contained in the Financial Plan and discussions with Councillors through 2023 and 2024 as the Draft Budget was developed.

In 2021, Colac Otway Shire Council adopted the community vision and Council Plan 2021-2025 with the support and collaboration of its community. The Council Plan, inclusive of the Municipal Health and Wellbeing Plan, guides Council's work over the remainder of its term and has four key themes:

1. Strong and Resilient Economy
2. Valuing the Natural and Built Economy
3. Healthy and Inclusive Community
4. Strong Leadership and Management

This Draft Budget includes investment across all four themes through ongoing delivery of Councils Day to day operations as well as some specific initiatives and projects.

The Draft Budget development process has been extensive, involving collaboration between Officers and Councillors. This process takes many months to undertake, with all aspects of the budget being reviewed to ensure the services identified within the Council Plan are being delivered, within available resources. It has also been prepared in accordance with the requirements of the LGA 2020.

The following items have been reviewed and discussed by Council:

- Average rate Increase;
- Waste charge;
- Fees and Charges;
- Proposed Business Cases;
- Operating Income and Expenditure; and
- Allocation of external capital funding to nominated projects

### **Rates and Charges**

This Draft Budget proposes to increase rate revenue in line with the Fair Go Rates System which is capped at 2.75% for the 2024-25 financial year. The cap is set by the State Government and applies to the total revenue generated through general rates and the municipal charge. Council's rate revenue also increases from supplementary rates which arise throughout the year from the building of new homes or properties, subdivisions, or existing property development.

As legislated, each property across the state is subject to an independent annual valuation, and these values will be used to calculate individual property rates. This annual revaluation does not result in a



net gain or loss of revenue to Council, but it redistributes the rates burden according to updated property values. This means ratepayers may see rate increases that differ from the average 2.75% increase because of changes to their property value relative to that of other ratepayers' properties.

Rates and Charges calculations within the Draft Budget have been based on the indicative valuation data for 1 January 2024 provided by the Valuer-General Victoria. This is currently indicating a total increase in Capital Improved Value (CIV) of approximately \$646.8m, or 5.5% across the Shire from \$11.77 Billion to \$12.42 Billion. Further details relating to rates and charges is included in Section 4.1 of the Budget 2024-25 document.

Table 2 provides a summary of the calculation, according to the formula prescribed by the State Government.

**Table 2**

<b>Summary of Rate Revenue</b>		<b>\$</b>
Forecast Annualised Rate Revenue at 30 June 2024		\$31,569,274
Forecast Number of Assessments at 30 June 2024		16,058
<b>Forecast Base Average Rate 2023-24 per assessment</b>		<b>\$1,966</b>
Budget Rate Revenue 2024-25		\$32,437,213
<b>Capped Average Rate 2024-25 per assessment</b>		<b>\$2,020</b>
<b>Average Rate Increase</b>		<b>2.75%</b>

### **Financial Performance and Sustainability**

The key financial outcomes from the attached budget include:

- Net Surplus/(deficit) – (\$4.37m)
- Adjusted Underlying Result (deficit) - (\$4.37m)
- Closing Cash Balance - \$26.07m
- Reserve Balance - \$20.37m
- Capital Works Program (new projects) - \$11.52m
- Asset renewal, which equates to 78% of total depreciation (\$14.5m) - \$11.34m.

### **Waste**

A portion of Council's overall waste and resource recovery services is funded through rate revenue, with Council also receiving specific income through levying of a waste management charge. The charge is applied as follows:

- Properties receiving a weekly kerbside collection will be levied a charge of \$402 per annum.
- Properties receiving a fortnightly kerbside collection will be levied a charge of \$307 per annum.



## Net Surplus

The budgeted net result represents all revenues less operating expenses and is further detailed in Council's formal statements (section 3).

The expected net result for the 2024-25 financial year is a deficit of \$4.37m. This result is a decline on the previous year's budgeted and forecast net result, due primarily to Council anticipating lower non-recurrent capital and operational grants than in recent years. In addition, Council has completed a series of asset revaluations to ensure that its replacement values and remaining useful lives reflect current conditions. This has resulted in depreciation values that are significantly higher than previous budgets or the adopted long-term financial plan.

## 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.

The Adjusted Underlying Result assists in removing the over-statement that results from including capital income without associated expenditure. Under the regulations the 2024-25 deficit of \$4.37m is calculated as follows:

Adjusted Underlying Result	\$'000
Total Comprehensive Result	(\$4,369)
Non-recurrent grants used to fund capital expenditure	-
Non-monetary asset contributions	-
Other contributions to fund capital expenditure	-
Adjusted Underlying Result (surplus/deficit)	(\$4,369)

## Revenue

The following key points relate to the budgeted revenue of \$59.38m which is budgeted to decrease from the 2023-24 forecast of \$77.92m:

- Rates and charges total \$37.25m. This is an increase of \$1.75 million against forecast, representing a 4.92% average increase, compounded by supplementary valuations.
- The annual revenue from waste management charges total \$4.32m and is budgeted to increase by 16% due to higher number of assessments being levied the waste management charge, with:
  - The weekly waste charge increasing by \$51 from \$351 to \$402, representing a 14.5% increase, and
  - The fortnightly waste charge increasing by \$39 from \$268 to \$307, representing a 14.6% increase.
- User fees and charges have increase by \$1.23m to \$7.97m. The budgeted increase in user fees is largely due to delivery of fully funded Home Care Packages in 2024-25 to reflect additional packages. The other area of increase in comparison to 2023-24 is the area of Bluewater Leisure Centre, which is expected to grow given the data for the first six months of 2023-24.
- Capital grants have decreased by \$19.83 million from forecast, as the 2023-24 forecasted amount includes \$19.83 million of Non-Recurrent state government funding. Non-Recurrent



grants are not budgeted for as there is not sufficient certainty in their receipt to account for them.

- Operating grants have decreased from the 2023-24 forecast by \$1.98m to \$10.75m in the 2023-24. The budgeted reduction in non-recurrent operating grants predominantly relates to the receipt of strategic planning projects and recurrent operating grants relating

## **Expenditure**

The following key points relate to the budgeted expenditure of \$63.75m which is an increase by \$0.74m compared to the 2023-24 forecast:

- Employee costs have increased by a net change of \$628k overall or 2.6% to \$24.9 including:
  - Increase in FTE (Full Time Equivalent) by 5.5 from 246.3 to 251.8. The employee cost is explained in detail in Note 4.1.7 of the attached budget.
  - Increases in wages and salaries arising from EBA increments and allowances as per new Enterprise Agreement 2022.
  - Increase in superannuation to 11.5%
  - Allowance for WorkCover premium to increase by \$87k which reflects actual costs over recent years.
- Materials and services are budgeted to increase by \$521k, or 2.30%, to \$23.08m, with a comparison to previous financial years being difficult due to the high project-related expenses in the 2023-24 budget. Putting aside project costs, Council has managed to constrain growth in materials and services, embedding a recurrent saving of \$0.222m, to ensure service delivery represents value for money. There has been a slight increase in subscriptions and memberships which is partly offset by a reduction in consultant costs.
- Other expenses will decrease by \$405k, or 26.2%, to \$1.14m which reflects a higher than expected 2023-24 forecast due to carry forward additional grants and donations paid.

## **Balance Sheet**

Key points to note are:

- Council's net worth will decrease by \$30.48m to \$458.77m compared to forecast 2024-25.
- Property, infrastructure, plant and equipment comprise 93.4% of Council's total assets.
- Right of use assets include the Apollo Bay Early Years Hub, Colac Library and gym equipment at Bluewater Leisure Centre at a forecast carrying value of \$2.87m as of 30 June 2025.
- Current assets will be 2.5 times current liabilities at the end of the financial year, with no change from 2.5 in the forecast end of year 2023-24.
- Borrowings (principal) will increase by \$500k by the end of 2024-25.

Council has considered the interest rates currently available and its capacity to allocate cash to existing obligations and new initiatives. The loan borrowings of \$500k are proposed for the 2024-25 year to source new borrowings. The total amount of borrowings is presented in Section 4.2.3 of the attached Budget.

The lease liabilities of \$9k reflect the remaining liability for committed lease payments for equipment. The leased equipment assets are represented under 'Right of Use' assets in the balance sheet.



## Cash Flow

The closing cash balance is budgeted to be \$26.07m at 30 June 2025.

Over time there is a downward trend in cash balances which is reflective of the increasing costs across the organisation. While Council's cash balance remains at moderate levels, the funds are already fully committed to achieving Council priorities and Council has no accumulated unallocated cash at this time.

## Capital Works

The key points to notes are:

- The capital works program for 2024-25 totals \$11.52m, \$21.52m less than the 2023-24 forecast of \$33.04m due, in the most part, to the 2023-24 program including projects carried forward from previous years. The budget doesn't contemplate a similar carried forward program into 2024-25 but this will be addressed through the end of year processes and incorporated in the first Quarterly Budget Report in 2024-25.
- The Forecast 2023-24 Capital Works Program has increased from the 2023-24 Adopted Budget (\$9.71m) by \$23.33m, primarily through projects carried forward from 2022-23.
- The new program is divided between capital renewal (98.4%), capital upgrade (0.6%) and new assets (1.0%)
- The capital works budget is funded from a mix of external (specifically Roads to Recovery funding) and internal sources, 14.8% is funded by grants and contributions and 85.2% by operations

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

• Unsealed Road Resheeting Program 2024-25	\$1.20m
• Plant and Light Fleet Replacement Program 2024-2025	\$1.50m
• Reseal Program - Renewal	\$1.10m
• Mooleric Road, Stage 2	\$0.85m
• Pengilley Avenue - from Gallipoli Parade to McLachlan Street	\$0.69m
• The Boulevarde, Wye River	\$0.61m
• Koonya Avenue Reconstruction - Wallace Street to Dunoon Road	\$0.53m
• Pascoe Street - from Moore Street to Nelson Street	\$0.51m
• Asset Renewal Funds for unplanned works	\$0.50m
• Sealed Road Major Patching Program	\$0.35m
• Annual PC Renewal Program	\$0.34m
• Roadslip Retaining Structures Renewal Program	\$0.33m
• Connor and Scott Street Intersection	\$0.25m
• Road Shoulder Resheeting Program – Renewal	\$0.25m
• Facilities painting program	\$0.24m
• Roof Replacement Program	\$0.20m
• Pits, Pipes, Culverts and Headwall renewal program	\$0.20m
• Footpath Renewal Annual Program	\$0.16m
• Kerb and Channel Renewal Program	\$0.15m
• Wastewater management systems at public toilets and halls	\$0.15m
• Annual Network Switch Replacement	\$0.12m
• Pound Road and Queen Street Intersection	\$0.12m
• Memorial Square Colac, Fountain Renewal	\$0.11m
• Facilities amenities and bathroom works	\$0.11m



## 5. CONSIDERATIONS

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

A number of relevant governance principles under S(9)(2) of the LGA 2020 apply to this report, including:

- a) Council decisions are to be made and actions taken in accordance with the relevant law:
  - i. The Draft Budget 2024-25 has been:
    - developed in accordance with the financial management principles as outlined in Section 101 of LGA 2020 and Council's Community Engagement Policy. (S96 LGA 2020),
    - developed to ensure that it gives effect to the Council Plan (S94(2) LGA 2020),
    - prepared in compliance with the 2.75% average rate cap set by the State Government for the 2024-25 financial year (S94(3) LGA 2020),
    - prepared to include commentary on the description and funding of services in the budget and the major initiatives that will contribute to the achievement of one of the four Strategic Objectives Council Plan 2021-2025 (S94(2) LGA 2020),
    - prepared in the form set out in the Local Government Model Financial Report (LGMFR) in accordance with the regulations, and
    - developed and prepared in accordance with a rigorous schedule, discussions with Councillors through 2024 as the Draft Budget was developed, development of a community vision and Council Plan 2021-2025 with the community, and finally, a community engagement process prior to consideration by Council for adoption by 30 June (S94(1) LGA 2020).
- b) priority is to be given to achieving the best outcomes for the municipal community, including future generations:
  - i. Commentary is included in section 2 of the Draft Budget on how the allocation of financial resources to services and initiatives in the budget will achieve the Strategic Objectives in the Council Plan 2021-2025.
- c) innovation and continuous improvement is to be pursued:
  - i. Initiatives include Council's commitment to:
    - undertake a four yearly planning scheme review,
    - continue to grow its asset management capabilities, undertaking asset condition assessments for drainage and open space in 2023-24, and
    - improving the customer experience through implementation of a new Customer Request System (CRS).
- d) the ongoing financial viability of the Council is to be ensured:
  - i. i. The budget forecasts have been updated to provide: Agenda Unscheduled Council Meeting - 3 May 2023 23
    - a meaningful projection of Council's long term financial position and provide a current understanding of Council's ongoing financial viability, and
    - financial indicators that describe Council's current and projected performance across a range of key financial performance indicators.



e) regional, state and national plans and policies are to be taken into account in strategic planning and decision making:

- i. Budget allocations include available funding opportunities for initiatives and capital works that will contribute to the achievement of Council's Strategic Objectives in the Council Plan 2021-2025, if known at the time of preparation of the budget, and

f) the transparency of Council decisions, actions and information is to be ensured:

- i. Council's Community Engagement Policy is applied to the Council budget development, including Council Fees and Charges.
- ii. Statutory fees and charges, which are set by the State Government, are also included in the budget process alongside Council fees and charges to ensure transparency of all fees and charges collected by the Council. Statutory fees and charges applicable from 1 July 2024 are subject to a separate State Government review process and may therefore change.
- iii. The standard public exhibition period of six weeks in the Community Engagement Policy is proposed to be reduced to a period of four weeks to ensure sufficient time to adopt the budget by 30 June 2024 in accordance with the requirement of Section 94(1) of LGA 2020.

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

In relation to the Budget, Council has specific obligations under the following sections of the LGA 2020:

- Section 94 – The Budget
- Section 95 – Revised Budget
- Section 96 – Preparation of budget and revised budget

Section 94 requires that:

- a) A Council must prepare and adopt a budget for each financial year and the subsequent 3 financial years by 30 June each year.
- b) The budget must give effect to the Council Plan and contain a list of prescribed information, which is in the form set out in the Local Government Model Financial Report (LGMFR) in accordance with the regulations.
- c) If Council determines to apply a rate increase above the average rate cap for the financial year, the budget must contain a statement that Council intends to apply for an increase above the average rate cap, or is waiting for the outcome of an application, or specify any approved average rate cap that applies.

Section 95 requires that a Council must prepare and adopt a revised budget before the Council can make a variation to the declared rates or charges, undertake any borrowings not previously approved in the budget, or where Council considers a change to the budget should be the subject of community engagement.

In addition, Part 4 - Division 4 of the Act requires Council to implement the prescribed financial management principles in undertaking their duties. Section 96 specifically states that:

A Council must develop the budget and any revised budget in accordance with—

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



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

The Draft Budget, and subsequent 3 financial years, must reflect the objectives of the Council Plan. Therefore, the resources allocated to environmental, social, cultural and economic issues must be considered as part of the process.

Section 2 of the Draft Budget outlines the activities and initiatives under major service categories that will be delivered to contribute to the achievement of one of the four Strategic Objectives in the Council Plan 2021-2025.

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

In 2021, Colac Otway Shire Council adopted the community vision and Council Plan 2021-2025 with the support and collaboration of its community.

Due to the time constraints in ensuring the budget is adopted by 30 June 2024, it is proposed that the Draft Budget 2024-25, including the Draft 2024-25 Fees and Charges, be placed on public exhibition for a period of four weeks. During this time submissions will be invited to be considered by Council.

### **Public Transparency (s58 LGA 2020)**

The Chief Executive Officer, authorised by Council, will give public notice via Council's website, local newspapers and social media following endorsement of the Draft Budget 2024-25, including the Draft 2024-25 Fees and Charges, at this Council Meeting, in accordance with Council's Community Engagement Policy. The public notice will inform the community that Council has prepared the Draft Budget, including the Draft Fees and Charges, for the 2024-25 and will be on public exhibition for a period of four weeks. Copies of the Draft Budget will be available via Council's website, local newspapers and social media to view on Council's website at [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au) or in person at Council's Customer Service Centres in Colac (2-6 Rae Street) or Apollo Bay (100 Great Ocean Road).

### **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 4 – Strong Leadership and Management

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

Objective 2: We are a financially robust organisation

Objective 4: We support and invest in our people

### **Financial Management (s101 Local Government Act 2020)**

S96 of the LGA 2020 specifies that Council must develop the budget in accordance with the financial management principles outlined in S101 of the LGA 2020. The budget has been prepared in the form set out in the Local Government Model Financial Report (LGMFR), in accordance with the regulations. This presentation aims to assist the reader to understand how the following financial management principles have been considered in preparation of the budget:

- (a) revenue, expenses, assets, liabilities, investments and financial transactions must be managed in accordance with a Council's financial policies and strategic plans,
- (b) financial risks must be monitored and managed prudently having regard to economic circumstances (financial risks include any risk relating to the financial viability of the Council, the management of current and future liabilities of the Council and the beneficial enterprises of the Council,
- (c) 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, and



- (d) accounts and records that explain the financial operations and financial position of the Council must be kept.

Specifically, the budget document includes commentary on:

- a) how the budget is guided by the Revenue and Rating Plan, Workforce Plan and Long-Term Financial Plan to enable the priorities identified within the Council Plan 2021-2025 to be achieved,
- b) the description and funding of services in the budget and the major initiatives that will contribute to the achievement of one of the four Strategic Objectives in the Council Plan 2021-2025,
- c) three-year projections developed based on assumptions developed in the Long-Term Financial Plan, which was adopted by Council on 27 October 2021, to provide a meaningful projection of Council's long term financial position and provide a current understanding of Council's ongoing financial viability, and
- d) financial indicators that describe Council's current and projected performance across a range of key financial performance indicators are found in section 5 of the Budget.

#### **Service Performance (s106 Local Government Act 2020)**

A number of service performance indicators have been incorporated into section 2 includes descriptions of the general services and functions provided by Council under each Council Plan theme, and includes a summary of service statistics in sub-section 2.7. Section 5 of the Draft Budget incorporates four prescribed service performance indicators that Council will report against through its Annual Report.

#### **Risk Assessment**

The budget process must comply with a rigorous schedule to ensure the budget meets the statutory requirements outlined in this report, including final adoption by Council of the budget by 30 June. As a consequence, the public exhibition period of six weeks nominated in Council's policy has been reduced to a period of four weeks (as provided for in Council's Community Engagement Policy), to ensure sufficient time to adopt the budget by 30 June 2024.

The financial sustainability of the Council over the long term has been a focus of this budget and Council is committed to address these challenges. Without important changes to Council's service offering and delivery models, future years will also present deficits and erode Council's ability to support the community in the future.

The Draft Budget has been developed with expectations of external grants as already indicated by Commonwealth and State Governments, however there is a low risk that some of these may be reviewed as they finalise their respective budgets.

#### **Communication/Implementation**

The Draft Budget is planned to be placed on public exhibition for a period of four weeks, following endorsement at this Council Meeting as per Council's Community Engagement Policy. In order to achieve the legislated deadline of adoption by 30 June, submissions will be invited during May and any person wishing to be heard in support of their submission will be invited to a Submissions Committee meeting scheduled on 12 June 2024 prior to consideration and adoption of the Budget at the Council Meeting to be scheduled on 26 June 2024.



## Human Rights Charter

No implication for Human Rights has been identified through the development of the Draft Budget.

## Officer General or Material Interest

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

Where conflicts of interests have been identified in relation to fees and charges these have been addressed in separate items in this agenda.

## Options

Option 1 – Endorse the Draft Budget 2024-25 for the financial year, and subsequent 3 financial years, including the Draft 2024-25 Fees and Charges as presented

This option is recommended by officers. The prepared budget document has been developed over a number of months, has been guided by Councillors participating in dedicated budget briefing sessions, and incorporates Council's most recent information and decisions. Importantly, the Draft Budget 2024-25 incorporates important initiatives to support the community and will support ongoing service delivery. Endorsement of the Draft Budget at this meeting will also fulfil Council's obligations under the Local Government Act 2020.

Amendments to the Draft Budget may be made by Council following consideration of:

- a) public submissions to be heard in June 2024, and
- b) officer recommendations to incorporate any recent information, including updated forecasts, where appropriate.

Option 2 – Endorse the Draft Budget 2024-25 for the financial year, and subsequent 3 financial years, including the Draft 2024-25 Fees and Charges with amendments

This option is not recommended by officers as the implications of amendments to the Draft Budget at this meeting will not be able to be assessed, nor financial implications determined to inform Councillors' consideration of the changes.

Option 3 – Do not endorse the Draft Budget 2024-25 for the financial year, and subsequent 3 financial years, including the Draft 2024-25 Fees and Charges

This option is not recommended by officers.

If Council does not endorse a Draft Budget for the next financial year, or delays the adoption of an annual budget it may:

- i. Compromise its ability to strike rates in accordance with legislation,
- ii. Compromise the opportunity for its community to participate in Council's decision making prior to Council considering the budget for adoption,
- iii. Delay the opportunity for the community to receive benefits from new initiatives,
- iv. Impact delivery of important ongoing services,
- v. Compromise Council's ability to comply with its obligations under the Local Government Act 2020 and Local Government Act 1989.





# COLAC OTWAY SHIRE

## DRAFT BUDGET 2024-25

### TO BE ADOPTED

This Budget Report has been prepared with reference to Local Government Victoria (LGV) Local Government Model Financial Report (LGMFR) 2024-25

Colac Otway Shire

<https://www.colacotway.vic.gov.au>



### **Acknowledgement of Traditional Custodians**

*The Colac Otway Shire Council respectfully acknowledges the Gulidjan and Gadabanud peoples as the traditional owners of the Colac Otway region, the land on which the decisions and activities of the Colac Otway Shire Council take place.*

*We pay our respects to their ancestors and elders, past, present and emerging. We recognise and respect their unique cultural heritage, beliefs and uphold their continuing relationship to this land.*

### **Vision Statement**

*By 2050, Colac Otway Shire will be a destination where people come to appreciate our unique and diverse environment and friendly communities.*

*We value the wisdom of this land's first caretakers, the Gulidjan and Gadabanud peoples, and recognise all those who have cared for the land since.*

*We work to preserve what makes our place special. We focus on environmental sustainability to protect our precious natural assets.*

*We are a proud and resilient community that values our welcoming spirit. We embrace new people, new business, new ideas. Our region is a great place to learn, live, work and play.*





## Table of Contents

Mayor's Message .....	1
CEO's Introduction and Executive Summary .....	2
1 Link to the Council Plan and Community Vision .....	10
1.1 Planning and Accountability Framework.....	10
1.2 Council Plan Themes and Strategic Objectives .....	11
2 Services, Initiatives and Service Performance Indicators .....	12
2.1 Council Plan Theme 1 - Strong and Resilient Economy .....	13
2.2 Council Plan Theme 2 - Valuing the Natural and Built Environment.....	14
2.3 Council Plan Theme 3 - Healthy and Inclusive Community .....	17
2.4 Council Plan Theme 4 - Strong leadership and management .....	20
2.5 Service Performance Outcome Indicators .....	21
2.6 Reconciliation of Council Plan themes to the Income Statement.....	22
2.7 Service Statistics.....	23
3 Financial Statements.....	24
3.1 Comprehensive Income Statement .....	25
3.2 Balance Sheet.....	26
3.3 Statement of Changes in Equity .....	27
3.4 Statement of Cash Flows.....	28
3.5 Statement of Capital Works .....	29
3.6 Statement of Human Resources.....	30
3.7 Summary of Planned Human Resources Expenditure .....	31
4 Notes to the Financial Statements.....	33
4.1 Comprehensive Income Statement .....	33
4.2 Balance Sheet.....	53
4.3 Statement of Changes in Equity .....	54
4.4 Statement of Cash Flows.....	56
4.5 Statement of Capital Works .....	57
4.6 Summary of Planned Capital Works Expenditure .....	62
5 Indicators .....	65
5.1 Targeted Performance Indicators - Service .....	65
5.2 Financial Performance Indicators .....	66
Appendix A – Council Contributions to External Parties .....	68
Appendix B – Operational Projects 2024-25.....	70



## Draft Budget 2024-25

Prepared for Council Meeting 24 April 2024



### Mayor's Message

On behalf of Council, I am pleased to present the Colac Otway Shire Budget for 2024-25. This Budget sets out our financial plan for the coming year, as we strive to achieve our community vision for 2050.

The theme of this Budget is ***enhancing community living***. We are making a significant investment in items that matter to our communities, small and large.

Through consultation and listening to our communities, we are aware of current priorities that will make a difference to people in our community who are passionate about building a stronger economy, celebrating community life, and protecting our beautiful natural environment.

To achieve these things, Council has decided to increase the total budgeted revenue from general rates and the municipal charge in line with the Fair Go Rates system which has set the rate cap at 2.75% for 2024-25. This rate cap was set by the Victorian Government at an amount lower than recent and projected inflation rates in recognition of the financial challenges faced by the community.

Council continues to pursue waste and resource recovery services in line with community expectations and the State Government's Recycling Victoria policy. To contain the burden on general rate revenue that supports many other services, this Budget incorporates increases to the weekly and fortnightly Kerbside Waste Charge of 14.5%, which is less than a dollar per week for all ratepayers who pay this charge.

This budget includes the first new loan for many years, for a specific and exciting project, the electrification of the Bluewater Leisure Centre. This project will proceed if Council is successful in securing an external grant for 50% of the total project cost, and offers diverse benefits for our community including environmental outcomes through ongoing carbon emission reductions, financial savings through lower operating costs and a co-contribution to major asset renewal works.

Council continues to invest in easing the housing and accommodation pressures faced by residents and businesses by investing in ongoing strategic land use planning work. Notably this year Council will fund and commence the Apollo Bay Structure Plan.

It is pleasing that this Budget 2024-25 sees a lift in Council's investment in asset renewal. Maintaining local infrastructure and facilities is important for everyday lives of people in our community as well as businesses and Council is committed to ensuring these assets are in good condition.

We recognise that younger people in our community face a range of challenges and need our support, and so this budget continues to Council's commitment to investing in local youth programs..

Finally, this budget sets our Council and community on a good path for a successful 2024 Council Election and new Council term.

To my fellow Councillors and staff, I express my appreciation for the thoughtful consideration that has been given to the development of a budget that will deliver many important outcomes for our community.



**Draft Budget 2024-25**  
Prepared for Council Meeting 24 April 2024



### CEO's Introduction and Executive Summary

The Budget 2024-25 continues our commitment to supporting the community to receive the many important services provided by Council, as well as ensuring that Council's many assets receive the investment needed to maintain them in good condition for the community.

This budget incorporates a number of financial management improvements, but does not address the trend of ongoing deficits experienced by so many regional Councils including Colac Otway Shire. Despite this, the budget supports an increased investment in asset renewal and capacity to undertake a major transformation at the Bluewater Leisure Centre.

We are aware that the community continues to face financial challenges. This organisation is committed to doing its part in finding efficiencies and has again been diligent in finding financial improvements. I'm pleased that through robust financial management and further refinement of our budgeting practices, we have incorporated a cost reduction in our recurrent operations of \$0.222 million in this year's budget. This is the third year we have locked in internal savings and the cumulative effect represents a reduction of greater than \$1.4 million over three years.

This year Council invited the community to have early input to the budget process and we received many great ideas and opportunities, some of which have been incorporated into this Budget. We heard that it is often the small investments that can make a meaningful difference, which has led to a number of modest projects and initiatives being included. This budget also includes an additional \$120,000 that will be provided directly to community groups and partners to support their work for our community.

Thank you to the Councillors who are committed to representing the community and guiding the development of this budget, thanks to the individuals and community groups who shared their ideas and aspirations, and thanks to the many staff for their hard work in preparing this important document.

Summary of Key Financial Outcomes for the proposed Budget 2024-25		\$'000
Net Result (deficit)		(\$4,369)
Adjusted Underlying Result (deficit)		(\$4,369)
Closing Cash Balance		\$26,068
Reserves balance		\$20,371
Capital Works Program (new allocations)		\$11,523
Allocation to Annual Asset Renewal Program (71% of target)		\$11,344



**Draft Budget 2024-25**  
Prepared for Council Meeting 24 April 2024



### Rates and municipal charges

This budget proposes to increase rate revenue in line with the limit set by the Victorian Government through the **Fair Go Rates System**, which is 2.75% for the 2024-25 financial year. The cap is set by the Victorian Government and applies to the total revenue generated through general rates and the municipal charge.

Council's rate revenue also increases due to supplementary rates, which are usually new ratepayers that are created throughout the year from the building of new properties, subdivisions or existing property capital investment. The estimation of Council's revenue from supplementary rates in the 2024-25 financial year are not subject to the rate cap calculation. Supplementary rates that are received during the financial year then become part of general rates in future years and thus become integrated into the overall rate calculation at that time.

<b>Summary of Rate Revenue</b>		\$
Forecast Annualised Rate Revenue at 30 June 2024		\$31,569,274
Forecast Number of Assessments at 30 June 2024		16,058
<b>Forecast Base Average Rate 2023-24 per assessment</b>		<b>\$1,966</b>
Budget Rate Revenue 2024-25		\$32,437,213
<b>Capped Average Rate 2024-25 per assessment</b>		<b>\$2,020</b>
<b>Average Rate Increase</b>		<b>2.75%</b>

As legislated, each property across the state is subject to an independent annual valuation, and these values will be used to calculate individual property rates. This annual revaluation does not result in a net gain or loss of revenue to Council, but it redistributes the rates burden according to updated property values. This means ratepayers may see rate increases that differ from the average 2.75% increase because of changes to their property value relative to that of other ratepayers' properties. Further details relating to rates and charges is included in Section 4.1 of the Budget 2024-25 document.

### Waste charges

Council has three key parts to its total waste and resource recovery service:

1. Kerbside collection
2. Transfer stations and drop-off facilities; and
3. Public litter collection.

Council has a four-bin kerbside collection system including: FOGO (food organic and green organics), comingled recycling, glass only and landfill. The four-bin system helps to divert materials from landfill and is in line with the State Government's Circular Economy policy for a cleaner greener Victoria with less waste and pollution. In addition to the implementation of an enhanced waste



**Draft Budget 2024-25**

Prepared for Council Meeting 24 April 2024



service which directly increases service costs, Council is also subject to increasing external costs including landfill levies paid to the State Government.

Council has held a position that the cost of kerbside collection services will be funded through the levying of a waste management charge, issued via the property rates notice. The balance of the waste service costs are funded through Council's general rates income along with other services.

Council recognises that the waste management charge needs to increase sufficiently to cover cost increases in kerbside collection services to avoid impacting on the general rate revenue and consequently other services. With this in mind, the proposed waste charges for the 2024-25 financial year are to increase by an average of 14.5% as follows:

- Properties receiving a weekly kerbside collection will be levied a charge of **\$402** per annum
- Properties receiving a fortnightly kerbside collection will be levied a charge of **\$307** per annum

When compared to the waste management charges levied on individual properties in the 2023-24 financial year, the increases to waste charges proposed above equates to the following:

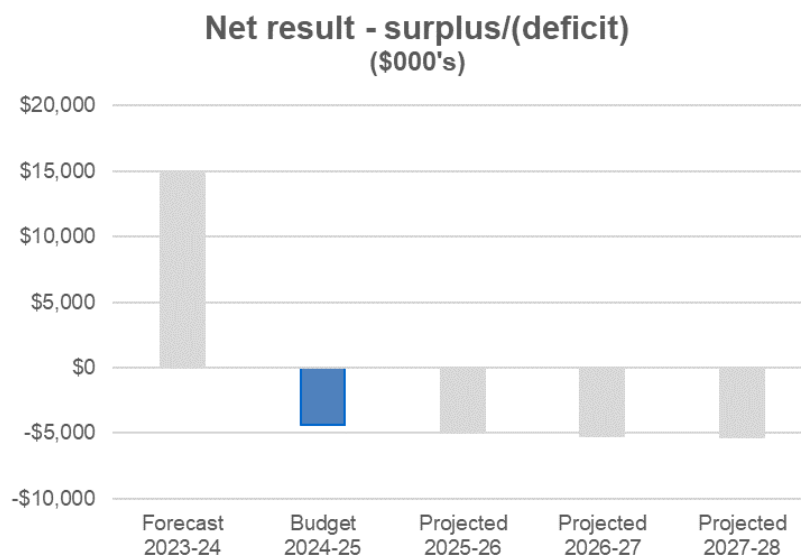
- \$51 per annum (or an average of 98 cents per week) for weekly kerbside collection
- \$39 per annum (or an average of 75 cents per week) for fortnightly kerbside collection.

The budget proposes increases to the kerbside waste charges that are higher than in recent years, and higher than the average increase in general rates. This aims to contain the amount of overall kerbside collection expenses that are reliant on funding through general rate revenue, with the objective that in future years the waste charge will cover the full cost of kerbside collection services as intended under Council's policy.

**Net Result**

The budgeted net result represents all revenues less operating expenses and is further detailed in Council's formal statements (section 3).

The expected net result for the 2024-25 financial year is a deficit of \$4.37 million. This result is a decline on the previous year's budgeted and forecast net result, due primarily to Council anticipating lower non-recurrent capital and operational grants than in recent years.





**Draft Budget 2024-25**

Prepared for Council Meeting 24 April 2024

With respect to the Forecast 2023-24 surplus of \$14.9 million (refer to the previous graph), this includes approximately \$17.26 million of higher capital income compared to the adopted Budget 2023-24 that is tied to specific projects and outcomes. Council cannot re-direct or re-allocate this to general revenue or other activities and at the end of financial year 2023-24, much of this will be recognised as 'unearned income' or 'income not yet received' and therefore the Forecast 2023-24 represents an underlying deficit of (\$2.36 million).

**Adjusted Underlying Result**

In addition to prescribing the calculation of the Net Result of Council's Budget, 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 (non-recurrent) revenue items that may otherwise overstate Council's normal performance. Under regulations the 2024-25 surplus/deficit is calculated as follows:

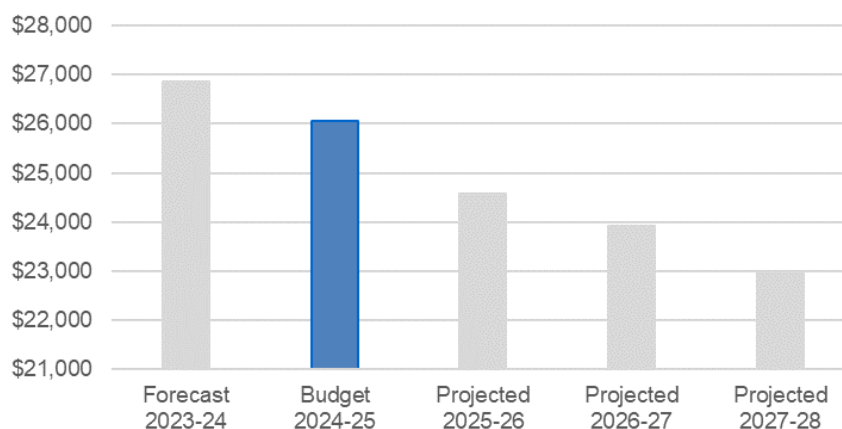
<b>Adjusted Underlying Result</b>	<b>\$'000</b>
Total Comprehensive Result	(\$4,369)
Non-recurrent grants used to fund capital expenditure	-
Non-monetary asset contributions	-
Other contributions to fund capital expenditure	-
<b>Adjusted Underlying Result (surplus/deficit)</b>	<b>(\$4,369)</b>

The Adjusted Underlying Result assists in removing the over-statement that results from including capital income without associated expenditure.

**Cash and Investments**

Cash and investments are expected to decrease by \$0.79 million during the 2024-25 financial year to \$26.068 million. Over time there is a downward trend in cash balances as Council progressively delivers its capital projects and draws on project income paid in advance of project expenditure.

### Cash and Cash Equivalents (\$'000's)



While Council's cash balance is expected to remain at moderate levels, the funds are already fully committed to achieving Council priorities and Council has no capacity to put aside unallocated cash for unforeseen events or discretionary allocations when opportunities arise.



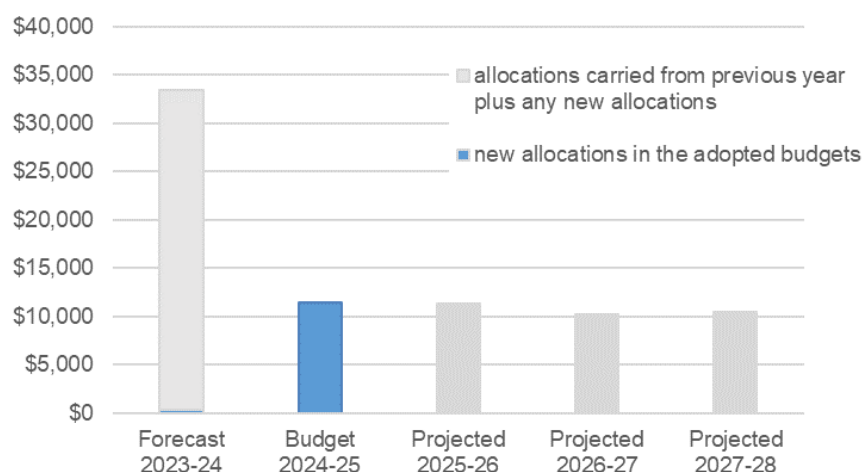
### Capital Works Program

In any financial year the total program allocation for Council's Capital Works Program comprises: new project commitments; the portion of the Capital Works Program that was not completed before the end of the previous financial year (project budgets 'carried forward'); and any new projects arising throughout the year. With all of these inputs, the forecast for the total allocation to Council's Capital Works Program in 2023-24 is \$33.04 million.

While the majority of this Budget 2024-25 is premised on all current projects being completed by the 30 June 2023, the reality is that the majority of the program of works relates to multi-year or delayed projects and an amount will be carried forward from 2023-24 to 2024-25.

An estimate of projects to be carried forward is included in Note 4.5.3 of the Budget and the final amount will be calculated as part of the end of year process and incorporated into the Forecast 2024-25 as part of the first quarter of the next financial year.

**Capital Works Program - allocations**  
(\$000's)



### Asset Renewal Funding

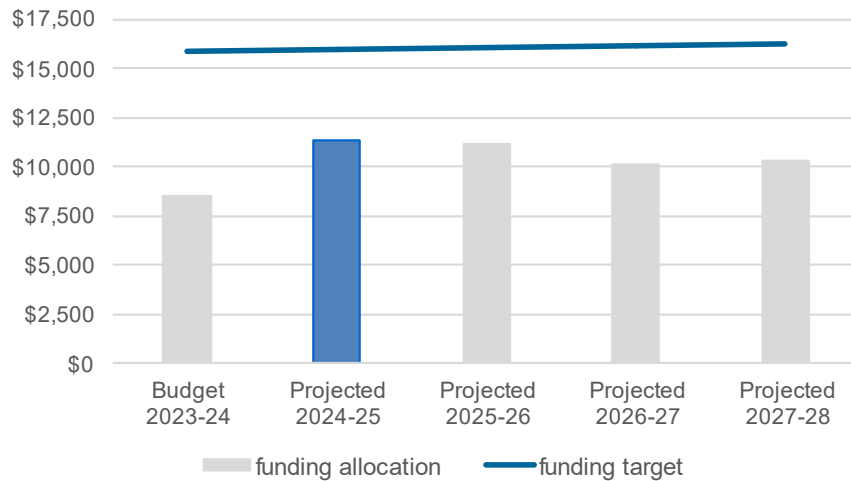
Council's Asset Renewal Funding Strategy is incorporated into its adopted Asset Plan. The strategy establishes the overall allocation to asset renewal that Council aims to make each year so that it can fund reconstruction and renewal works when assets need this type of intervention. A prioritised strategic approach to the asset renewal allocation avoids renewal requirements having to compete for funding against new priorities.

Council's Asset Renewal Funding Strategy uses annual depreciation as a proxy for the annual funding that Council should commit if it is to have funds available to respond to the anticipated asset renewal demands. When the value of demands exceeds the accumulated funds available, Council will have an 'asset renewal backlog' and when Council has an excess of funds committed it should quarantine the funds in a cash reserve to draw on funds when needed.

The Budget 2024-25 allocates \$11.34 million to the asset renewal program in a total capital program of \$11.52 million.



### Annual Asset Renewal Funding Allocation (\$'000's)



Council is not able to fund its desired asset renewal funding allocation in 2024-25, with the target being an allocation equivalent to 110% of depreciation in the budget year. This means that the unfunded value of assets with a condition that has reached desired intervention, referred to as the 'asset backlog', will increase until Council can address this in the longer term.

Further information on Council's capital works program can be found in sections 3.5 and 4.5 of this document.

### Operational Projects

Council also invests in non-infrastructure projects each year across a range of activities and initiatives that help inform Council's decisions, plan for the future, or deliver important outcomes today for the community. Important examples of Operational Projects include development of strategies, policies, masterplans and supporting advocacy priorities. Council is allocating \$1.775 million to operational projects in 2024-25 and these are listed in more detail in Appendix B.

### Debt Management

Council has included the procurement of a loan of \$500,000 in the year 2024-25. for the Electrification of the Bluewater Leisure Centre. This enables Council to meet its co-contribution if it is successful in securing an external grant for this project, in addition to a further cash contribution of \$842,000.

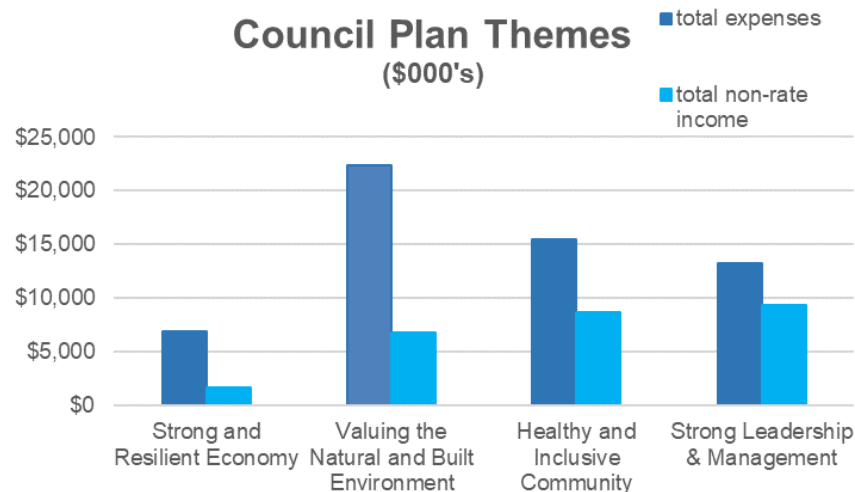
The budget anticipates borrowing the funds at the end of 2024-25, which is the earliest it is expected that Council may be in a position to enter a construction contract for this project, albeit the expenditure might not occur until 2025-26.

Section 4.2 of this document contains further information about Council's debt profile.



### Strategic objectives

The Council Plan 2021-2025 sets out the strategic objectives that Council will focus on for this Council term. The Council Plan has four key themes with corresponding strategic objectives and outcomes. The following graph outlines Council's total planned expense and non-rate income for each theme. These are detailed further in sections 1 and 2 of this Budget report.



Where service-specific income streams do not generate enough revenue to fully cover the costs of services and projects in that theme, the costs are covered through Council's general rates revenue and in effect all ratepayers are funding the services.

Expenses and investments reported under the theme of Strong Leadership and Management don't recognise the important role of corporate functions in supporting the customer-facing functions and services that Council provides because Council has not yet implemented a model for distributing corporate overheads. Recognition of corporate overheads is recommended by the Victorian Auditor General and is one of the strategic objectives endorsed by Council when it adopted its Financial Plan in 2021.

### Major Initiatives

Council has identified major initiatives for each of the Council Plan Themes to be delivered in 2024-25 financial year which are summarised in the following table.

Council Plan 2021-25 Theme	Major Initiative	Expense Budget \$'000s
Strong and Resilient Economy	Commence the Apollo Bay Structure Plan	\$200
Valuing the Natural and Built Environment	Bluewater Leisure Centre Electrification Project – Stage 1 Planning and Design	\$42
Healthy and Inclusive Community	Ongoing Council contribution to the Youth Engagement Program	\$70
Strong Leadership & Management	Council Election and new Councillor Term induction	\$350

These major initiatives are described in more detail in section 2.



**Draft Budget 2024-25**  
Prepared for Council Meeting 24 April 2024



### Strategic targets

Council has also established Strategic Targets in accordance with *Local Government (Planning and Reporting) Regulations 2020*. The following targets have been developed with consideration given to past performance, current priorities and planned investment by Council. These targets are summarised below and explained in more detail in section 5.

Service/Financial area	Description	2024-25 Target
Service Indicators		
<b>Governance</b>		
Satisfaction with community consultation and engagement	Community satisfaction rating out of 100 with the consultation and engagement efforts of Council	53.53
<b>Roads</b>		
Sealed local roads below the intervention level	Number of kms of sealed local roads below the renewal intervention level set by Council/kms of sealed local roads	100%
<b>Statutory planning</b>		
Planning applications decided within the relevant required time	Number of planning application decisions made within the relevant required time/Number of decisions made	85%
<b>Waste management</b>		
Kerbside collection waste diverted from landfill	Weight of recyclables and green organics collected from kerbside bins/Weight of garbage, recyclables and green organics collected from kerbside bins	63%
Financial Indicators		
<b>Liquidity</b>		
Working Capital	Current assets/current liabilities	249.53%
<b>Obligations</b>		
Asset renewal	Asset renewal and upgrade expense/Asset depreciation	79.45%
<b>Stability</b>		
Rates concentration	Rate revenue/adjusted underlying revenue	64.55%
<b>Efficiency</b>		
Expenditure level	Total expenses/ no. of property assessments	3,970



## 1 Link to the Council Plan and Community Vision

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

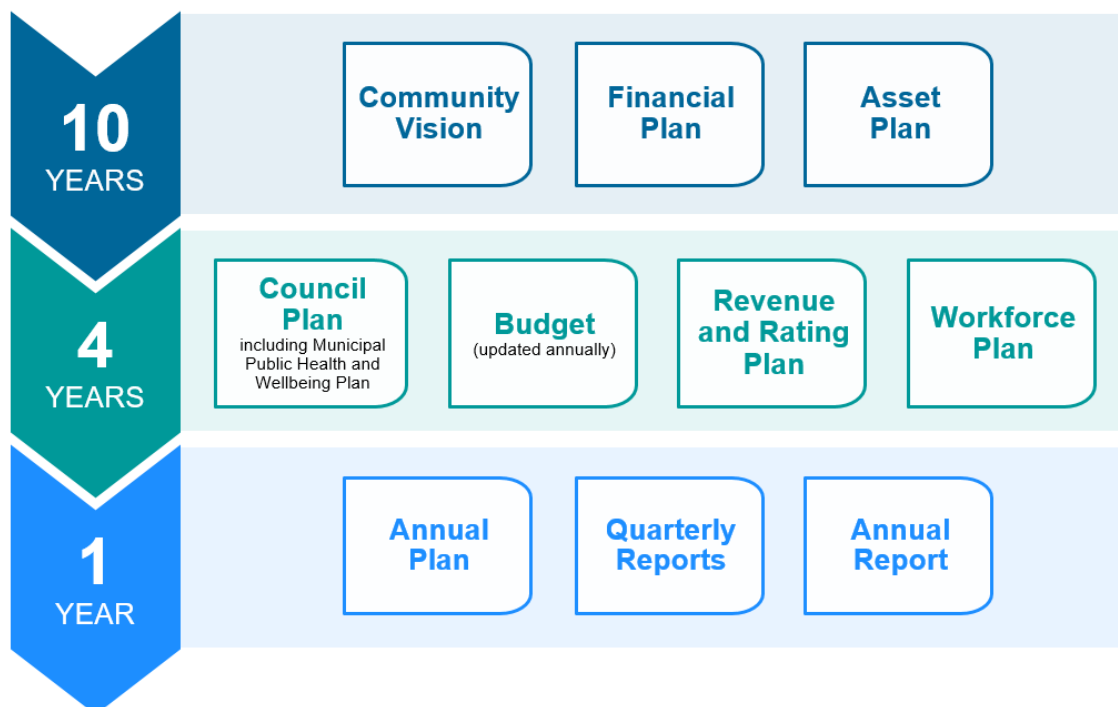
Council developed a vision statement with the community in 2021. This statement is found inside the cover of this budget document.

### 1.1 Planning and Accountability Framework

Council has an Integrated Planning Framework that aligns our operational, corporate and strategic plans to deliver core services, and achieve sustainable improvements for the Council and community. The framework includes long, medium and short-term plans that set the direction of everything we do.

The Budget forms an important part of Council's Integrated Planning and Reporting Framework. This framework ensures that the Budget is developed in response to Council Plan priorities, and specifies the required amount to fund Council services and initiatives over the next 12 months and subsequent 3 financial years.

The 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).



The framework includes reports to monitor the implementation of our plans. The Annual Report, including audited financial statements, is our report to the community on our performance during the year.



**Draft Budget 2024-25**

Prepared for Council Meeting 24 April 2024

**1.2 Council Plan Themes and 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 Council Plan 2021-2025.

The following table lists the four Strategic Objectives as described in the Council Plan.

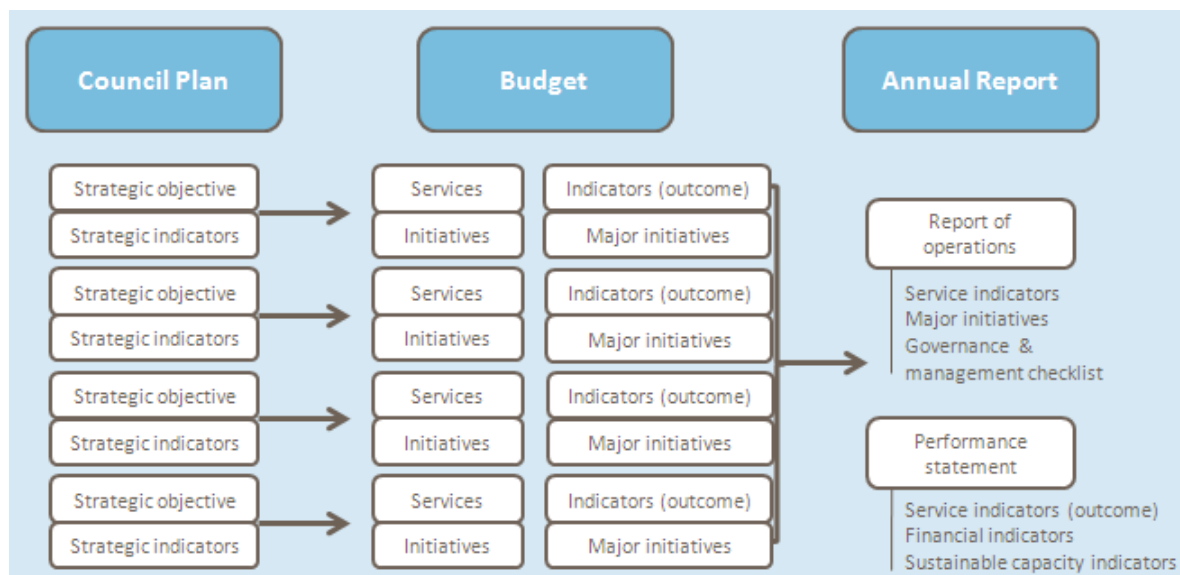
THEME	DESCRIPTION	STRATEGIC OBJECTIVES
<b>STRONG AND RESILIENT ECONOMY</b>	We are committed to expanding our diverse industries, vibrant arts community, world-renowned tourism, and professional health services. A healthy, growing economy will provide sustainable industries and jobs, and opportunities for all ages.	<ul style="list-style-type: none"> <li>Affordable and available housing will support our growing community and economy</li> <li>Attract, retain and grow business in our Shire</li> <li>Key infrastructure investment supports our economy and liveability</li> <li>Colac Otway Shire is a destination to visit</li> <li>Grow the Colac Otway Shire's permanent population by at least 1.5%</li> </ul>
<b>VALUING THE NATURAL AND BUILT ENVIRONMENT</b>	We will protect our natural environment and communities, by maintaining and providing resilient infrastructure, and being leaders in sustainable living, modelling innovation and best practice.	<ul style="list-style-type: none"> <li>We mitigate impacts to people and property arising from climate change</li> <li>We operate sustainably with a reduced carbon footprint</li> <li>Protect and enhance the natural environment</li> <li>We will satisfy our community's reasonable expectations to reduce waste going to landfill, increase resource recovery and minimise waste charges</li> <li>Provide and maintain an attractive and safe built environment</li> </ul>
<b>HEALTHY AND INCLUSIVE COMMUNITY</b>	We will continue to be a great place to live. We embrace our diverse community, take care of our older community and prepare our children for success. We care for each other, are friendly and welcoming, and enjoy a vibrant and active lifestyle. We are a small population with big hearts.	<ul style="list-style-type: none"> <li>All people have the opportunity to achieve and thrive in our shire</li> <li>People are active and socially connected through engaging quality spaces and places</li> <li>We are a safe, equitable and inclusive community</li> </ul>
<b>STRONG LEADERSHIP AND MANAGEMENT</b>	We will be leaders in good governance, transparency and strive for ongoing improvement.	<ul style="list-style-type: none"> <li>We commit to a program of best practice and continuous improvement</li> <li>We are a financially robust organisation</li> <li>We provide exceptional customer service</li> <li>We support and invest in our people</li> </ul>



## 2 Services, Initiatives and Service Performance Indicators

This section provides a description of the services and initiatives to be funded in the Budget for the 2024-25 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 Environment, Land, Water and Planning.

Services for which there are prescribed performance indicators to be reported in accordance with the Regulations are included in the following sections. The reconciliation between the surplus for the year recorded on the Income Statement and the activities and initiatives is detailed within this section.

Sections 2.1 through to 2.4 provide indicative costs for the various services and functions of Council as they sit under each Council Plan theme.

The expenses, revenue and net costs indicated for the various services and functions in 2024-25 represent general recurrent operations and operational projects, but do not include non-cash items such as depreciation/amortisation or distribution of corporate overheads.



## 2.1 Council Plan Theme 1 - Strong and Resilient Economy

This theme represents Council's commitment to supporting the expansion of the Shire's diverse industries, vibrant arts community and world-renowned tourism.

This section outlines the activities and initiatives for Council services and key strategic activities.

Council has not budgeted for the Port of Apollo Bay operations in 2024-25 as this is planned to transition to the Great Ocean Road Coast and Parks Authority as of 1 July 2024.

Service area	Description of services provided		2022-23 Actual \$'000	2023-24 Forecast \$'000	2024-25 Budget \$'000
Apollo Bay Harbour	The State Government has appointed Council to operate the Port of Apollo Bay to support the fishing industry and to manage the Apollo Bay Harbour for the enjoyment of the community	<i>Exp</i>	635	1,306	-
		<i>Rev</i>	(1,136)	(1,059)	-
		<b>NET</b>	<b>(502)</b>	<b>247</b>	-
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>	384	366	386
		<i>Rev</i>	(473)	(505)	(523)
		<b>NET</b>	<b>(90)</b>	<b>(139)</b>	<b>(137)</b>
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>	696	877	849
		<i>Rev</i>	(18)	(39)	(32)
		<b>NET</b>	<b>678</b>	<b>838</b>	<b>817</b>
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>	716	802	837
		<i>Rev</i>	(197)	(201)	(184)
		<b>NET</b>	<b>519</b>	<b>601</b>	<b>653</b>
Events	This service provides for active community involvement in the provisioning of management and support for community entertainment and events.	<i>Exp</i>	139	122	132
		<i>Rev</i>	(6)	(6)	(5)
		<b>NET</b>	<b>133</b>	<b>116</b>	<b>127</b>
Arts and Culture	This service is responsible for running the Colac Otway Performing Arts and Cultural Centre, plus providing support to the arts via events, grants and space provision.	<i>Exp</i>	888	849	894
		<i>Rev</i>	(184)	(441)	(510)
		<b>NET</b>	<b>704</b>	<b>408</b>	<b>384</b>
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>	1,591	1,460	1,449
		<i>Rev</i>	(518)	(382)	(381)
		<b>NET</b>	<b>1,072</b>	<b>1,079</b>	<b>1,068</b>
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>	251	650	673
		<i>Rev</i>	-	-	-
		<b>NET</b>	<b>251</b>	<b>650</b>	<b>673</b>

### Major initiatives in 2024-25 relating to this theme of a Strong and Resilient Economy

The major initiative for 2024-25 relating to this theme of a Strong and Resilient Economy is Council's funding commitment to commence a review of the Apollo Bay Structure Plan. The primary goal is to ensure that adequate land supply is available in Apollo Bay, Skenes Creek and Marengo to cater for their future housing and commercial needs. In particular, the Structure Plan would investigate the potential to achieve increased housing diversity and affordability and improved accommodation options to meet the town's employment needs whilst maintaining the towns' unique coastal



**Draft Budget 2024-25**  
Prepared for Council Meeting 24 April 2024



character. The \$200k allocated to this project will support a review of land supply needs, an update to the 2005 Neighbourhood Character Study and a review of current planning controls.

Other Initiatives – Capital Projects

- Improvements to Meredith Park Camping and Recreation area

Other Initiatives – Operational Projects

- Gaming and Licensed Premises Policy – Stage 1

**Service Performance Outcome Indicators relevant to this theme**

Service	Indicator	Performance Measure	2022-23 Actual	2023-24 Forecast	2024-25 Target
Statutory planning	Decision making	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)	80%	80%	100%

## 2.2 Council Plan Theme 2 - Valuing the Natural and Built Environment

This theme represents Council's commitment to protecting our natural environment and communities, by maintaining and providing resilient infrastructure, and being leaders in sustainable living, modelling innovation and best practice.

This section outlines the activities and initiatives for Council services and key strategic activities.

Service area	Description of services provided		2022-23 Actual \$'000	2023-24 Forecast \$'000	2024-25 Budget \$'000
Building services	These services support maintaining a safe built environment by overseeing compliance with building development controls.	<i>Exp</i>	1,447	1,448	1,475
		<i>Rev</i>	(187)	(138)	(112)
		<b>NET</b>	<b>1,260</b>	<b>1,310</b>	<b>1,363</b>
Emergency Management	This service provides for the necessary support for the community in the case of an emergency event occurring.	<i>Exp</i>	425	313	286
		<i>Rev</i>	(30)	(55)	(16)
		<b>NET</b>	<b>394</b>	<b>258</b>	<b>270</b>
Environment Sustainability	This service provides for management of our natural environment to the betterment and enjoyment of all members of our community. Budget includes ongoing allocation for Carbon Offset.	<i>Exp</i>	570	665	646
		<i>Rev</i>	-	-	-
		<b>NET</b>	<b>570</b>	<b>665</b>	<b>646</b>
Civil infrastructure and building (See note below)	The civil works team is responsible for the construction, maintenance and day-to-day operation of Council's sealed and unsealed road, bridges, drainage and pathways. The Building maintenance team is responsible for a wide range of Council facilities and associated infrastructure (e.g. indoor sports facilities, recreation, early years, public toilets, community halls).	<i>Exp</i>	7,563	7,178	8,305
		<i>Rev</i>	(5,266)	(21,994)	(245)
		<b>NET</b>	<b>2,298</b>	<b>(14,816)</b>	<b>8,060</b>
Waste	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.	<i>Exp</i>	4,758	5,515	6,247
		<i>Rev</i>	(3,690)	(4,091)	(4,740)
		<b>NET</b>	<b>1,068</b>	<b>1,424</b>	<b>1,507</b>



### **Major initiatives in 2024-25 relating to this theme of Valuing the Natural and Built Environment**

Council is committed to reducing its carbon emissions to zero and has submitted a grant application to the Federal Government's Community Energy Upgrades Fund to facilitate the full electrification of the Shire's Bluewater Leisure centre in Colac. If Council is successful in securing the grant, it will need to fund \$1.342m.

The \$2.7m project would avoid 379 tonnes of CO<sub>2</sub> currently produced by the Bluewater Leisure Centre operations, approximately 22% of Council's current residual emissions. The project would significantly advance Council towards meeting its aspirations for net zero emissions in its Environmental Sustainability Strategy and Climate Change Action Plan, both adopted in October 2023.

This budget supports this exciting project through the allocation of \$42k to commence planning and design work and through the inclusion of borrowings of \$500k. The borrowings and a further \$800k (to be drawn from cash reserves) will be expended in the following year 2025-26.

#### **Other Initiatives – Capital Projects**

- Asset Renewal Funds for unplanned works
- Connor and Scott Street, Colac intersection pavement renewal
- Koonya Avenue, Wye River reconstruction - Wallace Street to Dunoon Road
- Mooleric Road, Ombersley reconstruction, Stage 2
- Pascoe Street, Apollo Bay reconstruction - from Moore Street to Nelson Street
- Pengilley Avenue, Apollo Bay reconstruction - from Gallipoli Parade to McLachlan Street
- Pound Road and Queen Street Intersection
- The Boulevarde, Wye River reconstruction
- Eastern Reserve Oval Playing Surface Releveling
- Forward Capital Works Design Program
- Guardrail Replacement Program
- Heavy Fleet Replacement Program 2024-25
- Kerb and Channel Renewal Program
- Light Fleet Vehicle Replacement Program 2024-25
- Reseal Renewal Program
- Road Shoulder Resheeting Program – Renewal
- Road-slip Retaining Structures Renewal Program
- Sealed Road Crack Sealing Program
- Sealed Road Major Patching Program
- Strategic Drainage Improvement Program
- Unsealed Road Re-sheeting Program
- Pits, Pipes, Culverts and Headwall renewal program
- Bromfield Street – stormwater pipe Replacement
- Building Defects Rectification program
- Bridge Renewal Program
- Municipal Pound building improvements



**Draft Budget 2024-25**

Prepared for Council Meeting 24 April 2024

## Other Initiatives – Operational Projects

- Road Management Plan
- Street Tree Planting Program, 2024-25

**Service Performance Outcome Indicators relevant to this theme**

Service	Indicator	Performance Measure	2022-23 Actual	2023-24 Forecast	2024-25 Target
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)	55%	61%	63%
Waste collection	Satisfaction	Satisfaction with sealed local roads. (Community satisfaction rating out of 100 with how Council has performed on the condition of sealed local roads)	47	48	49



## 2.3 Council Plan Theme 3 - Healthy and Inclusive Community

This theme represents Council's commitment to ensuring that Colac Otway Shire continues to be a great place to live. Council commits to embrace our diverse community, take care of our older community and prepare our children for success.

This section outlines the activities and initiatives for Council services and key strategic activities.

Service area	Description of services provided		2022-23 Actual \$'000	2023-24 Forecast \$'000	2024-25 Budget \$'000
Parks gardens and reserves management	The parks and gardens team cares for and manages the maintenance of landscaping in streetscapes and open space areas for the enjoyment of all community members, including the Colac Botanical Gardens.	<i>Exp</i>	2,113	2,999	2,589
		<i>Rev</i>	0	(1)	(0)
		<b>NET</b>	<b>2,113</b>	<b>2,998</b>	<b>2,589</b>
Children and Family Services	This service provides support to our children, families and youth to encourage and nurture their growth and development. Council's early years service delivery has a focus on kindergartens, family day care and maternal and child health services, and continues to supporting young people through delivery of state-funded programs.	<i>Exp</i>	967	977	999
		<i>Rev</i>	(686)	(647)	(674)
		<b>NET</b>	<b>281</b>	<b>330</b>	<b>325</b>
Older Persons & Disability	This service provides support to older persons and people with disabilities to with services and support that helps people to live independently in their own home for as long as possible.	<i>Exp</i>	4,590	4,032	4,930
		<i>Rev</i>	(4,973)	(4,606)	(5,649)
		<b>NET</b>	<b>(383)</b>	<b>(574)</b>	<b>(719)</b>
Recreation	This service provides for active community involvement and the promotion of healthy lifestyles by providing for suitable sporting and recreational facilities.	<i>Exp</i>	275	304	355
		<i>Rev</i>	-	-	-
		<b>NET</b>	<b>275</b>	<b>304</b>	<b>355</b>
Leisure centre	This service provides for active community involvement and the promotion of healthy lifestyles by providing for suitable sporting and recreational facilities.	<i>Exp</i>	2,044	2,197	2,419
		<i>Rev</i>	(1,210)	(1,437)	(1,636)
		<b>NET</b>	<b>833</b>	<b>761</b>	<b>783</b>
Connected	This service provides the delivery of high quality, sustainable community health and wellbeing services that lead to a healthier and more active community.	<i>Exp</i>	387	520	374
		<i>Rev</i>	(152)	(207)	(2)
		<b>NET</b>	<b>234</b>	<b>313</b>	<b>372</b>
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.	<i>Exp</i>	858	1,025	1,008
		<i>Rev</i>	-	-	-
		<b>NET</b>	<b>858</b>	<b>1,025</b>	<b>1,008</b>
Local Laws and Animal	This service provides for community safety and health by providing for a framework for behaviours which affect our community well-being. The work of the team is supported by Council's Local Laws that control general amenity matters. The team also undertakes animal management, helping lost pets be returned to their families and lost stock to be returned to farmers.	<i>Exp</i>	669	823	789
		<i>Rev</i>	(421)	(360)	(397)
		<b>NET</b>	<b>248</b>	<b>463</b>	<b>392</b>
Environmental	This service promotes a healthy and safe lifestyle by actively promoting and policing public health issues.	<i>Exp</i>	539	533	561
		<i>Rev</i>	(282)	(266)	(255)
		<b>NET</b>	<b>257</b>	<b>267</b>	<b>306</b>



**Draft Budget 2024-25**

Prepared for Council Meeting 24 April 2024

**Major initiative in 2024-25 relating to this theme of a Healthy and Inclusive Community**

Council recognises the importance of supporting young people, including young adults, to stay engaged in their community in ways that are meaningful, to support them to have healthy and successful lives and contribute to the future of the municipality. Council has a modest amount of external funding, and is committed to maximise outcomes for young people by making additional investment in its youth services team and programs.

**Other Initiatives – Capital Projects**

- Carlisle River school bollards
- Colac Central Bowling Club
- Colac Visitor Information Centre
- Colac Maternal Child Health Building - minor renewal works
- Facilities amenities and bathroom works
- Facilities painting program
- Fixtures, Fittings and Furniture program
- Footpath Renewal annual program
- Lake Colac Foreshore furniture improvements
- Lake Colac Oval pavilion fixtures renewal
- Memorial Square Colac Fountain Renewal
- Open Space Improvements at Wyuna Estate – bbq and picnic shelter
- Open Space Renewal Annual Program
- Installation of Street Art
- Roof Replacement Program
- Wastewater management systems at public toilets and halls
- Strategic footpath network expansion

**Other Initiatives – Operational Projects**

- Aged Care Review Implementation
- Apollo Bay Cricket Net upgrade - Council contribution
- Planning for Future Bike Parks
- Christmas Events
- Council's ongoing contribution to the Youth Engagement Program
- Soccer Facilities Feasibility Study



**Draft Budget 2024-25**

Prepared for Council Meeting 24 April 2024

**Service Performance Outcome Indicators relevant to this theme**

Service	Indicator	Performance Measure	2022-23 Actual	2023-24 Forecast	2024-25 Target
Libraries (See note below )	Participation	Active library members. (Percentage of the municipal population that are active library members)	3.98%	8%	12%
Aquatic Facilities	Utilisation	Utilisation of aquatic facilities. (Number of visits to aquatic facilities per head of municipal population)	1.73%	4.50%	5.00%
Maternal and Child Health	Participation	Participation in the MCH service. (Percentage of children enrolled who participate in the MCH service)	75.84%	75%	75%
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)	88.89%	100%	100%
Animal Management	Health and safety	Animal management prosecutions. (Number of successful animal management prosecutions)	0% (Note: there were no prosecutions in 2022-23)	100%	100%

Note – The performance indicator for libraries (reflecting active library borrowers) is calculated as a rolling average over three years. Because 2021-22 was the first year that Council was a member of the Geelong Regional Library Corporation (GRLC) the indicator is low because there were no GRLC members for Colac Otway Shire in the two years prior. Similarly, the forecast 2022-23 indicator only has two years of membership data and it is not until Council has been an active member of GRLC for three years that it will have a realistic indication of active borrowers.



**Draft Budget 2024-25**

Prepared for Council Meeting 24 April 2024

**2.4 Council Plan Theme 4 - Strong leadership and management**

This theme represents Council's commitment to be leaders in good governance, transparency and strive for ongoing improvement. This section outlines the activities and initiatives for Council services and key strategic activities.

Service area	Description of services provided		2022-23 Actual \$'000	2023-24 Forecast \$'000	2024-25 Budget \$'000
Councillors and Chief Executive Office	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.	<i>Exp</i>	1,973	2,178	2,352
		<i>Rev</i>	(1)	(12)	(1)
		<b>NET</b>	<b>1,972</b>	<b>2,166</b>	<b>2,351</b>
Procurement and Contract Management	This service provides oversight and governance on contractual and procurement services undertaken by Council.	<i>Exp</i>	300	378	341
		<i>Rev</i>	-	-	-
		<b>NET</b>	<b>300</b>	<b>378</b>	<b>341</b>
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.	<i>Exp</i>	1,508	1,772	1,735
		<i>Rev</i>	(42,069)	(40,451)	(9,342)
		<b>NET</b>	<b>(40,561)</b>	<b>(38,679)</b>	<b>(7,607)</b>
Information Services	This services provides management and governance of information flow s, storage and retrieval within the organisation in accordance with appropriate legislation and standards.	<i>Exp</i>	2,424	2,579	3,456
		<i>Rev</i>	-	-	-
		<b>NET</b>	<b>2,424</b>	<b>2,579</b>	<b>3,456</b>
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.	<i>Exp</i>	445	416	441
		<i>Rev</i>	(0)	(0)	(0)
		<b>NET</b>	<b>445</b>	<b>415</b>	<b>441</b>
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.	<i>Exp</i>	542	549	485
		<i>Rev</i>	-	-	-
		<b>NET</b>	<b>542</b>	<b>549</b>	<b>485</b>
People and Culture	This service provides and develops a cultural of high performance, productivity and accountability across the organisation.	<i>Exp</i>	855	1,166	1,163
		<i>Rev</i>	-	-	-
		<b>NET</b>	<b>855</b>	<b>1,166</b>	<b>1,163</b>
Risk management	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.	<i>Exp</i>	1,261	1,160	1,202
		<i>Rev</i>	(256)	(33)	(33)
		<b>NET</b>	<b>1,005</b>	<b>1,127</b>	<b>1,169</b>
Operational projects	In 2024-25 Council plans to fund \$1.78 million of operational projects with a particular focus on strategic planning activities that help progress residential land and dwellings.	<i>Exp</i>	-	-	1,775
		<i>Rev</i>	-	-	-
		<b>NET</b>	<b>-</b>	<b>-</b>	<b>1,775</b>



**Draft Budget 2024-25**

Prepared for Council Meeting 24 April 2024

**Major initiative in 2024-25 relating to this theme of Strong Leadership and Management**

The major investment in leadership in 2023-24 will be the investment in the **2024 General Election** and ensuring that the Councillors are strongly supported with a robust **Councillor Induction** program.

## Other Initiatives – Capital Projects

- ICT Annual Network Switch Replacement
- ICT Annual device renewal program

## Other Initiatives – Operational Projects

- Asset Condition Assessments
- Revenue and Rating Plan
- Security Application Control
- Storage Compliance

**Service Performance Outcome Indicators relevant to this theme**

Service	Indicator	Performance Measure	2022-23 Actual	2023-24 Forecast	2024-25 Target
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)	53	52	53

**2.5 Service Performance Outcome Indicators**

The service performance indicators detailed in the preceding pages will be reported on in the Performance Statement which is prepared at the end of the year as required by Section 132 of the Act and included in the 2024-25 Annual Report.



**Draft Budget 2024-25**

Prepared for Council Meeting 24 April 2024

**2.6 Reconciliation of Council Plan themes to the Income Statement**

This section outlines the activities and initiatives for Council services and key strategic activities.

	Net Cost (Revenue)	Expenditure	Revenue
	\$'000	\$'000	\$'000
Strong and Resilient Economy	3,585	5,219	(1,634)
Valuing The Natural and Built Environment	11,845	16,958	(5,114)
Healthy and Inclusive Community	5,392	14,005	(8,613)
Strong Leadership & Management	3,575	12,950	(9,375)
<b>Total</b>	<b>24,396</b>	<b>49,132</b>	<b>(24,736)</b>

***Expenses added in:***

Depreciation	14,503
Amortisation - right of use assets	101
Finance costs	10

***Deficit before funding sources*****39,010*****Funding sources added in:***

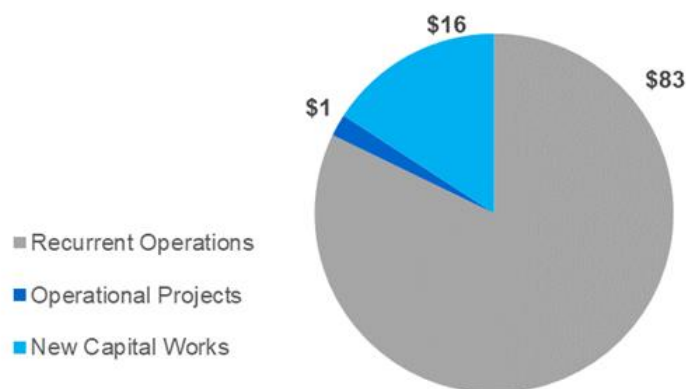
Rates and charges revenue (excluding Waste)	(32,938)
Capital grants	(1,703)

***Total funding sources*****(34,641)**

<b>Operating (surplus)/deficit for the year</b>	<b>4,369</b>
---	--------------

Each \$100 of expenditure in Council's budget for the 2024-25 financial year is allocated as follows:

- \$83 will be spent delivering Council's regular **services** and activities (recurrent operations that occur each year)
- \$17 will be committed to new **initiatives** (capital and operational projects and one-off initiatives)

**How does \$100 get spent in 2023-24?**



## 2.7 Service Statistics

The following table provides the community with high-level information about the types and scale of regular services that Council can expect to deliver through this budget.

The list is not exhaustive and actual results are measured through the year.

<b>Customer experience</b>		<b>Community facilities</b>	
Total calls taken	27,500	Recreation reserves maintained	5
Total service centre visits	5,200	Recreation reserves supported	14
Number of transactions receipted	8,100	Playgrounds and skate parks maintained	29
<b>Governance functions</b>		<b>Aquatic facilities</b>	
Freedom of information requests p.a.	20	Bluewater annual members	1,400
Community Asset Committees supported.	24	Bluewater learn to swim enrolments	450
<b>Positive aging and community care</b>		<b>Local Laws and Rangers Services</b>	
In home care hours delivered	47,000	Dog registrations	4,130
Number of individual clients receiving service	1,100	Cat registrations	1,363
Meals delivered 'on wheels'	3,500	<b>Statutory Planning</b>	
<b>Children's Services</b>		Applications determined	370
Family Day Care (hours provided)	25,000	Planning compliance matters addressed	20
New babies supported by M&CH	231	<b>Road services</b>	
Consultations with 0-3.5 year olds	1,976	Total length of roads maintained	1,628 kms
<b>Regulatory Building Services</b>		<b>Waste services</b>	
Property Information requests	700	Urban bins collected kerbside	10,565
Building permits received for lodgement	425	Rural bins collected roadside	166
<b>Environmental Health Services</b>		Waste to landfill (tonnes)	6,699
Food premises inspections	324	Recyclables collected (tonnes)	1,943
Registered food businesses	324	Glass collected (tonnes)	577
Immunisation vaccinations delivered	1,950	Food and Organics collected (tonnes)	3,729
<b>Saleyards</b>		<b>Library services</b>	
Cattle throughput	23,500	Active library borrowers	2,978
<b>COPACC activities</b>		Physical library collection items loaned	106,259
Performances hosted annually	60	<b>Community Grants</b>	
Annual attendance at performances	10,500	Community/business initiatives supported	90
Business events hosted annually	200	<b>Parks and gardens</b>	
Annual participation in business events	13,500	Street trees planned to be planted	400



### **3 Financial Statements**

This section presents information in regard to the Financial Statements and Statement of Human Resources. The budget information for the year 2024-25 has been supplemented with projections to 2027-28.

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



**Draft Budget 2024-25**  
Prepared for Council Meeting 24 April 2024



### 3.1 Comprehensive Income Statement

For the four years ending 30 June 2028

		Forecast Actual 2023-24	Budget 2024-25	Projections		
	NOTES	\$'000	\$'000	2025-26 \$'000	2026-27 \$'000	2027-28 \$'000
<b>Income / Revenue</b>						
Rates and charges	4.1.1	35,505	37,253	38,184	39,139	40,117
Statutory fees and fines	4.1.2	917	915	929	943	957
User fees	4.1.3	6,745	7,970	8,289	8,620	8,965
Grants - Operating	4.1.4	12,731	10,747	10,908	11,072	11,238
Grants - Capital	4.1.4	21,535	1,703	1,703	1,703	1,703
Contributions - monetary	4.1.5	217	25	25	25	25
Share of net profits/(losses) of associates and joint ventures		(100)	(100)	(100)	(100)	(100)
Other income	4.1.6	374	864	694	416	333
<b>Total income / revenue</b>		<b>77,924</b>	<b>59,377</b>	<b>60,632</b>	<b>61,818</b>	<b>63,238</b>
<b>Expenses</b>						
Employee costs	4.1.7	24,271	24,899	25,929	26,966	28,045
Materials and services	4.1.8	22,563	23,083	23,605	24,254	24,921
Depreciation	4.1.9	14,493	14,503	14,603	14,703	14,803
Depreciation - right of use assets	4.1.10	101	101	101	101	101
Bad and doubtful debts		20	10	10	10	10
Finance Costs - leases		12	10	9	3	-
Other expenses	4.1.11	1,545	1,140	1,171	985	735
<b>Total expenses</b>		<b>63,005</b>	<b>63,746</b>	<b>65,428</b>	<b>67,023</b>	<b>68,616</b>
<b>Surplus/(deficit) for the year</b>		<b>14,919</b>	<b>(4,369)</b>	<b>(4,796)</b>	<b>(5,205)</b>	<b>(5,378)</b>
<b>Other comprehensive income</b>						
<b>Items that will not be reclassified to surplus or deficit in future periods</b>						
Net asset revaluation gain/(loss)		-	-	-	-	-
Share of other comprehensive income of associates and joint		-	-	-	-	-
<b>Items that may be reclassified to surplus or deficit in future periods (detail as appropriate)</b>						
		-	-	-	-	-
<b>Total other comprehensive income</b>		<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Total comprehensive result</b>		<b>14,919</b>	<b>(4,369)</b>	<b>(4,796)</b>	<b>(5,205)</b>	<b>(5,378)</b>



**Draft Budget 2024-25**

Prepared for Council Meeting 24 April 2024

**3.2 Balance Sheet**

For the four years ending 30 June 2028

		Forecast Actual 2023-24	Budget 2024-25	Projections		
		2023-24	2024-25	2025-26	2026-27	2027-28
	NOTES	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Assets</b>						
<b>Current assets</b>						
Cash and cash equivalents		26,855	26,068	24,581	23,924	22,987
Trade and other receivables		1,607	1,687	1,733	1,779	1,826
Inventories		191	191	191	191	191
Non-current assets held for sale		-	-	-	-	-
Other assets		242	254	254	254	254
<b>Total current assets</b>	4.2.1	<b>28,895</b>	<b>28,201</b>	<b>26,759</b>	<b>26,148</b>	<b>25,258</b>
<b>Non-current assets</b>						
Property, infrastructure, plant & equipment		470,643	444,193	441,921	439,385	437,217
Investments in associates, joint arrangement and subsidiaries		147	147	147	147	147
Right-of-use assets		4.2.4 5,917	2,869	2,752	2,640	2,532
<b>Total non-current assets</b>	4.2.1	<b>476,707</b>	<b>447,209</b>	<b>444,820</b>	<b>442,172</b>	<b>439,896</b>
<b>Total assets</b>		<b>505,602</b>	<b>475,410</b>	<b>471,579</b>	<b>468,319</b>	<b>465,154</b>
<b>Liabilities</b>						
<b>Current liabilities</b>						
Trade and other payables		5,055	5,308	5,573	5,852	6,144
Trust funds and deposits		2,170	1,600	1,600	1,600	1,600
Provisions		4,226	4,385	4,385	4,385	4,385
Lease liabilities		4.2.4 6	9	27	18	-
<b>Total current liabilities</b>	4.2.2	<b>11,457</b>	<b>11,302</b>	<b>11,585</b>	<b>11,855</b>	<b>12,130</b>
<b>Non-current liabilities</b>						
Provisions		4,881	4,836	4,836	4,836	4,836
Interest-bearing liabilities		4.2.3 -	500	-	-	-
Lease liabilities		4.2.4 9	-	-	-	-
<b>Total non-current liabilities</b>	4.2.2	<b>4,890</b>	<b>5,336</b>	<b>4,836</b>	<b>4,836</b>	<b>4,836</b>
<b>Total liabilities</b>		<b>16,347</b>	<b>16,638</b>	<b>16,423</b>	<b>16,691</b>	<b>16,966</b>
<b>Net assets</b>		<b>489,255</b>	<b>458,772</b>	<b>455,156</b>	<b>451,628</b>	<b>448,188</b>
<b>Equity</b>						
Accumulated surplus		178,756	147,287	143,671	140,143	136,702
Reserves		310,499	311,485	311,485	311,485	311,485
<b>Total equity</b>		<b>489,255</b>	<b>458,772</b>	<b>455,156</b>	<b>451,628</b>	<b>448,188</b>



**Draft Budget 2024-25**  
Prepared for Council Meeting 24 April 2024



### 3.3 Statement of Changes in Equity

For the four years ending 30 June 2028

	NOTES	Total \$'000	Accumulated Surplus \$'000	Revaluation Reserve \$'000	Other Reserves \$'000
<b>2024 Forecast Actual</b>					
Balance at beginning of the financial year		474,336	163,952	291,114	19,270
Surplus/(deficit) for the year		14,919	14,919	-	-
Net asset revaluation gain /(loss)		-	-	-	-
Transfers to other reserves		-	-	-	-
Transfers from other reserves		-	24	-	(24)
<b>Balance at end of the financial year</b>		<b>489,255</b>	<b>178,895</b>	<b>291,114</b>	<b>19,246</b>
<b>2025 Budget</b>					
Balance at beginning of the financial year		489,255	178,895	291,114	19,246
Surplus/(deficit) for the year		(4,369)	(4,369)	-	-
Net asset revaluation gain /(loss)		(26,114)	(26,114)	-	-
Transfers to other reserves	4.3.1	-	(1,125)	-	1,125
Transfers from other reserves	4.3.1	-	-	-	-
<b>Balance at end of the financial year</b>	4.3.2	<b>458,772</b>	<b>147,287</b>	<b>291,114</b>	<b>20,371</b>
<b>2026</b>					
Balance at beginning of the financial year		458,772	147,287	291,114	20,371
Surplus/(deficit) for the year		(4,796)	(4,796)	-	-
Net asset revaluation gain /(loss)		1,181	1,181	-	-
Transfers to other reserves		-	-	-	-
Transfers from other reserves		-	-	-	-
<b>Balance at end of the financial year</b>		<b>455,156</b>	<b>143,671</b>	<b>291,114</b>	<b>20,371</b>
<b>2027</b>					
Balance at beginning of the financial year		455,156	143,671	291,114	20,371
Surplus/(deficit) for the year		(5,205)	(5,205)	-	-
Net asset revaluation gain /(loss)		1,678	1,678	-	-
Transfers to other reserves		-	-	-	-
Transfers from other reserves		-	-	-	-
<b>Balance at end of the financial year</b>		<b>451,628</b>	<b>140,143</b>	<b>291,114</b>	<b>20,371</b>
<b>2028</b>					
Balance at beginning of the financial year		451,628	140,143	291,114	20,371
Surplus/(deficit) for the year		(5,378)	(5,378)	-	-
Net asset revaluation gain /(loss)		1,937	1,937	-	-
Transfers to other reserves		-	-	-	-
Transfers from other reserves		-	-	-	-
<b>Balance at end of the financial year</b>		<b>448,188</b>	<b>136,703</b>	<b>291,114</b>	<b>20,371</b>



### 3.4 Statement of Cash Flows

For the four years ending 30 June 2028

	Notes	Forecast Actual 2023-24	Budget 2024-25	Projections		
		\$'000	\$'000	2025-26 \$'000	2026-27 \$'000	2027-28 \$'000
		Inflows (Outflows)	Inflows (Outflows)	Inflows (Outflows)	Inflows (Outflows)	Inflows (Outflows)
<b>Cash flows from operating activities</b>						
Rates and charges		35,505	37,253	38,184	39,139	40,117
Statutory fees and fines		917	915	929	943	957
User fees		6,745	7,970	8,289	8,620	8,965
Grants - operating		12,731	10,747	10,908	11,072	11,238
Grants - capital		21,535	1,703	1,703	1,703	1,703
Contributions - monetary		217	25	25	25	25
Interest received		-	-	-	-	-
Trust funds and deposits		-	-	-	-	-
Other receipts		374	864	694	416	333
Employee costs		(24,271)	(24,899)	(25,929)	(26,966)	(28,045)
Materials and services		(22,563)	(23,083)	(23,605)	(24,254)	(24,921)
Trust funds and deposits		-	-	-	-	-
Other payments		(1,545)	(1,140)	(1,171)	(985)	(735)
<b>Net cash provided by/(used in) operating activities</b>	4.4.1	<b>29,645</b>	<b>10,355</b>	<b>10,027</b>	<b>9,714</b>	<b>9,637</b>
<b>Cash flows from investing activities</b>						
Payments for property, infrastructure, plant and equipment		(33,039)	(11,523)	(11,378)	(10,250)	(10,475)
Proceeds from sale of property, infrastructure, plant and equipment		-	-	-	-	-
Payments for investments		(100)	(100)	(100)	(100)	(100)
Proceeds from sale of investments		-	-	-	-	-
<b>Net cash provided by/ (used in) investing activities</b>	4.4.2	<b>(33,139)</b>	<b>(11,623)</b>	<b>(11,478)</b>	<b>(10,350)</b>	<b>(10,575)</b>
<b>Cash flows from financing activities</b>						
Finance costs		-	-	-	-	-
Proceeds from borrowings		-	500	-	-	-
Repayment of borrowings		-	-	-	-	-
Interest paid - lease liability		(12)	(10)	(9)	(3)	-
Repayment of lease liabilities		(6)	(9)	(27)	(18)	-
<b>Net cash provided by/(used in) financing activities</b>	4.4.3	<b>(18)</b>	<b>481</b>	<b>(36)</b>	<b>(21)</b>	<b>-</b>
Net increase/(decrease) in cash and cash equivalents		(3,512)	(786)	(1,487)	(657)	(938)
Cash and cash equivalents at the beginning of the financial year		30,367	26,855	26,068	24,581	23,924
<b>Cash and cash equivalents at the end of the financial year</b>		<b>26,855</b>	<b>26,068</b>	<b>24,581</b>	<b>23,924</b>	<b>22,987</b>



**Draft Budget 2024-25**  
Prepared for Council Meeting 24 April 2024



### 3.5 Statement of Capital Works

For the four years ending 30 June 2028

	Notes	Forecast Actual 2023-24 \$'000	Budget 2024-25 \$'000	Projections		
				2025-26 \$'000	2026-27 \$'000	2027-28 \$'000
<b><u>Property</u></b>						
Land		-	-	-	-	-
Buildings		3,161	861	2,203	861	861
<b>Total land and Buildings</b>		<b>3,161</b>	<b>861</b>	<b>2,203</b>	<b>861</b>	<b>861</b>
<b>Total property</b>	4.5.2	<b>3,161</b>	<b>861</b>	<b>2,203</b>	<b>861</b>	<b>861</b>
<b><u>Plant and equipment</u></b>						
Plant, machinery and equipment		2,387	1,500	800	800	800
Fixtures, fittings and furniture		-	87	87	87	87
Computers and telecommunications		436	458	481	505	530
<b>Total plant and equipment</b>	4.5.2	<b>2,823</b>	<b>2,045</b>	<b>1,368</b>	<b>1,392</b>	<b>1,417</b>
<b><u>Infrastructure</u></b>						
Roads		11,808	7,671	6,950	7,119	7,297
Bridges		276	60	54	56	57
Footpaths and cycleways		1,366	235	213	218	224
Drainage		1,521	320	290	297	304
Other infrastructure		12,084	331	300	307	315
<b>Total infrastructure</b>	4.5.2	<b>27,055</b>	<b>8,617</b>	<b>7,807</b>	<b>7,997</b>	<b>8,197</b>
<b>Total capital works expenditure</b>		<b>33,039</b>	<b>11,523</b>	<b>11,378</b>	<b>10,250</b>	<b>10,475</b>
<b>Represented by:</b>						
New asset expenditure		330	115	114	102	105
Asset renewal expenditure		32,526	11,344	11,202	10,091	10,313
Asset upgrade expenditure		183	64	63	57	58
<b>Total capital works expenditure</b>		<b>33,039</b>	<b>11,523</b>	<b>11,378</b>	<b>10,250</b>	<b>10,475</b>
<b>Funding Sources represented by:</b>						
Grants		21,535	1,703	1,703	1,703	1,703
Contributions		-	-	-	-	-
Council Cash		10,704	8,213	8,375	8,547	8,772
Council Reserves		800	1,607	800	-	-
Borrowings		-	-	500	-	-
<b>Total capital works</b>		<b>33,039</b>	<b>11,523</b>	<b>11,378</b>	<b>10,250</b>	<b>10,475</b>



### 3.6 Statement of Human Resources

Council has continued to revise its functions and structures to ensure resources are used as efficiently as possible across the organisation.

For the four years ending 30 June 2028

	Forecast Actual 2023-24	Budget 2024-25	Projections		
Notes	\$'000	\$'000	2025-26 \$'000	2026-27 \$'000	2027-28 \$'000
<b>Staff expenditure</b>					
Employee costs - operating	24,271	24,899	25,929	26,966	28,045
Employee costs - capital	930	964	906	951	999
<b>Total staff expenditure</b>	<b>25,201</b>	<b>25,863</b>	<b>26,835</b>	<b>27,918</b>	<b>29,044</b>
	<b>FTE</b>	<b>FTE</b>	<b>FTE</b>	<b>FTE</b>	<b>FTE</b>
<b>Staff numbers</b>					
Employees	246.3	241.6	241.6	241.6	241.6
<b>Total staff numbers</b>	<b>246.3</b>	<b>241.6</b>	<b>241.6</b>	<b>241.6</b>	<b>241.6</b>

The total staff numbers has a reduction in FTE, most of which is the result of the anticipated transfer of Port of Apollo Bay staff to the Great Ocean Road Coast and Parks Authority planned for 1 July 2024.

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

Department	Budget 2024-25 \$'000	Comprises			
		Permanent Full \$'000	Permanent Part time \$'000	Casual \$'000	Temp \$'000
Chief Executive Office	842	693	149	-	-
Corporate Services	3,927	3,274	653	-	-
Community and Economy	8,575	3,758	4,223	594	-
Infrastructure and Operations	11,555	10,734	821	-	-
<b>Total permanent staff</b>	<b>24,899</b>	<b>18,459</b>	<b>5,846</b>	<b>594</b>	<b>-</b>
Capitalised labour costs	964				
<b>Total expenditure</b>	<b>25,863</b>				

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

Department	Budget 2024-25	Comprises			
		Permanent Full Time	Permanent Part time	Casual	Temp
Chief Executive Office	9	7	2	-	-
Corporate Services	40	33	7	-	-
Community and Economy	81	38	40	3	-
Infrastructure and Operations	112	104	8	-	-
<b>Total staff</b>	<b>242</b>	<b>182</b>	<b>57</b>	<b>3</b>	<b>-</b>



**Draft Budget 2024-25**

Prepared for Council Meeting 24 April 2024

**3.7 Summary of Planned Human Resources Expenditure**

A summary of human resources expenditure categorised according to the organisational structure of Council for 2024-25 is included in the following table.

For the four years ending 30 June 2028

	2024-25 \$'000	2025-26 \$'000	2026-27 \$'000	2027-28 \$'000
<b>Chief Executive Office</b>				
Permanent - Full time	707	743	773	804
Women	404	425	442	460
Men	0	0	0	0
Vacant positions	303	319	331	345
Permanent - Part time	101	159	166	172
Women	101	106	110	115
Men	0	0	0	0
Vacant positions	0	53	55	57
<b>Total Chief Executive Office</b>	<b>808</b>	<b>903</b>	<b>939</b>	<b>976</b>
<b>Corporate Services</b>				
Permanent - Full time	3,402	3,526	3,667	3,814
Women	1,635	1,667	1,734	1,804
Men	1,363	1,434	1,491	1,551
Vacant positions	404	425	442	460
Permanent - Part time	656	690	718	747
Women	242	255	265	276
Men	202	212	221	230
Vacant positions	212	223	232	241
<b>Total Corporate Services</b>	<b>4,058</b>	<b>4,217</b>	<b>4,385</b>	<b>4,561</b>
<b>Community and Economy</b>				
Permanent - Full time	3,845	4,047	4,208	4,377
Women	2,412	2,538	2,640	2,746
Men	807	850	884	919
Vacant positions	626	659	685	712
Permanent - Part time	4,300	4,291	4,462	4,641
Women	3,936	3,909	4,065	4,227
Men	182	191	199	207
Vacant positions	182	191	199	207
<b>Total Community and Economy</b>	<b>8,145</b>	<b>8,337</b>	<b>8,671</b>	<b>9,018</b>
<b>Infrastructure and Operations</b>				
Permanent - Full time	10,466	10,219	10,628	11,052
Women	1,806	1,901	1,977	2,056
Men	7,570	7,171	7,458	7,755
Vacant positions	1,090	1,147	1,193	1,241
Permanent - Part time	828	871	906	942
Women	505	531	552	574
Men	61	64	66	69
Vacant positions	262	276	287	299
<b>Total Infrastructure and Operations</b>	<b>11,294</b>	<b>11,090</b>	<b>11,534</b>	<b>11,994</b>
<b>Casuals, temporary and other expenditure</b>	<b>594</b>	<b>618</b>	<b>643</b>	<b>669</b>
<b>Capitalised labour costs</b>	<b>964</b>	<b>1,081</b>	<b>974</b>	<b>995</b>
<b>Total staff expenditure</b>	<b>25,863</b>	<b>26,246</b>	<b>27,145</b>	<b>28,213</b>



**Draft Budget 2024-25**

Prepared for Council Meeting 24 April 2024



A summary of human resources full-time equivalent (FTE) employees, categorised according to the organisational structure of Council for 2024-25, is included in the following table.

	2024-25 FTE	2025-26 FTE	2026-27 FTE	2027-28 FTE
<b>Chief Executive Office</b>				
Permanent - Full time	7.0	7.0	7.0	7.0
Women	4.0	4.0	4.0	4.0
Men	0.0	0.0	0.0	0.0
Vacant positions	3.0	3.0	3.0	3.0
Permanent - Part time	1.5	1.5	1.5	1.5
Women	1.0	1.0	1.0	1.0
Men	0.0	0.0	0.0	0.0
Vacant positions	0.5	0.5	0.5	0.5
<b>Total Chief Executive Office</b>	<b>8.5</b>	<b>8.5</b>	<b>8.5</b>	<b>8.5</b>
<b>Corporate Services</b>				
Permanent - Full time	33.2	33.2	33.2	33.2
Women	15.7	15.7	15.7	15.7
Men	13.5	13.5	13.5	13.5
Vacant positions	4.0	4.0	4.0	4.0
Permanent - Part time	6.5	6.5	6.5	6.5
Women	2.4	2.4	2.4	2.4
Men	2.0	2.0	2.0	2.0
Vacant positions	2.1	2.1	2.1	2.1
<b>Total Corporate Services</b>	<b>39.7</b>	<b>39.7</b>	<b>39.7</b>	<b>39.7</b>
<b>Community and Economy</b>				
Permanent - Full time	38.1	38.1	38.1	38.1
Women	23.9	23.9	23.9	23.9
Men	8.0	8.0	8.0	8.0
Vacant positions	6.2	6.2	6.2	6.2
Permanent - Part time	40.4	40.4	40.4	40.4
Women	36.8	36.8	36.8	36.8
Men	1.8	1.8	1.8	1.8
Vacant positions	1.8	1.8	1.8	1.8
<b>Total Community and Economy</b>	<b>78.5</b>	<b>78.5</b>	<b>78.5</b>	<b>78.5</b>
<b>Infrastructure and Operations</b>				
Permanent - Full time	98.7	98.7	98.7	98.7
Women	17.9	17.9	17.9	17.9
Men	70.0	70.0	70.0	70.0
Vacant positions	10.8	10.8	10.8	10.8
Permanent - Part time	8.2	8.2	8.2	8.2
Women	5.0	5.0	5.0	5.0
Men	0.6	0.6	0.6	0.6
Vacant positions	2.6	2.6	2.6	2.6
<b>Total Infrastructure and Operations</b>	<b>106.9</b>	<b>106.9</b>	<b>106.9</b>	<b>106.9</b>
<b>Casuals and temporary staff</b>	<b>3.0</b>	<b>3.0</b>	<b>3.0</b>	<b>3.0</b>
<b>Capitalised labour</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>
<b>Total staff numbers</b>	<b>241.6</b>	<b>241.6</b>	<b>241.6</b>	<b>241.6</b>



## **4 Notes to the Financial Statements**

This section presents detailed information on material components of the financial statements. Council determines which components are of a material nature, 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 which is a four year plan for how Council will generate income to deliver the Council Plan, program and services and capital works commitments over a four-year period.

Rates and charges are an important source of revenue for Council. Planning for future rate increases is an important component of the Financial Planning process. Like its ratepayers, most of Council's costs are impacted by inflation and market forces. Each year there are additional obligations placed on Councils by other levels of government in addition to various requests from the community to assist with challenges faced, or support for opportunities and aspirations.

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.

The Fair Go Rates System sets out the maximum amount councils may increase rates in a year and in 2024-25 the rates cap has been set at 2.75%. The cap applies to both general rates and the municipal charge and is calculated based on council's average rates and charges (see table 4.1.1(I)). Council limits rate revenue increases to comply with the Fair Go Rates System.

The Valuer-General reviews the value of every property in the municipality annually, and these property values are used to calculate individual property rates. This annual revaluation does not result in a net gain or loss of revenue to Council.

Ratepayers may see rate increases that differ from the average 2.75% increase because of changes to their property value relative to that of other ratepayers' properties

At the time of preparing Council's draft budget, not all supplementary rate notices for 2023-24 have been processed. The final data in the adopted budget may differ from that which is disclosed below due to a change in the mix of differentials (types of property) once all of the supplementary rate notices for 2023-24 are processed. The average rate increase of 2.75% will still apply.



**Draft Budget 2024-25**

Prepared for Council Meeting 24 April 2024



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

	2023-24 Forecast \$'000	2024-25 Budget \$'000	Change \$'000	%
General rates*	28,343	29,247	904	3.19%
Municipal charge*	3,126	3,190	64	2.05%
Waste management charge	3,713	4,315	603	16.2%
Special rates and charges	23	23	-	0.00%
Supplementary rates and rate adjustments	-	100	100	-
Revenue in lieu of rates	250	258	8	3.13%
Interest on rates and charges	50	120	70	140.0%
<b>Total rates and charges</b>	<b>35,505</b>	<b>37,253</b>	<b>1,748</b>	<b>4.92%</b>

\* These items include supplementary rates, which are not subject to the rate cap, and 2023-2024 will be annualised in table 4.1.1 (l).

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	2023-24 cents/\$CIV	2024-25 cents/\$CIV	Change
Residential - Colac/Elminyot	0.002628	0.002595	(1.3%)
Residential - Balance Of Shire	0.002234	0.002205	(1.3%)
Holiday Rental	0.002628	0.002595	(1.3%)
Rural Farm	0.001971	0.001946	(1.3%)
Commercial/Industrial - Colac/Elminyot	0.004336	0.004281	(1.3%)
Commercial/Industrial - Balance Of Shire	0.003679	0.003632	(1.3%)

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

Type or class of land	2023-24 \$	2024-25 \$	Change \$	%
Residential - Colac/Elminyot	7,753,217	7,732,412	(20,805)	(0.3%)
Residential - Balance Of Shire	9,359,437	9,458,918	99,481	1.1%
Holiday Rental	1,447,565	1,397,479	(50,086)	(3.5%)
Rural Farm	6,804,571	7,426,092	621,521	9.1%
Commercial/Industrial - Colac/Elminyot	2,004,731	2,143,511	138,780	6.9%
Commercial/Industrial - Balance Of Shire	973,495	1,088,374	114,879	11.8%
<b>Total amount to be raised by general rates</b>	<b>28,343,015</b>	<b>29,246,786</b>	<b>903,771</b>	<b>3.2%</b>



**Draft Budget 2024-25**

Prepared for Council Meeting 24 April 2024



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	2023-24	2024-25	Change	
	Number	Number	Number	%
Residential - Colac/Elliminyt	5,965	5,996	31	0.5%
Residential - Balance Of Shire	5,563	5,551	(12)	(0.2%)
Holiday Rental	553	538	(15)	(2.7%)
Rural Farm	2,891	2,970	79	2.7%
Commercial/Industrial - Colac/Elliminyt	673	674	1	0.1%
Commercial/Industrial - Balance Of Shire	333	329	(4)	(1.2%)
<b>Total number of assessments</b>	<b>15,978</b>	<b>16,058</b>	<b>80</b>	<b>0.5%</b>

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	2023-24	2024-25	Change	
	\$	\$	\$	%
Residential - Colac/Elliminyt	2,927,367,000	2,980,302,000	52,935,000	1.8%
Residential - Balance Of Shire	4,157,076,000	4,289,116,000	132,040,000	3.2%
Holiday Rental	546,555,000	538,630,000	(7,925,000)	(1.4%)
Rural Farm	3,425,591,000	3,816,316,000	390,725,000	11.4%
Commercial/Industrial - Colac/Elliminyt	458,763,000	500,711,000	41,948,000	9.1%
Commercial/Industrial - Balance Of Shire	262,558,000	299,637,000	37,079,000	14.1%
<b>Total value of land</b>	<b>11,777,910,000</b>	<b>12,424,712,000</b>	<b>646,802,000</b>	<b>5.5%</b>

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 2023-24	Per Rateable Property 2024-25	Change	
	\$	\$	\$	%
Municipal Charge	206	210	4	2.2%

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

Type of Charge	2023-24	2024-25	Change	
	\$	\$	\$	%
Municipal Charge	3,126,274	3,190,427	64,153	2.1%



**Draft Budget 2024-25**

Prepared for Council Meeting 24 April 2024



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 2023-24	Per Rateable Property 2024-25	Change	
	\$	\$	\$	%
Weekly Kerbside collection	351	402	51	14.5%
Fortnightly Kerbside collection	268	307	39	14.6%

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	2023-24	2024-25	Change	
	\$	\$	\$	%
Weekly Kerbside collection	3,668,652	4,264,416	595,764	16.2%
Fortnightly Kerbside collection	44,220	50,962	6,742	15.2%
<b>Total</b>	<b>3,712,872</b>	<b>4,315,378</b>	<b>602,506</b>	<b>16.2%</b>

These figures include supplementary waste charges from new properties.

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

	2023-24	2024-25	Change	
	\$	\$	\$	%
General rates	28,343,015	29,246,786	903,771	3.2%
Municipal charge	3,126,274	3,190,427	64,153	2.1%
Kerbside collection and recycling	3,712,872	4,315,378	602,506	16.2%
Tirrengow er Drainage Scheme	22,500	22,500	-	-
<b>Total Rates and charges</b>	<b>35,204,661</b>	<b>36,775,091</b>	<b>1,570,430</b>	<b>4.5%</b>

## 4.1.1(l) Fair Go Rates System Compliance

Colac Otway Shire Council is fully compliant with the State Government's Fair Go Rates System.

	2023-24	2024-25
Forecast Annualised Rate Revenue From Prior Year	\$ 30,182,219	\$31,569,274
Number of rateable properties	15,978	16,058
Base Average Rate	\$ 1,889	\$ 1,966
Maximum Rate Increase (set by the State Government)	<b>3.50%</b>	<b>2.75%</b>
Capped Average Rate	\$ 1,955	\$ 2,020
Maximum General Rates and Municipal Charges Revenue	\$ 31,238,597	\$32,437,429
Budgeted General Rates and Municipal Charges Revenue	\$ 31,469,289	\$32,437,213
Budgeted Supplementary Rates	\$ 100,000	\$ 100,000
Budgeted Total Rates and Municipal Charges Revenue	\$ 31,569,289	\$32,537,213



**Draft Budget 2024-25**

Prepared for Council Meeting 24 April 2024



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. However, the total amount to be raised by rates and charges may be influenced by:

- Supplementary valuations for new properties or subdivisions (2024-25: estimated \$100,000 and 2023-24: \$100,000)
- 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.

### 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.



**Draft Budget 2024-25**  
Prepared for Council Meeting 24 April 2024



**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 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 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.



**Draft Budget 2024-25**  
Prepared for Council Meeting 24 April 2024



**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.



**Draft Budget 2024-25**  
Prepared for Council Meeting 24 April 2024



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;



## Draft Budget 2024-25

Prepared for Council Meeting 24 April 2024



- 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;



**Draft Budget 2024-25**

Prepared for Council Meeting 24 April 2024

- 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;



## Draft Budget 2024-25

Prepared for Council Meeting 24 April 2024



- 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



**Draft Budget 2024-25**  
Prepared for Council Meeting 24 April 2024



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.



**Draft Budget 2024-25**  
Prepared for Council Meeting 24 April 2024



**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 labour 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.



**Draft Budget 2024-25**

Prepared for Council Meeting 24 April 2024



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 2024 to 30 June 2025.



**Draft Budget 2024-25**  
Prepared for Council Meeting 24 April 2024



#### 4.1.2 Statutory fees and charges

	Forecast 2023-24 \$'000	Budget 2024-25 \$'000	Change	
			\$'000	%
Statutory Planning	373	375	2	0.4%
Public Health	243	225	(18)	(7.4%)
Building Services	106	107	1	0.9%
Local Laws	64	80	16	25.0%
Property and Rates	33	36	3	10.3%
Infrastructure Customer Services	80	81	1	1.3%
Emergency Management	10	7	(3)	(30.0%)
Planning Compliance	8	4	(4)	(52.0%)
<b>Total statutory fees and fines</b>	<b>917</b>	<b>915</b>	<b>(2)</b>	<b>(0.3%)</b>

Statutory fees and fines relate mainly to fees and fines levied in accordance with legislation and include fees for planning certificates, subdivision certificates, building certificates and local law infringements.

Revenue from statutory fees and charges are budgeted to stay at the approximately same level as last year.

#### 4.1.3 User charges

	Forecast 2023-24 \$'000	Budget 2024-25 \$'000	Change	
			\$'000	%
Aged Care Management	3,325	4,407	1,083	32.6%
Bluewater Leisure Centre	1,369	1,611	242	17.7%
Colac Livestock Selling Centre	505	523	18	3.6%
COPACC Management	290	342	53	18.1%
Great Ocean Road VIC	199	182	(17)	(8.6%)
Waste Management	378	425	47	12.4%
Local Laws	241	267	26	10.8%
Apollo Bay Harbour	179	-	(179)	(100.0%)
Infrastructure Development	40	32	(8)	(20.0%)
Family and Children's Services	53	58	4	7.8%
Airfield	39	32	(7)	(18.6%)
Building Services	32	5	(27)	(84.4%)
Public Health	4	4	0	-
Risk Management	1	1	0	-
Statutory Planning	1	1	0	-
Strategic Asset & Property Services	87	74	(13)	(14.9%)
Financial Services	2	2	0	4.0%
Events	4	4	1	17.9%
<b>Total user fees</b>	<b>6,745</b>	<b>7,970</b>	<b>1,222</b>	<b>18.1%</b>

Revenue from user fees is budgeted to increase by 18.2% or \$1.23m compared to 2023-24. The budgeted increase in the aged services area is due to increased numbers using the Home Care Services that Council provides to the community (\$1.08m). This increase is partially offset by the costs to deliver the additional packages, as shown in the '4.1.7 Employee Cost' analysis. The services at Bluewater Leisure Centre (BWLC) and COPACC are expected to grow in 2024-25, resulting in increased user fees for BWLC (\$242k) and COPACC (\$53k). It is expected that waste user fees will increase by \$47k due to a 10% average increase in user charges.



**Draft Budget 2024-25**

Prepared for Council Meeting 24 April 2024



This increase is part of a broader effort to recover the cost to Council of providing the waste service, reflecting significant increases to costs incurred by Council over the past few years.

**4.1.4 Grants: operating and capital**

The reduction in 2024-25 budgeted recurrent operating grants as against the 2023-24 forecast is driven by a \$878K decrease in Port of Apollo Bay Operating grants, as Council will cease managing the operations of the Port of Apollo Bay by end of 2023-24.

The budgeted capital grants have decreased compared to 2023-24 by \$19.8 million. 2023-24 forecast includes capital grant funding received for capital works carried forward from 2022-23 including additional Local Roads and Community Infrastructure (LRCI) program funding of \$5.8m. 2024-25 capital grants include funding for Roads to Recovery of \$1.7m. The reduction in expected capital grants is reflected in the reduced capital works program (refer to section 4.5 Capital works program).

Council does not budget for grants or corresponding project budgets that are not confirmed with a signed grant agreement.



**Draft Budget 2024-25**

Prepared for Council Meeting 24 April 2024



	Forecast 2023-24 \$'000	Budget 2024-25 \$'000	Change \$'000 %	
Grants were received in respect of the following:				
Summary of grants				
Commonwealth funded grants	10,574	10,539	(35)	(0.3%)
State funded grants	23,692	1,910	(21,782)	(91.9%)
Total grants received	34,266	12,450	(21,817)	(63.7%)
(a) Operating Grants				
Recurrent - Commonwealth Government				
Family & Children's Services Operations	170	170	0	-
Other	66	66	0	-
Victorian Grants Commission	8,579	8,600	21	0.2%
Recurrent - State Government				
Aged Care Management Administration	1,099	1,241	142	12.9%
Port of Apollo Bay Operations	878	-	(878)	(100.0%)
Environment and Community Safety Operations	116	-	(116)	(100.0%)
Maternal & Child Health Operations	423	446	23	5.4%
Regional Assessment Service Operations	182	-	(182)	(100.0%)
COPACC Management Operations	95	95	0	-
School Crossing Supervision Operations	56	50	(6)	(9.9%)
Revenue Services	50	50	0	-
Public Health Operations	20	26	6	30.0%
Family & Children's Services Operations	14	1	(14)	(95.1%)
Health Active Communities	13	2	(12)	(88.8%)
Total recurrent grants	11,762	10,747	(1,016)	(8.6%)
Non-recurrent - Commonwealth Government				
Non-recurrent - State Government				
Public Health Operations	7	-	(7)	(100.0%)
Health Active Communities Operations	194	-	(194)	(100.0%)
Recreation Operations	190	-	(190)	(100.0%)
Family & Children's Services Operations	42	-	(42)	100.0%
Strategic Planning Operations	492	-	(492)	(100.0%)
Disaster Recovery	45	-	(45)	(100.0%)
Total non-recurrent grants	969	-	(969)	(100.0%)
Total operating grants	12,731	10,747	(1,984)	(15.6%)
(b) Capital Grants				
Recurrent - Commonwealth Government				
Roads to recovery	1,702	1,703	-	-
Recurrent - State Government				
Total recurrent grants	1,702	1,703	1	0.0%
Non-recurrent - Commonwealth Government				
Community Facilities	56	-	(56)	(100.0%)
Non-recurrent - State Government				
Local Roads and Community Infrastructure Funding	8,367	-	(8,367)	(100.0%)
Family & Children's Services	310	-	(310)	(100.0%)
Landslip	6,500	-	(6,500)	(100.0%)
Community Facilities	1,114	-	(1,114)	(100.0%)
Flood Events	1,700	-	(1,700)	(100.0%)
Local Roads Infrastructure	1,743	-	(1,743)	(100.0%)
Road Safety	42	-	(42)	(100.0%)
Total non-recurrent grants	19,832	-	(19,832)	(100.0%)
Total capital grants	21,535	1,703	(19,832)	(92.1%)
Total Grants	34,266	12,451	(21,816)	(63.7%)



**Draft Budget 2024-25**

Prepared for Council Meeting 24 April 2024

**4.1.5 Contributions**

	Forecast 2023-24 \$'000	Budget 2024-25 \$'000	Change	
			\$'000	%
Monetary	217	25	(192)	(88.5%)
Non-monetary	-	-	-	-
<b>Total contributions</b>	<b>217</b>	<b>25</b>	<b>(192)</b>	<b>(88.5%)</b>

Monetary contributions are expected to decrease due to 2023-24 contributions relating to one-off projects and anticipated public open space contributions. 2023-24 project contributions related to public open space contributions (\$131k), Birregurra Recreation Reserve Oval lighting (\$32k), and various reserve projects (\$54k).

**4.1.6 Other income**

	Forecast 2023-24 \$'000	Budget 2024-25 \$'000	Change	
			\$'000	%
Reimbursements	41	40	(1)	(2.4%)
Port of Apollo Bay Administration Income	2	-	(2)	(100.0%)
Interest	80	600	520	650.0%
Other income	238	211	(27)	(11.5%)
Rates Legal Costs Recovered	13	13	-	-
<b>Total other income</b>	<b>374</b>	<b>864</b>	<b>490</b>	<b>130.9%</b>

The budget for other income is expected to increase by 130.9% or \$0.49 million mainly due to increase in interest on investments (\$520k) due to a continued higher RBA Cash Rate

**4.1.7 Employee costs**

	Forecast 2023-24 \$'000	Budget 2024-25 \$'000	Change	
			\$'000	%
Wages and salaries	17,707	18,182	475	2.7%
Employee Leave	2,006	2,010	4	0.2%
Superannuation	2,414	2,453	38	1.6%
Casual Staff	729	733	4	0.5%
Sick Leave	678	691	12	1.8%
Other Employee Benefits	12	18	6	52.3%
Fringe Benefits Tax	175	175	0	-
WorkCover	550	637	87	15.8%
<b>Total employee costs</b>	<b>24,271</b>	<b>24,899</b>	<b>628</b>	<b>2.6%</b>

Primary drivers of the change between the 2023-24 and 2024-25 financial years include: reduction in overall FTE, increases in wages and salaries arising from EBA increments and allowances, increase in superannuation to 11.5% and increase in WorkCover premiums. While these are the underlying changes, the financial model Council uses to distribute overall employee costs includes a re-distribution of overheads across various cost elements, and so comparison between years for each line is not directly comparable.

Refer to section 3.6 notes to the Statement of Human Resources for more information on employee costs.



**Draft Budget 2024-25**  
Prepared for Council Meeting 24 April 2024



#### 4.1.8 Materials and services

	Forecast 2023-24 \$'000	Budget 2024-25 \$'000	Change	
			\$'000	%
Contractors	9,568	10,097	529	5.5%
Materials	4,141	4,263	122	2.9%
Subscriptions and memberships	2,436	2,987	551	22.6%
Utilities	1,281	1,182	(99)	(7.7%)
Consultants	2,337	1,756	(581)	(24.9%)
Agency staff	677	919	242	35.8%
Insurances	1,187	1,025	(163)	(13.7%)
Training costs	523	426	(97)	(18.6%)
Plant and equipment (maintenance & internal charge)	314	192	(123)	(39.0%)
Legal costs	160	168	8	5.0%
Venue Hire	8	(39)	(47)	(570.3%)
Other expenditure	10	100	90	900.0%
Permits	2	2	(0)	(11.8%)
Merchant Fees	5	5	(0)	(6.0%)
<b>Total materials and services</b>	<b>22,648</b>	<b>23,083</b>	<b>436</b>	<b>1.9%</b>

The budget for materials and services is expected to increase slightly in 2024-25 due to increase in subscriptions and memberships which is partly offset by a reduction in consultant costs.

#### 4.1.9 Depreciation

	Forecast 2023-24 \$'000	Budget 2024-25 \$'000	Change	
			\$'000	%
Buildings	1,939	1,941	1	0.1%
Plant and equipment	1,770	1,772	1	0.1%
Infrastructure	10,783	10,790	7	0.1%
<b>Total depreciation</b>	<b>14,493</b>	<b>14,503</b>	<b>10</b>	<b>0.1%</b>

Depreciation measures the allocation of the value of an asset over its useful life for Council's property, plant and equipment (including infrastructure assets such as roads and drains) as a result of delivering services to the community. There is no material increase in the depreciation expense for 2024-25.

#### 4.1.10 Depreciation- Right of use assets

	Forecast 2023-24 \$'000	Budget 2024-25 \$'000	Change	
			\$'000	%
Right of use assets	101	101	-	-
<b>Total depreciation - right of use assets</b>	<b>101</b>	<b>101</b>	<b>-</b>	<b>-</b>

Amortisation measures the allocation of an intangible asset over its useful life for the tip air space and leases (right of use assets). Amortisation of right of use assets include the Apollo Bay Early Years Hub, Colac Library and gym equipment at Bluewater Leisure Centre.



**Draft Budget 2024-25**  
Prepared for Council Meeting 24 April 2024



#### 4.1.11 Other expenses

	Forecast 2023-24 \$'000	Budget 2024-25 \$'000	Change	
			\$'000	%
Grants and donations paid	711	442	(269)	(37.8%)
Elected Members Allowances	312	325	13	4.3%
Other costs	222	178	(44)	(19.7%)
Fire service levy	87	70	(17)	(19.5%)
Auditors remuneration	60	73	13	22.3%
Rates Written Off	71	-	(71)	(100.0%)
Elected Members Superannuation Contribution	25	-	0	-
Elected Member Mileage Allowance per km	20	15	(5)	(25.0%)
Animal registration levy	24	24	0	-
Royalties and commissions	9	9	0	-
Remote Area Councillor Travel Allowance	3	3	-	-
Corporate Card Expenses	3	1	-	-
<b>Total other expenses</b>	<b>1,545</b>	<b>1,140</b>	<b>(405)</b>	<b>(26.2%)</b>

The budgeted movement mainly relates to carried forward operating projects in 2023-24.

## 4.2 Balance Sheet

### 4.2.1 Assets

Assets will decrease in 2024-25 with Cash and Property, infrastructure, plant and equipment expected to decrease. Property, infrastructure, plant and equipment comprise 93.5% of Council's total assets and the decrease is largely due to the capital works program being lower than depreciation.

### 4.2.2 Liabilities

Liabilities will decrease in 2024-25, with a combination of reduced trade creditors and provisions offset with an increase in trust deposits held by Council, the main contributors. The lease liabilities of \$9k reflect the remaining liability for committed lease payments for equipment. The leased equipment assets are represented under 'Right of Use' assets in the balance sheet.

### 4.2.3 Borrowings

Council is only allowing for one loan in the Budget 2024-25, which is specifically to support the Bluewater Leisure Centre Electrification project in the event it is successful in securing an external grant for this project.

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

	Forecast 2023-24 \$'000	Budget 2024-25 \$'000	Budget 2025-26 \$'000	Budget 2026-27 \$'000	Budget 2027-28 \$'000
Amount borrowed as at 30 June of the prior year	-	-	-	-	-
Amount proposed to be borrowed	-	500	-	-	-
Amount projected to be redeemed	-	-	-	-	-
<b>Amount of borrowings as at 30 June</b>	<b>-</b>	<b>500</b>	<b>-</b>	<b>-</b>	<b>-</b>



**Draft Budget 2024-25**  
Prepared for Council Meeting 24 April 2024



#### 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 2023-24 \$'000	Budget 2024-25 \$'000
<b>Right-of-use assets</b>		
Property	2,918	2,848
Plant and equipment	41	21
<b>Total right-of-use assets</b>	<b>2,959</b>	<b>2,869</b>
<b>Lease liabilities</b>		
<b>Current lease Liabilities</b>		
Plant and equipment	6	9
<b>Total current lease liabilities</b>	<b>6</b>	<b>9</b>
<b>Non-current lease liabilities</b>		
Plant and equipment	9	-
<b>Total non-current lease liabilities</b>	<b>9</b>	<b>-</b>
<b>Total lease liabilities</b>	<b>15</b>	<b>9</b>

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.

#### 4.3 Statement of Changes in Equity

Reserve Name	Reserve Type	Forecast 2023-24 \$'000	Budget 2024-25 \$'000
Asset Revaluation Reserve	Discretionary	290,773	291,114
Colac Livestock Selling Centre Reserve	Discretionary	139	276
Financial Assistance Grants Received in Advance	Discretionary	6,860	7,775
Waste Management Reserve	Discretionary	2,084	2,610
Landfill Rehabilitation (Alvie) Reserve	Discretionary	1,208	1,265
Long Service Leave Reserve	Discretionary	3,113	2,983
Plant Replacement Reserve	Discretionary	692	588
Recreational Lands Reserve	Statutory	1,628	870
Rehabilitation Reserve	Discretionary	1,307	1,332
Water Sensitive Urban Design	Discretionary	67	68
Strategic Projects Reserve	Discretionary	2,524	2,504
Tirrengow er Drainage Scheme Reserve	Contractual	104	100
<b>Total Equity Reserves</b>		<b>310,498</b>	<b>311,485</b>



## **Purpose for Reserves**

### **Asset Revaluation Reserve**

#### Purpose

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

### **Colac Livestock Selling Centre Reserve**

#### Purpose

This reserve is for the purpose of funding workings at the Colac Livestock Selling Centre and all funds are derived from any surplus made from the operations of the Colac Livestock Selling Centre.

### **Financial Assistance Grants received in advance**

#### Purpose

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

### **Waste Management Reserve**

#### Purpose

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.

### **Landfill Rehabilitation (Alvie) Reserve**

#### Purpose

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

### **Long Service Leave Reserve**

#### Purpose

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

### **Plant Replacement Reserve**

#### Purpose

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.



### **Recreational Lands Reserve**

#### Purpose

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

### **Rehabilitation Reserve**

#### Purpose

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

### **Strategic Projects Reserve**

#### Purpose

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**

#### Purpose

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 Provided from Operating Activities**

There is a decrease in cash provided by operating activities in 2024-25 compared to the forecast 2023-24 financial year as the capital program is budgeted to reduce in 2024-25, as carried forward projects from 2022-23 are completed in 2023-24 financial year.

### **4.4.2 Cash Flows from Investing Activities**

New capital works budgeted in 2024-25 is lower than the 2023-24 budgeted program of \$33.04 million by \$24.03 million. This decrease in 'Payments for property, infrastructure, plant and equipment' mainly reflects the carried forward projects from 2022-23 being completed in full in 2023-24 financial year.

### **4.4.3 Cash Flows from Financing Activities**

Cash outflows from financing activities remains stable year on year, as Council continues to maintain a low level of debt and has no loans in the current financial year. Council will consider its cash position before entering into any future debt arrangements.



**Draft Budget 2024-25**  
Prepared for Council Meeting 24 April 2024



## 4.5 Statement of Capital Works

This section provides a summary of the planned capital expenditure and funding for the 2024-25 year classified by expenditure type and funding source.

### 4.5.1 Summary

	Forecast 2023-24 \$'000	Budget 2024-25 \$'000	Change \$'000	%
Property	3,161	861	(2,300)	-72.76%
Plant and equipment	2,823	2,045	(778)	-27.55%
Infrastructure	27,055	8,617	(18,439)	-68.15%
<b>Total</b>	<b>33,039</b>	<b>11,523</b>	<b>(21,516)</b>	<b>-65.12%</b>

	Project Cost \$'000	Asset expenditure types			Summary of Funding Sources				
		New \$'000	Renewal \$'000	Upgrade \$'000	Grants \$'000	Contrib. \$'000	Council cash \$'000	Council Reserves \$'000	Borrowings \$'000
Property	861	-	803	58	-	-	819	42	-
Plant and equipment	2,045	20	2,025	-	-	-	545	1,500	-
Infrastructure	8,617	95	8,516	6	1,703	-	6,849	65	-
<b>Total</b>	<b>11,523</b>	<b>115</b>	<b>11,344</b>	<b>64</b>	<b>1,703</b>	<b>-</b>	<b>8,213</b>	<b>1,607</b>	<b>-</b>

The 2023-24 forecast figures include capital works carried forward from previous years and increased funding renewal and upgrade works. The 2023-24 Capital Works Program has increased from the Adopted Budget of \$9.71 million, by \$23.33 million. The above table for Proposed Budget 2024-25 does not include capital works carried forward from 2023-24. For further details relating to carry forwards, refer to note 4.5.3.



**Draft Budget 2024-25**  
Prepared for Council Meeting 24 April 2024



#### 4.5.2 Current Budget

Capital Works Area	Project Cost	Asset expenditure types			Summary of Funding Sources				
	\$'000	New \$'000	Renewal \$'000	Upgrade \$'000	Grants \$'000	Contrib. \$'000	Council cash \$'000	Council Reserves \$'000	Borrowings \$'000
PROPERTY									
Buildings									
Facilities painting program	240	-	240	-	-	-	240	-	-
Roof Replacement Program	200	-	200	-	-	-	200	-	-
Wastewater management systems at public toilets and halls	150	-	135	15	-	-	150	-	-
Facilities amenities and bathroom works	110	-	88	22	-	-	110	-	-
Municipal Pound	52	-	31	21	-	-	52	-	-
BWLC - Electrification	42	-	42	-	-	-	-	42	-
Building defects rectification program	40	-	40	-	-	-	40	-	-
Colac MCH Building - minor renewal works	27	-	27	-	-	-	27	-	-
TOTAL PROPERTY	861	-	803	58	-	-	819	42	-
PLANT AND EQUIPMENT									
Plant, Machinery and Equipment									
Annual Heavy Plant Replacement Program	1,100	-	1,100	-	-	-	-	1,100	-
Annual Light Fleet Replacement Program	400	-	400	-	-	-	-	400	-
Fixtures, Fittings and Furniture									
Fixtures, Fittings and Furniture	20	-	20	-	-	-	20	-	-
Fixtures, Fittings and Furniture	20	-	20	-	-	-	20	-	-
Installation of Street Art	20	20	-	-	-	-	20	-	-
Colac Visitor Information Centre	15	-	15	-	-	-	15	-	-
Lake Colac Oval pavilion fixtures renewal	12	-	12	-	-	-	12	-	-
Computers and Telecommunications									
ICT - Device Renewal	336	-	336	-	-	-	336	-	-
ICT - Critical Infrastructure Improvement	122	-	122	-	-	-	122	-	-
TOTAL PLANT AND EQUIPMENT	2,045	20	2,025	-	-	-	545	1,500	-



**Draft Budget 2024-25**

Prepared for Council Meeting 24 April 2024

**Current Budget (cont.)**

Capital Works Area	Project Cost	Asset expenditure types			Summary of Funding Sources				
		New	Renewal	Upgrade	Grants	Contrib.	Council cash	Council Reserves	Borrowings
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
INFRASTRUCTURE									
Roads									
Unsealed Road Resheeting Program 2024-25	1,201	-	1,201	-	-	-	1,201	-	-
Reseal Program - Renewal	1,100	-	1,100	-	-	-	1,100	-	-
Mooleric Road, Stage 2	850	-	850	-	723	-	127	-	-
Pengilley Avenue - from Gallipoli Parade to McLachlan Street	690	-	690	-	390	-	300	-	-
The Boulevard, Wye River	605	-	605	-	390	-	215	-	-
Koonya Avenue Reconstruction - Wallace Street to Dunoon Road	530	-	530	-	-	-	530	-	-
Pascoe Street - from Moore Street to Nelson Street	510	-	510	-	-	-	510	-	-
Asset Renewal Funds for unplanned works	500	-	500	-	-	-	500	-	-
Sealed Road Major Patching Program	350	-	350	-	-	-	350	-	-
Roadslip Retaining Structures Renewal Program	330	-	330	-	-	-	330	-	-
Connor and Scott Street Intersection	250	-	250	-	200	-	50	-	-
Road Shoulder Resheeting Program - Renewal	250	-	250	-	-	-	250	-	-
Kerb and Channel Renewal Program	150	-	150	-	-	-	150	-	-
Pound Road and Queen Street Intersection	120	-	120	-	-	-	120	-	-
Forward Design Program	100	-	100	-	-	-	100	-	-
Sealed road crack sealing program	80	-	80	-	-	-	80	-	-
Guardrail Replacement Program	55	-	55	-	-	-	55	-	-
Bridges							-	-	-
Bridges Renewal Program	60	-	60	-	-	-	60	-	-
Footpaths and Cycleways									
Footpath Renewal Annual Program	155	-	155	-	-	-	155	-	-
Strategic footpath network expansion	80	-	80	-	-	-	80	-	-
Drainage									
Pits, Pipes, Culverts and Headwall renewal program	195	-	195	-	-	-	195	-	-
Strategic drainage Improvement Program	80	-	80	-	-	-	80	-	-
Bromfield Street - Pipe Replacement	45	-	45	-	-	-	45	-	-



**Draft Budget 2024-25**  
Prepared for Council Meeting 24 April 2024

**Current Budget (cont.)**

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	Council Reserves \$'000	Borrowings \$'000
<b>Other infrastructure</b>									
<i>Memorial Square Colac, Fountain Renewal</i>	<b>110</b>	-	110	-	-	-	110	-	-
<i>Eastern Reserve Oval - Playing Surface Re-levelling</i>	<b>60</b>	-	54	6	-	-	60	-	-
<i>Open Space Improvements - Wyuna Estate</i>	<b>50</b>	50	-	-	-	-	-	50	-
<i>Open Space Renewal Annual Program</i>	<b>40</b>	-	40	-	-	-	40	-	-
<i>Colac Central Bowling Club</i>	<b>26</b>	-	26	-	-	-	26	-	-
<i>Meredith Park Waste Area</i>	<b>25</b>	25	-	-	-	-	25	-	-
<i>Lake Colac Foreshore furniture</i>	<b>15</b>	15	-	-	-	-	-	15	-
<i>Carlisle River school Bollards</i>	<b>5</b>	5	-	-	-	-	5	-	-
<b>TOTAL INFRASTRUCTURE</b>	<b>8,617</b>	<b>95</b>	<b>8,516</b>	<b>6</b>	<b>1,703</b>	<b>-</b>	<b>6,849</b>	<b>65</b>	<b>-</b>
<b>TOTAL NEW CAPITAL WORKS</b>	<b>11,523</b>	<b>115</b>	<b>11,344</b>	<b>64</b>	<b>1,703</b>	<b>-</b>	<b>8,214</b>	<b>1,607</b>	<b>-</b>



**Draft Budget 2024-25**  
Prepared for Council Meeting 24 April 2024



#### 4.5.3 Works carried forward from the 2023-24 year

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
<b>PROPERTY</b>								
Buildings	3,120	38	2,571	511	886	-	2,233	-
<b>TOTAL PROPERTY</b>	<b>3,120</b>	<b>38</b>	<b>2,571</b>	<b>511</b>	<b>886</b>	<b>-</b>	<b>2,233</b>	<b>-</b>
<b>PLANT AND EQUIPMENT</b>								
Annual Heavy Plant Replacement Program	985	-	985	-	-	-	985	-
Annual Light Fleet Replacement Program	352	-	352	-	-	-	352	-
Fixtures, Fittings and Furniture	1,118	344	137	636	600	-	518	-
Computers and Telecommunications	336	-	261	75	-	-	336	-
<b>TOTAL PLANT AND EQUIPMENT</b>	<b>2,791</b>	<b>344</b>	<b>1,735</b>	<b>711</b>	<b>600</b>	<b>-</b>	<b>2,191</b>	<b>-</b>
<b>INFRASTRUCTURE</b>								
Roads	9,272	-	9,082	190	7,386	-	1,886	-
Footpaths and Cycleways	81	59	22	-	81	-	-	-
Drainage	4,030	3,851	179	-	2,406	-	1,624	-
Other infrastructure	431	-	312	119	413	-	18	-
<b>TOTAL INFRASTRUCTURE</b>	<b>13,814</b>	<b>3,910</b>	<b>9,595</b>	<b>309</b>	<b>10,285</b>	<b>-</b>	<b>3,529</b>	<b>-</b>
<b>TOTAL CARRIED FORWARD CAPITAL WORKS 2023-24</b>	<b>19,724</b>	<b>4,292</b>	<b>13,901</b>	<b>1,531</b>	<b>11,771</b>	<b>-</b>	<b>7,953</b>	<b>-</b>

The standard financial statements in Section 3 of Council's budget for the year 2024-25 are premised on all projects funded in 2023-24 being completed before 30 June 2024.

In reality, all Councils have a portion of their capital and operational projects incomplete at the end of financial year and carry them forward to complete in a later year.

Table 4.5.3 provides a summary of the anticipated value of projects to be carried from the 2023-24 financial year into the budget year of 2024-25. The figures in Table 4.5.3 are not integrated into the other tables in the budget document are for information only.

The amount of \$19.724m capital projects to be carried forward, in addition to the new 2024-25 Capital Works Program of \$11.481m creates an anticipated total program allocation of \$31.205m.

Council anticipates that its underlying capital works program expenditure, largely self-funded by Council, will remain in the order of \$10m to \$12m annually for future years. Additionally 2024-25 and 2025-26 years will see the delivery of other major programs that are largely funded through grants such as the LRCI-funded projects and Landslip rectification works.

Once the end of financial year processes are complete, the actual unexpended expense and income budgets are confirmed and incorporated into Council's financial statements at the end of the first quarter of the budget year.



**Draft Budget 2024-25**

Prepared for Council Meeting 24 April 2024

**4.6 Summary of Planned Capital Works Expenditure**

For the year ending 30 June 2026

2025-26	Asset Expenditure Types					Funding Sources				
	Total	New	Renewal	Expansion	Upgrade	Total	Grants Contributions	Council Cash	Council Reserves	Borrowings
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Property</b>										
Land	-	-	-	-	-	-	-	-	-	-
Land improvements	-	-	-	-	-	-	-	-	-	-
<b>Total Land</b>	-	-	-	-	-	-	-	-	-	-
Buildings	2,203	-	2,203	-	-	2,203	-	903	800	500
<b>Total Buildings</b>	2,203	-	2,203	-	-	2,203	-	903	800	500
<b>Total Property</b>	<b>2,203</b>	-	<b>2,203</b>	-	-	<b>2,203</b>	-	<b>903</b>	<b>800</b>	<b>500</b>
<b>Plant and Equipment</b>										
Plant, machinery and equipment	800	-	800	-	-	800	-	800	-	-
Fixtures, fittings and furniture	87	-	87	-	-	87	-	87	-	-
Computers and telecommunications	481	-	481	-	-	481	-	481	-	-
<b>Total Plant and Equipment</b>	<b>1,368</b>	-	<b>1,368</b>	-	-	<b>1,368</b>	-	<b>1,368</b>	-	-
<b>Infrastructure</b>										
Roads	6,950	-	6,950	-	-	6,950	1,703	5,247	-	-
Bridges	54	-	54	-	-	54	-	54	-	-
Footpaths and cycleways	213	-	213	-	-	213	-	213	-	-
Drainage	290	-	290	-	-	290	-	290	-	-
Other infrastructure	300	100	100	-	100	300	-	300	-	-
<b>Total Infrastructure</b>	<b>7,807</b>	<b>100</b>	<b>7,607</b>	-	<b>100</b>	<b>7,807</b>	<b>1,703</b>	<b>6,104</b>	-	-
<b>Total Capital Works Expenditure</b>	<b>11,378</b>	<b>100</b>	<b>11,178</b>	-	<b>100</b>	<b>11,378</b>	<b>1,703</b>	<b>8,375</b>	<b>800</b>	<b>500</b>



**Draft Budget 2024-25**

Prepared for Council Meeting 24 April 2024

For the year ending 30 June 2027

2026-27	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
<b>Property</b>										
Land	-	-	-	-	-	-	-	-	-	-
Land improvements	-	-	-	-	-	-	-	-	-	-
<b>Total Land</b>										
Buildings	861	-	861	-	-	861	-	-	861	-
<b>Total Buildings</b>	861	-	861	-	-	861	-	-	861	-
<b>Total Property</b>	861	-	861	-	-	861	-	-	861	-
<b>Plant and Equipment</b>										
Plant, machinery and equipment	800	-	800	-	-	800	-	-	800	-
Fixtures, fittings and furniture	87	-	87	-	-	87	-	-	87	-
Computers and telecommunications	505	-	505	-	-	505	-	-	505	-
<b>Total Plant and Equipment</b>	1,392	-	1,392	-	-	1,392	-	-	1,392	-
<b>Infrastructure</b>										
Roads	7,119	-	7,119	-	-	7,119	1,703	-	5,416	-
Bridges	56	-	56	-	-	56	-	-	56	-
Footpaths and cycleways	218	-	218	-	-	218	-	-	218	-
Drainage	297	-	297	-	-	297	-	-	297	-
Other infrastructure	307	100	107	-	100	307	-	-	307	-
<b>Total Infrastructure</b>	7,997	100	7,797	-	100	7,997	1,703	-	6,294	-
<b>Total Capital Works Expenditure</b>	10,250	100	10,050	-	100	10,250	1,703	-	8,547	-



**Draft Budget 2024-25**

Prepared for Council Meeting 24 April 2024

For the year ending 30 June 2028

2027-28	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
<b>Property</b>										
Land	-	-	-	-	-	-	-	-	-	-
Land improvements	-	-	-	-	-	-	-	-	-	-
<b>Total Land</b>										
Buildings	861	-	861	-	-	861	-	-	861	-
<b>Total Buildings</b>										
Buildings	861	-	861	-	-	861	-	-	861	-
<b>Total Property</b>										
Buildings	861	-	861	-	-	861	-	-	861	-
<b>Plant and Equipment</b>										
Plant, machinery and equipment	800	-	800	-	-	800	-	-	800	-
Fixtures, fittings and furniture	87	-	87	-	-	87	-	-	87	-
Computers and telecommunications	530	-	530	-	-	530	-	-	530	-
<b>Total Plant and Equipment</b>										
Plant, machinery and equipment	1,417	-	1,417	-	-	1,417	-	-	1,417	-
<b>Infrastructure</b>										
Roads	7,297	-	7,297	-	-	7,297	1,703	-	5,594	-
Bridges	57	-	57	-	-	57	-	-	57	-
Footpaths and cycleways	224	-	224	-	-	224	-	-	224	-
Drainage	304	-	304	-	-	304	-	-	304	-
Other infrastructure	315	100	115	-	100	315	-	-	315	-
<b>Total Infrastructure</b>										
Other infrastructure	8,197	100	7,997	-	100	8,197	1,703	-	6,494	-
<b>Total Capital Works Expenditure</b>										
Other infrastructure	10,475	100	10,275	-	100	10,475	1,703	-	8,772	-



## 5 Indicators

The following tables highlight Council's current and projected performance across a selection of targeted service and financial performance indicators. These indicators provide a useful analysis of Council's intentions and performance and should be interpreted in the context of the organisation's objectives.

The targeted performance indicators below are the prescribed performance indicators contained in Schedule 4 of the *Local Government (Planning and Reporting) Regulations 2020*. Results against these indicators and targets will be reported in Council's Performance Statement included in the Annual Report.

### 5.1 Targeted Performance Indicators - Service

Indicator	Measure	Notes	Actual 2022-23	Forecast 2023-24	Target 2024-25	Target Projections			Trend
Governance									
Satisfaction with community consultation and engagement	Community satisfaction rating out of 100 with the consultation and engagement efforts of Council	1	45	52	53.53	54.33	54.88	55.43	+
Roads									
Sealed local roads below the intervention level	Number of kms of sealed local roads below the renewal intervention level set by Council / Kms of sealed local roads	2	98%	99%	100%	100%	100%	100%	o
Statutory planning									
Planning applications decided within the relevant required time	Number of planning application decisions made within the relevant required time / Number of decisions made	3	76.94%	63.22%	85.00%	85.00%	85.00%	85.00%	+
Waste management									
Kerbside collection waste diverted from landfill	Weight of recyclables and green organics collected from kerbside bins / Weight of garbage, recyclables and green organics collected from kerbside bins	4	57.15%	61.10%	63%	67%	70%	73%	+
Indicator	Measure	Notes	Actual 2022-23	Forecast 2023-24	Target 2024-25	Target Projections			Trend
Liquidity									
Working Capital	Current assets / current liabilities	5	244.89%	252.20%	249.53%	230.97%	220.56%	208.23%	+
Obligations									
Asset renewal	Asset renewal and upgrade expense / Asset depreciation	6	74.03%	227.97%	79.45%	77.92%	69.71%	70.77%	+
Stability									
Rates concentration	Rate revenue / adjusted underlying revenue	7	51.05%	46.55%	64.55%	64.76%	65.07%	65.16%	+
Efficiency									
Expenditure level	Total expenses / no. of property assessments	8	\$3,892	\$3,943	\$3,970	\$4,018	\$4,059	\$4,098	+

#### 1. Satisfaction with community consultation and engagement

Council plans to hold a number of 'Community Conversation' sessions in 2024 to create opportunities for local discussions across the Shire.

#### 2. Sealed local roads below the intervention level

Council should always plan for, and strive to achieve, 100% compliance with the Road Management Plan.

#### 3. Planning applications decided within the relevant required time

Process improvements are being introduced to provide greater efficiencies that aim to improve customer experience and reduce turnaround times.



**Draft Budget 2024-25**

Prepared for Council Meeting 24 April 2024

**4. Kerbside collection waste diverted from landfill**

Council introduced kerbside collection of glass in 2021 and continues to assist the community with information and facilities that increase diversion of materials from landfill. Council's Waste Strategy includes a target of 73% total diversion from landfill by 2027-28.

**5. Working Capital**

Council aims to maintain a consistent level of liquidity.

**6. Asset renewal**

Council depreciation has increased significantly over recent years and through revaluations and market increases, and therefore this target is below 100% to reflect estimated financial capacity.

**7. Rates concentration**

Council aims to maintain a consistent level of liquidity.

**8. Expenditure level**

Target reflects the anticipated increase in revenue for rates and charges.

**5.2 Financial Performance Indicators**

Indicator	Measure	Notes	Actual 2022-23	Forecast 2023-24	Budget 2024-25	Projections 2025-26	2026-27	2027-28	Trend +/-
<b>Operating position</b>									
Adjusted underlying result	Adjusted underlying surplus (deficit) / Adjusted underlying revenue	9	4.54%	-8.46%	-10.23%	-7.91%	-8.42%	-8.50%	-
<b>Liquidity</b>									
Unrestricted cash	Unrestricted cash / current liabilities	10	15.65%	22.43%	22.74%	22.18%	21.68%	21.19%	o
<b>Obligations</b>									
Loans and borrowings	Interest bearing loans and borrowings / rate revenue	11	0.00%	0.00%	1.34%	0.00%	0.00%	0.00%	o
Loans and borrowings	Interest and principal repayments on interest bearing loans and borrowings / rate revenue		1.86%	0.00%	0.00%	0.17%	0.16%	0.16%	o
Indebtedness	Non-current liabilities / own source revenue		10.98%	11.26%	11.38%	10.08%	9.87%	9.62%	o
<b>Stability</b>									
Rates effort	Rate revenue / CIV of rateable properties in the municipality	12	0.33%	0.30%	0.30%	0.29%	0.29%	0.28%	o
<b>Efficiency</b>									
Revenue level	General rates and municipal charges / no. of property assessments	13	\$1,904	\$1,970	\$2,020	\$2,062	\$2,105	\$2,148	+

**9. Adjusted underlying result**

Council's budget projects ongoing negative Operating Position due primarily to the high value of depreciation driving an ongoing deficit result, however this measure is an important indicator of the sustainable operating result required to enable Council to generate enough cash from operations and future projects including asset renewal. The results are showing underlying deficit results in 2023-24, 2024-25 and future years.

The budgeted deficit indicates that Council is generating less revenue from sources it can control, increasing reliance on funding from external sources such as grant funding. This is not considered to be sustainable in the long term, however adjusted underlying deficits are sustainable in the short term, providing other indicators remain healthy.

Without important changes to Council's service offering and delivery models, future years will also present deficits and erode Council's ability to support the community in the future.



## **Draft Budget 2024-25**

Prepared for Council Meeting 24 April 2024

### **10. Unrestricted Cash**

This shows an increase in the available unrestricted cash. This is due to the improvement in cash and cash equivalents levels over the period. This trend is consistent and reflective of the adjusted underlying result and working capital.

### **11. Debt compared to rates**

Council has included the procurement of a loan of \$500k in the year 2024-25. for the Electrification of the Bluewater Leisure Centre. There is no further plan to borrow any money in 2025-26 and future years.

### **12. Rates effort**

This indicator remains relatively stable and typical of other councils that are of similar scale to Colac Otway Shire.

### **13. Revenue level**

Efficiency is projected to increase in future years due to the relatively low increase in the number of property assessments.



**Draft Budget 2024-25**

Prepared for Council Meeting 24 April 2024

**Appendix A – Council Contributions to External Parties**

<b>Organisations Contribution</b>	<b>2024-25</b>
<b>Memberships and commitments to working with regional partners</b>	<b>\$1,089,775</b>
Geelong Regional Library Corporation	\$861,000
G21 Region Alliance	\$47,000
SouthWest Victoria Alliance	\$25,000
Rural Councils Victoria	\$5,000
Timber Towns Victoria	\$2,750
Municipal Association of Victoria	\$32,000
Barwon South West Climate Alliance	\$15,525
Great Ocean Road Regional Tourism	\$101,500
<b>Community and Business Funding Programs</b>	<b>\$317,500</b>
Community Grants / Garden Awards	\$316,500
Student Achievement Awards	\$1,000
<b>Contributions to others providing Leisure / Recreation to community</b>	<b>\$348,776</b>
Apollo Bay P12 College - Aquatic Centre	\$237,380
Lavers Hill K-12 College - Leisure Centre	\$22,296
Life Saving Victoria	\$61,000
Old Beechy Rail Trail landowner insurance	\$27,000
Play audits - GORCAPA managed assets	\$1,100
<b>Other Programs and Services</b>	<b>\$94,500</b>
Great Ocean Road Health	\$39,000
Mt Gellibrand Fire Tower Lookout Committee	\$1,500
Apollo Bay P12 College for support of back-up emergency power supply	\$4,000
Christmas Events	\$30,000
Installation of Street Art	\$20,000
<b>Contributions to others managing Council and non-Council recreation reserves</b>	<b>\$56,740</b>
Apollo Bay Recreation Reserve	\$7,500
Alvie Recreation Reserve	\$5,900
Beeac Recreation Reserve	\$2,200
Birregurra Recreation Reserve	\$8,050
Beech Forest Recreation Reserve	\$1,600
Carlisle River Recreation Reserve	\$3,270
Cressy River Recreation Reserve	\$1,480
Forrest Recreation Reserve	\$3,470
Gellibrand Recreation Reserve	\$3,880
Irrewillipe Recreation Reserve	\$5,900
Pirron Yallock Recreation Reserve	\$2,220
Warrion Recreation Reserve	\$2,220
Warrowie Recreation Reserve	\$4,770
Colac Secondary College	\$4,280



**Draft Budget 2024-25**  
Prepared for Council Meeting 24 April 2024



<b>Neighbourhood Houses</b>	<b>\$17,500</b>
Apollo Bay Neighbourhood House	\$3,500
Colac Neighbourhood House	\$3,500
Forrest Neighbourhood House	\$3,500
Gellibrand Neighbourhood House	\$3,500
Barwon Network of Neighbourhood Houses	\$3,500
<b>Total contributions to partners and community</b>	<b>\$1,924,791</b>



## Appendix B – Operational Projects 2024-25

In 2024-25 Council plans to fund \$1.78 million of operational projects with a particular focus on strategic planning activities that help progress residential land and dwellings.

Operational Projects 2024-25	New \$'000s	Cash Reserve \$'000s	Total \$'000s
Election Costs, Councillor Induction, Council Plan & First Year requirements for Term 2024-28	\$610	\$0	\$610
Asset Condition Assessments	\$330	\$0	\$330
Apollo Bay Structure Plan Review	\$0	\$200	\$200
Aged Care Review Implementation Activities	\$150	\$0	\$150
Gaming and Licensed Premises Policy	\$0	\$85	\$85
Council ongoing contribution to Youth Engagement Program	\$70	\$0	\$70
Street Tree Planting Program - 2024-25	\$60	\$0	\$60
Revenue and Rating Plan	\$50	\$0	\$50
Bike Parks planning	\$50	\$0	\$50
Storage compliance implementation	\$44	\$0	\$44
Apollo Bay Cricket Net upgrade - Council Contribution	\$0	\$35	\$35
Christmas Events	\$30	\$0	\$30
Security Application Control Implementation	\$26	\$0	\$26
Soccer Facilities Feasibility Study	\$20	\$0	\$20
Road Management Plan	\$15	\$0	\$15
<b>Total</b>	<b>\$1,455</b>	<b>\$320</b>	<b>\$1,775</b>

All operational projects are to be fully funded by Council.





# COLAC OTWAY SHIRE

## FEES AND CHARGES 2024-25

**Discretionary Fees and Charges**  
(Fees and Charges set by Council)

Colac Otway Shire

<https://www.colacotway.vic.gov.au>



DRAFT

## Fees & Charges

---

Colac Otway Shire Council



## Table Of Contents

<b>Colac Otway Shire .....</b>	<b>7</b>
<b>Corporate Services .....</b>	<b>7</b>
<b>Financial Services .....</b>	<b>7</b>
Replacement Rate Notice .....	7
Payment Dishonour Fee (All Other).....	7
Payment Dishonour Fee (Direct Debit).....	7
<b>Development &amp; Community Services.....</b>	<b>8</b>
<b>Bluewater Leisure Centre .....</b>	<b>8</b>
Aquatic – Daily Charges .....	8
Combo Swim Spa Sauna Stadium (SSSS) .....	8
Pool or spa or steam room or stadium .....	8
Aqua Membership (Aquatics Only).....	8
Adult .....	8
Concession .....	8
Family .....	8
Childcare .....	8
Member - BWLC.....	8
Non-member - BWLC .....	8
Health Club & Group Fitness .....	9
Casual Entry .....	9
Group Fitness Casual Entry .....	9
Personal Training .....	9
Platinum Membership (Full Centre).....	9
Youth 14 - 17 years old .....	9
Off-Peak Full Facility Access (8.30am-4.30pm) .....	9
Adult .....	9
Concession .....	9
Family .....	9
Gold Membership (Gym Only).....	9
Adult .....	9
Concession .....	9
Family .....	10
Membership Fee .....	10
Direct Debit Joining Fee .....	10
Multipass.....	10
Adult .....	10
Concession .....	10
Other Charges .....	10
Instructor hire/hr aquatic or dry.....	10
Swim School .....	10
30 min Private Lesson .....	10
30 min group lesson .....	10
Schools Swim & Survive Program Entry .....	10
Venue Hire.....	10
Pool Hire.....	10
Commercial Room Hire.....	11
Community Room Hire .....	11
Stadium Hire .....	11
<b>Community Services - Family Day Care.....</b>	<b>11</b>
Family Day Care Administration Levy.....	11
Educators Levy.....	11
Rate per child per hour .....	11



## Table Of Contents [continued]

Family Day Care Charges .....	11
8am to 6pm Monday to Friday .....	11
Before 8 am and after 6 pm .....	11
Saturday, Sunday and Public Holidays .....	11
Meals (per meal) .....	11
Trips .....	12
Community Services - Family and Children .....	12
MCH Room Hire .....	12
Apollo Bay Early Years Hub .....	12
Community Services - Recreation and Open Space .....	12
Casual Hire Rates .....	12
Central Reserve Full Facility .....	12
Central Reserve Oval only .....	12
Central Reserve Pavillion Hire Commercial .....	12
Central Reserve Pavillion Hire Community .....	12
Central Reserve Netball Court Hire .....	13
Central Reserve Netball change rooms Hire .....	13
Electricity charge, visiting health van services .....	13
Other City Reserves Oval Hire (Western, Eastern, Elliminyt, Lake) .....	13
Community Services - Older Persons Ability Support Service (OPASS) .....	13
OPASS .....	13
Domestic Assistance .....	13
Personal Care .....	13
Property Maintenance .....	13
Respite Care .....	13
Community Transport .....	13
Birregurra/Forrest/Beeac/Warrion .....	13
Colac .....	14
Colac Otway Shire - Apollo Bay, Lavers Hill .....	14
Colac to Geelong or Ballarat .....	14
Colac to Melbourne .....	14
Colac to Warrnambool .....	14
Contracted Services .....	14
Contracted Services .....	14
Domestic Assistance .....	14
Personal Care .....	14
Respite Care .....	14
Meals to Agency clients .....	14
All meals .....	14
Delivered meals .....	15
COPACC .....	15
Marketing .....	15
Auditorium 1 - 4 Hour Minimum Hire .....	15
Commercial Hire .....	15
Community From Colac Otway .....	15
Catering .....	15
Civic Hall .....	15
Commercial Hire .....	15
Community From Colac Otway .....	15
Equipment Hire .....	15
Green Room Hourly Rate .....	16
Commercial Hire .....	16
Community From Colac Otway .....	16



## Table Of Contents [continued]

Kitchen Hourly Rate .....	16
Commercial Hire.....	16
Community From Colac Otway .....	16
Labour Charges.....	16
Hourly Rate .....	16
Meeting Room/s Hourly Rate .....	17
Commercial Hire.....	17
Community From Colac Otway .....	17
Other Charges .....	17
Commercial & Community Hire .....	17
Public Gallery Exhibition & Display Hire Charges .....	17
Exhibition .....	17
Public Gallery Hourly Rate For Meeting & Convention .....	17
Commercial Hire.....	17
Community From Colac Otway .....	17
Rehearsal Room Hourly Rate.....	18
Commercial Hire.....	18
Community From Colac Otway .....	18
Customer Service.....	18
Economic Development & Events .....	18
Aerodrome Landing Fees .....	18
Colac.....	18
Colac Livestock Selling Centre.....	18
Agents (with leased office space) special sale .....	18
Agents (with leased office space) weekly fee.....	18
Agents (without office space) per sale fee .....	18
All horses .....	18
All other cattle .....	18
Annual licence and rental.....	18
Bobby calves .....	18
Bulls flat rate.....	19
Cows and calves weigh fee .....	19
Dairy cattle .....	19
Pigs.....	19
Private weigh .....	19
Sheep and lambs .....	19
Stud cattle .....	19
Weighed cattle .....	19
Other miscellaneous fees.....	19
Events.....	19
Planning & Building .....	20
Building Control Charges.....	20
Application for Place of Public Entertainment (PoPE) Permit or Temporary Structure .....	20
Information charges.....	20
Registration of Swimming Pool .....	21
Building Permit Amendments .....	21
Building Permit Application Fee.....	21
All other classes of Occupancy 2-9 inclusive (construction and/or demolition).....	21
Domestic – class 1a Dwellings (construction and demolition), where the value of building work: .....	21
Minor Works - Class 10a, 10b & 1ai: Garages, carports, pool/spas & fence where value of work: .....	21
Inspections .....	22
Additional Inspection (charged where additional inspections are required) .....	22
Essential Safety Measures Assessments.....	22



**Table Of Contents** [continued]

Essential Safety Measures Determination .....	22
<b>Report and Consent Fees .....</b>	<b>22</b>
Report & Consent Application .....	22
<b>Planning Fees &amp; Charges – Other .....</b>	<b>22</b>
Advertising.....	22
Application for approval of amended plans under secondary consent .....	22
Extension of time to planning permits .....	22
Property Enquiry .....	22
<b>Public Health.....</b>	<b>23</b>
<b>Health Protection Administration (Registration Fees).....</b>	<b>23</b>
CLASS 1 Food Premises .....	23
CLASS 2 Food Premises .....	23
CLASS 3 Food Premises .....	23
Additional Temporary/Mobile Food Registration .....	23
Community Group Support .....	23
Category 1 Aquatic Facilities .....	23
<b>Personal Appearance Services.....</b>	<b>23</b>
Beauty Therapies .....	23
Hairdressers .....	23
Skin Penetration (Tattooists, body piercing) .....	23
<b>Miscellaneous .....</b>	<b>24</b>
Conveyance Enquiries for regulated businesses .....	24
Water Sampling .....	24
Immunisation .....	24
Replacement Certificate .....	24
Express Service.....	24
Professional Service .....	24
<b>Prescribed Accommodation.....</b>	<b>24</b>
6 to 10 persons .....	24
11 to 20 persons .....	24
20+ persons .....	24
<b>Environment &amp; Infrastructure Services.....</b>	<b>25</b>
<b>Infrastructure Development .....</b>	<b>25</b>
Asset Protection Permit Fee .....	25
Check Engineering Plans .....	25
Design Fee .....	25
Special Charge Scheme.....	25
Standpipe water fee .....	25
<b>Environment &amp; Community Safety .....</b>	<b>26</b>
<b>Animal Control.....</b>	<b>26</b>
Registration .....	26
Pound Release Fees .....	26
<b>Fire Prevention .....</b>	<b>26</b>
Administrative fee block slashing .....	26
<b>Local Laws .....</b>	<b>26</b>
Local Law No 1 .....	26
<b>Other .....</b>	<b>27</b>
Abandoned or derelict vehicles .....	27
All other permits.....	27
Impoundment Fee .....	27
Public protection (hording permit) .....	27
<b>Parking .....</b>	<b>27</b>



**Table Of Contents** [continued]

All day parking permit (Payable in 6 monthly blocks - Johnstone's Carpark only).....27

Car parking fines .....27

Apollo Bay Market.....27

**Waste Management.....27**

Waste Management Additional Service Change/Bin .....27

All waste receival sites .....28

Kerbside Bin Fees .....28

DRAFT



Name	Council / Statutory	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	---------------------	----------------------------	----------------------------	------------

**Colac Otway Shire****Corporate Services****Financial Services****Replacement Rate Notice**

Fee	C	\$29.00	\$30.20	4.14%
-----	---	---------	---------	-------

**Payment Dishonour Fee (All Other)**

Admin Fee	C	\$27.50	\$29.00	5.45%
-----------	---	---------	---------	-------

**Payment Dishonour Fee (Direct Debit)**

Admin Fee	C	\$11.50	\$11.00	-4.35%
-----------	---	---------	---------	--------

DRAFT



Name	Council / Statutory	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	---------------------	----------------------------	----------------------------	------------

## Development & Community Services

### Bluewater Leisure Centre

#### Aquatic – Daily Charges

##### Combo Swim Spa Sauna Stadium (SSSS)

Adult	C	\$13.80	\$14.40	4.35%
Adult Concession	C	\$11.10	\$11.50	3.60%

##### Pool or spa or steam room or stadium

Adult	C	\$8.00	\$8.40	5.00%
Child	C	\$5.70	\$6.00	5.26%
Adult Concession	C	\$6.40	\$6.70	4.69%
Family	C	\$24.00	\$25.20	5.00%
Parent/Toddler	C	\$6.40	\$6.70	4.69%
School Group	C	\$5.70	\$6.00	5.26%

#### Aqua Membership (Aquatics Only)

##### Adult

12 months	C	\$689.00	\$718.00	4.21%
Direct Debit	C	\$26.50	\$27.60	4.15%

##### Concession

12 months	C	\$551.20	\$575.00	4.32%
Direct Debit	C	\$21.20	\$22.10	4.25%

##### Family

12 months	C	\$1,034.80	\$1,077.00	4.08%
Direct Debit	C	\$39.80	\$41.40	4.02%

#### Childcare

##### Member - BWLC

10 Multi Visit Pass (Visit per Hour)	C	\$70.20	\$73.00	3.99%
30 Multi Visit Pass (Visit per Hour)	C	\$198.90	\$207.00	4.07%
Member - Additional Child (per hr)	C	\$7.40	\$7.70	4.05%
Child 1 hr (per hour)	C	\$7.80	\$8.10	3.85%

##### Non-member - BWLC

Non Member - Additional Child (per hr)	C	\$14.00	\$14.60	4.29%
Non Member 10 Multi Visit Pass (Visit per Hour)	C	\$133.40	\$139.00	4.20%
Non Member 30 Multi Visit Pass (Visit per Hour)	C	\$377.90	\$393.00	4.00%
Child 1 hr	C	\$14.80	\$15.40	4.05%



Name	Council / Statutory	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	---------------------	----------------------------	----------------------------	------------

## Health Club & Group Fitness

### Casual Entry

Adult	C	\$18.00	\$18.80	4.44%
Adult Concession	C	\$14.40	\$15.00	4.17%

### Group Fitness Casual Entry

Adult	C	\$16.60	\$17.30	4.22%
Adult Concession	C	\$13.30	\$13.90	4.51%
Group Entry (Schools)	C	\$11.60	\$12.10	4.31%
Living Active (Senior Program)	C	\$8.30	\$8.65	4.22%

### Personal Training

1 session personal training (45 min)	C	\$72.50	\$75.50	4.14%
1 on 1 Personal Training - 10 sessions	C	\$652.00	\$679.00	4.14%
1 on 1 Personal Training - 5 sessions	C	\$345.00	\$359.00	4.06%

## Platinum Membership (Full Centre)

### Youth 14 - 17 years old

Direct Debit (Fortnightly)	C	\$29.10	\$31.10	6.87%
----------------------------	---	---------	---------	-------

### Off-Peak Full Facility Access (8.30am-4.30pm)

Direct Debit	C	\$29.90	\$31.10	4.01%
--------------	---	---------	---------	-------

### Adult

12 months	C	\$1,037.00	\$1,079.00	4.05%
Direct Debit	C	\$39.90	\$41.50	4.01%

### Concession

12 months	C	\$830.00	\$864.00	4.10%
Direct Debit	C	\$32.00	\$33.20	3.75%

### Family

12 months	C	\$1,556.00	\$1,622.00	4.24%
Direct Debit	C	\$60.00	\$62.40	4.00%

## Gold Membership (Gym Only)

### Adult

12 months	C	\$924.30	\$962.00	4.08%
Direct Debit	C	\$35.55	\$37.00	4.08%

### Concession

12 months	C	\$740.00	\$770.00	4.05%
Direct Debit	C	\$28.50	\$29.60	3.86%



Name	Council / Statutory	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	---------------------	----------------------------	----------------------------	------------

## Family

12 months	C	\$1,461.00	\$1,520.00	4.04%
Direct Debit	C	\$56.20	\$58.50	4.09%

## Membership Fee

### Direct Debit Joining Fee

Adult	C	\$55.00	\$57.00	3.64%
-------	---	---------	---------	-------

## Multipass

### Adult

10 Ticket Group Fitness	C	\$152.00	\$156.00	2.63%
10 Ticket Gym	C	\$167.00	\$170.00	1.80%
10 Ticket Aqua	C	\$72.00	\$75.00	4.17%

### Concession

10 Ticket Group Fitness	C	\$123.50	\$124.80	1.05%
10 Ticket Aqua	C	\$57.60	\$60.00	4.17%
10 Ticket Gym	C	\$133.60	\$136.00	1.80%

## Other Charges

### Instructor hire/hr aquatic or dry

Instructor Hire	C	\$72.50	\$75.50	4.14%
-----------------	---	---------	---------	-------

## Swim School

### 30 min Private Lesson

30 Min Group SS 2 on 1 (per person)	C	\$42.40	\$44.40	4.72%
30 Min Group SS 3 on 1 (per person)	C	\$37.10	\$38.80	4.58%
30 Min Group SS 4 on 1 (per person)	C	\$31.80	\$33.30	4.72%
Swim School	C	\$53.00	\$55.50	4.72%

### 30 min group lesson

Swim School - Concession	C	\$14.00	\$14.60	4.29%
Swim School - Paid in Full (per lesson)	C	\$17.50	\$18.20	4.00%
Swim School	C	\$17.50	\$18.20	4.00%

### Schools Swim & Survive Program Entry

Program Entry	C	\$5.00	\$5.20	4.00%
---------------	---	--------	--------	-------

## Venue Hire

### Pool Hire

Lane hire/hr (during normal operating hrs)	C	\$38.00	\$39.70	4.47%
Whole pool full day 4+ hrs (during normal operating hours)	C	\$651.00	\$678.00	4.15%
Program Pool Hire - half pool per hr	C	\$42.00	\$43.80	4.29%



Name	Council / Statutory	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	---------------------	----------------------------	----------------------------	------------

**Pool Hire** [continued]

Program Pool Hire - full pool per hr	C	\$70.00	\$73.00	4.29%
--------------------------------------	---	---------	---------	-------

**Commercial Room Hire**

Program Room Single	C	\$46.00	\$48.00	4.35%
Program Room Double	C	\$68.00	\$71.00	4.41%
Meeting Room	C	\$46.00	\$48.00	4.35%

**Community Room Hire**

Program Room Single	C	\$31.00	\$32.30	4.19%
Program Room Double	C	\$47.00	\$49.00	4.26%
Meeting Room	C	\$31.00	\$32.30	4.19%

**Stadium Hire**

All day hire	C	\$777.00	\$809.00	4.12%
Off Peak court hire/hr	C	\$47.00	\$49.00	4.26%
Peak court hire/hr	C	\$55.00	\$57.30	4.18%

**Community Services - Family Day Care****Family Day Care Administration Levy****Educators Levy**

Carers Levy per week	C	\$12.30	\$13.00	5.69%
----------------------	---	---------	---------	-------

**Rate per child per hour**

Rate per child per hour	C	\$2.00	\$2.20	10.00%
-------------------------	---	--------	--------	--------

**Family Day Care Charges****8am to 6pm Monday to Friday**

Per hour per child - Lower Limit	C	\$9.50	\$10.40	9.47%
Per hour per child - Upper Limit	C	\$9.90	\$10.90	10.10%
Per hour per child - Diploma qualified Educator Upper Limit	C	\$0.00	\$11.50	∞

**Before 8 am and after 6 pm**

Mon - Fri (per hour per child) - Lower Limit	C	\$10.00	\$10.90	9.00%
Mon - Fri (per hour per child) - Upper Limit	C	\$10.40	\$11.40	9.62%

**Saturday, Sunday and Public Holidays**

Per hour per child - Lower Limit	C	\$10.00	\$10.90	9.00%
Per hour per child - Upper Limit	C	\$10.40	\$11.40	9.62%
Sat, Sun, Public Holidays (per hour per child) – Diploma qualified Educator Upper Limit	C	\$0.00	\$13.50	∞

**Meals (per meal)**

Breakfast	C	\$5.00	\$8.00	60.00%
-----------	---	--------	--------	--------



Name	Council / Statutory	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	---------------------	----------------------------	----------------------------	------------

**Meals (per meal)** [continued]

Evening Meal	C	\$7.00	\$8.00	14.29%
Lunch	C	\$7.00	\$8.00	14.29%
Snack	C	\$3.00	\$4.00	33.33%

**Trips**

Fee	C	\$5.70	\$6.50	14.04%
-----	---	--------	--------	--------

**Community Services - Family and Children****MCH Room Hire****Apollo Bay Early Years Hub**

Full day hire	C	\$86.00	\$88.00	2.33%
Half day hire	C	\$46.00	\$47.00	2.17%

**Community Services - Recreation and Open Space****Casual Hire Rates****Central Reserve Full Facility**

Casual booking	C	\$550.00	\$550.00	0.00%
CDFNL season matches	C	\$330.00	\$330.00	0.00%
Cleaning surcharge if hirer not cleaning	C	\$550.00	\$550.00	0.00%
Oval lights use per hour	C	\$42.00	\$44.00	4.76%

**Central Reserve Oval only**

Casual booking, oval only, full day hire	C	\$264.00	\$264.00	0.00%
Casual booking, oval only, half day hire	C	\$154.00	\$154.00	0.00%
Oval lights use per hour	C	\$42.00	\$44.00	4.76%

**Central Reserve Pavillion Hire Commercial**

Cleaning surcharge if hirer not cleaning	C	\$135.00	\$135.00	0.00%
Full day hire (up to 8 hours) during business hours	C	\$396.00	\$396.00	0.00%
Full day hire (up to 8 hours) on weekends	C	\$440.00	\$440.00	0.00%
Half day hire (up to 4 hours) during business hours	C	\$198.00	\$198.00	0.00%
Half day hire (up to 4 hours) weekend	C	\$220.00	\$220.00	0.00%
Weeknight meeting hire (available until 9pm)	C	\$220.00	\$220.00	0.00%

**Central Reserve Pavillion Hire Community**

Cleaning surcharge if hirer not cleaning	C	\$135.00	\$135.00	0.00%
Full day hire (up to 8 hours) during business hours	C	\$220.00	\$220.00	0.00%
Full day hire (up to 8 hours) on weekends	C	\$330.00	\$330.00	0.00%
Half day hire (up to 4 hours) during business hours	C	\$110.00	\$110.00	0.00%
Half day hire (up to 4 hours) on weekends	C	\$165.00	\$165.00	0.00%
Weeknight meeting hire (available until 9pm)	C	\$182.00	\$182.00	0.00%



Name	Council / Statutory	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	---------------------	----------------------------	----------------------------	------------

**Central Reserve Netball Court Hire**

Full day hire (up to 8 hours)	C	\$88.00	\$88.00	0.00%
Half day hire (up to 4 hours)	C	\$44.00	\$44.00	0.00%
Netball court light use per hour	C	\$31.00	\$32.00	3.23%

**Central Reserve Netball change rooms Hire**

Cleaning surcharge if hirer not cleaning	C	\$75.00	\$75.00	0.00%
Full day hire (up to 8 hours)	C	\$97.00	\$97.00	0.00%
Half day hire (up to 4 hours)	C	\$48.00	\$48.00	0.00%

**Electricity charge, visiting health van services**

Full day electricity use	C	\$40.00	\$42.00	5.00%
--------------------------	---	---------	---------	-------

**Other City Reserves Oval Hire (Western, Eastern, Elliminyt, Lake)**

Pre-season/casual training other city reserves (oval only, up to 4 hours)	C	\$112.00	\$112.00	0.00%
Oval lights use per hour	C	\$0.00	\$44.00	∞
Pre-season casual training other city reserves (netball court only, up to four hours, price per court)	C	\$0.00	\$44.00	∞
Netball court light use per hour	C	\$0.00	\$32.00	∞

**Community Services - Older Persons Ability Support Service (OPASS)****OPASS****Domestic Assistance**

Per Hour - Lower Limit	C	\$5.20	\$7.20	38.46%
Per Hour - Upper Limit	C	\$49.00	\$50.00	2.04%

**Personal Care**

Per Hour - Lower Limit	C	\$5.10	\$6.70	31.37%
Per Hour - Upper Limit	C	\$51.00	\$50.00	-1.96%

**Property Maintenance**

Per hr plus cost of materials - Lower Limit	C	\$17.50	\$18.20	4.00%
Per hr plus cost of materials - Upper Limit	C	\$74.00	\$76.00	2.70%

**Respite Care**

Per Hour - Lower Limit	C	\$5.20	\$6.70	28.85%
Per Hour - Upper Limit	C	\$50.00	\$50.00	0.00%

**Community Transport****Birregurra/Forrest/Beeac/Warrion**

One way	C	\$9.40	\$10.40	10.64%
Return	C	\$17.80	\$19.50	9.55%



Name	Council / Statutory	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
<b>Colac</b>				
Return	C	\$10.50	\$8.50	-19.05%
<b>Colac Otway Shire - Apollo Bay, Lavers Hill</b>				
Return	C	\$33.20	\$36.20	9.04%
<b>Colac to Geelong or Ballarat</b>				
One way - single passenger	C	\$23.10	\$23.50	1.73%
One way - two or more passengers	C	\$18.10	\$18.25	0.83%
Return	C	\$33.50	\$36.50	8.96%
<b>Colac to Melbourne</b>				
Return	C	\$60.00	\$65.00	8.33%
<b>Colac to Warrnambool</b>				
Return	C	\$33.60	\$36.50	8.63%
<b>Contracted Services</b>				
<b>Contracted Services</b>				
Rate per kilometre	C	\$1.20	\$1.25	4.17%
<b>Domestic Assistance</b>				
<b>Per hour</b>				
7:30am to 7:30pm - Sat./Sun./Public Holiday	C	\$96.00	\$100.00	4.17%
7:30am to 7:30pm Mon. to Fri.	C	\$55.00	\$60.00	9.09%
<b>Personal Care</b>				
<b>Per hour</b>				
7:30am to 7:30pm - Sat./Sun./Public Holiday	C	\$96.00	\$100.00	4.17%
7:30am to 7:30pm Mon. to Fri.	C	\$55.00	\$60.00	9.09%
7:30pm to 7:30am Mon. to Fri.	C	\$96.00	\$100.00	4.17%
<b>Respite Care</b>				
<b>Per hour</b>				
7:30am to 7:30pm Sat./Sun./Public Holiday	C	\$96.00	\$100.00	4.17%
7:30am to 7:30pm Mon. to Fri.	C	\$55.00	\$60.00	9.09%
7:30pm to 7:30am Mon. to Fri.	C	\$96.00	\$100.00	4.17%
<b>Meals to Agency clients</b>				
<b>Per hour plus cost of materials</b>				
<b>All meals</b>				
Per meal - Lower Limit	C	\$10.80	\$11.20	3.70%
Per meal - Upper Limit	C	\$22.00	\$23.00	4.55%



Name	Council / Statutory	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	---------------------	----------------------------	----------------------------	------------

**Delivered meals**

Per meal - Lower Limit	C	\$10.80	\$11.20	3.70%
Per meal - Upper Limit	C	\$22.00	\$23.00	4.55%

**COPACC****Marketing**

Complimentary Marketing Package	C	\$0.00	\$0.00	0.00%
Gold Marketing Package	C	\$400.00	\$416.00	4.00%
Silver Marketing Package	C	\$200.00	\$208.00	4.00%

**Auditorium 1 - 4 Hour Minimum Hire****Commercial Hire**

Holding Fee - per non usage day	C	\$200.00	\$208.00	4.00%
4 Hour Hire	C	\$1,100.00	\$1,144.00	4.00%
8 Hour Hire	C	\$1,650.00	\$1,716.00	4.00%
Additional Hour	C	\$192.50	\$200.20	4.00%

**Community From Colac Otway**

4 Hour Hire	C	\$825.00	\$858.00	4.00%
8 Hour Hire	C	\$1,237.00	\$1,286.00	3.96%
Additional Hour	C	\$144.00	\$150.00	4.17%

**Catering**

Biscuits - Per Head	C	\$2.50	\$2.60	4.00%
Tablecloth Hire - COPACC Black - per cloth	C	\$12.80	\$13.35	4.30%
Tea, Coffee & Mints - per head	C	\$4.30	\$4.50	4.65%
Juice - Apple/Orange per Jug	C	\$7.20	\$7.50	4.17%

**Civic Hall****Commercial Hire**

4 Hour Hire	C	\$530.00	\$551.00	3.96%
8 Hour Hire	C	\$802.00	\$834.00	3.99%
Additional Hour	C	\$95.00	\$99.00	4.21%

**Community From Colac Otway**

4 Hour Hire	C	\$431.00	\$448.00	3.94%
8 Hour Hire	C	\$671.00	\$698.00	4.02%
Additional Hour	C	\$84.00	\$84.00	0.00%

**Equipment Hire**

Civic Hall presenter package/day	C	\$176.00	\$184.00	4.55%
Civic Hall presenter package/week	C	\$310.00	\$322.40	4.00%
Consumables Charge- Item cost plus 15%	C	\$0.00	\$0.00	0.00%



Name	Council / Statutory	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	---------------------	----------------------------	----------------------------	------------

## Equipment Hire [continued]

Large Stage Build - per section	C	\$35.00	\$36.40	4.00%
Minor Equipment Charge	C	\$15.00	\$15.60	4.00%
PA System - Intermediate	C	\$277.10	\$288.20	4.01%
Projector Hire Epson 7.5K - Civic Hall - per day	C	\$119.00	\$124.00	4.20%
Projector Hire Epson 7.5K - Civic Hall – per week	C	\$269.00	\$280.00	4.09%
Small Stage Build - per section	C	\$30.00	\$31.20	4.00%
Yoda (Yell out digital assistant)	C	\$29.00	\$30.20	4.14%
Projector Hire - Epson 11K - Auditorium - per day	C	\$222.00	\$231.00	4.05%
Projector Hire - Epson 11K - Auditorium - per week	C	\$555.00	\$580.00	4.50%
Haze Machine - Daily	C	\$45.00	\$47.00	4.44%
Haze Machine - Weekly	C	\$223.00	\$232.00	4.04%
Mirror Ball	C	\$89.00	\$93.00	4.49%
PA System - Advanced	C	\$445.00	\$463.00	4.04%
PA System - Basic	C	\$117.00	\$122.00	4.27%
Wireless Microphone - per additional day	C	\$30.00	\$31.00	3.33%
Wireless Microphone - per day	C	\$57.00	\$59.30	4.04%

## Green Room Hourly Rate

### Commercial Hire

After Hours	C	\$75.00	\$78.00	4.00%
Between 8:30am & 5pm	C	\$46.00	\$48.00	4.35%

### Community From Colac Otway

After Hours	C	\$64.00	\$67.00	4.69%
Between 8:30am & 5pm	C	\$35.00	\$36.00	2.86%

## Kitchen Hourly Rate

### Commercial Hire

After Hours & Weekends	C	\$76.00	\$79.00	3.95%
Between 8:30am & 5pm	C	\$59.00	\$61.00	3.39%

### Community From Colac Otway

After Hours & Weekends	C	\$65.00	\$67.60	4.00%
Between 8:30am & 5pm	C	\$40.00	\$42.00	5.00%

## Labour Charges

### Hourly Rate

Public Holiday Surcharge (Staffing)	C	Additional 25% on standard rates		
		Last year fee		
		Additional 25% on standard rates		
Event staff - First 8 Hours (per hour)	C	\$73.00	\$76.00	4.11%
Event staff - Additional Hour (per hour)	C	\$96.00	\$100.00	4.17%
Technical staff - First 8 Hours (per hour)	C	\$73.00	\$76.00	4.11%



Name	Council / Statutory	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	---------------------	----------------------------	----------------------------	------------

**Hourly Rate** [continued]

Technical staff - Additional Hour (per hour)	C	\$96.00	\$100.00	4.17%
--	---	---------	----------	-------

**Meeting Room/s Hourly Rate****Commercial Hire**

Double Room (After Hours)	C	\$120.00	\$125.00	4.17%
Double Room (Between 8:30am & 5pm)	C	\$83.00	\$86.00	3.61%
Single Room (After Hours)	C	\$83.00	\$86.00	3.61%
Single Room (Between 8:30am & 5pm)	C	\$57.00	\$59.00	3.51%

**Community From Colac Otway**

Double Room (After Hours)	C	\$102.00	\$106.00	3.92%
Double Room (Between 8:30am & 5pm)	C	\$71.00	\$74.00	4.23%
Single Room (After Hours)	C	\$71.00	\$74.00	4.23%
Single Room (Between 8:30am & 5pm)	C	\$48.00	\$50.00	4.17%

**Other Charges**

Cancellation of show after on-sale	C	\$159.00	\$165.00	3.77%
Major changes to ticket build after on-sale	C	\$159.00	\$165.00	3.77%
Soundtrack your Brand (inc Migration of Spotify Playlist)	C	\$39.00	\$40.55	3.97%
Ticket Commission	C	\$3.50	\$3.65	4.29%

**Commercial & Community Hire**

Admin Fee	C	\$199.00	\$207.00	4.02%
Grand Piano	C	\$115.00	\$120.00	4.35%
Major Cleaning	C	\$245.00	\$255.00	4.08%
Minor Cleaning	C	\$183.00	\$191.00	4.37%
Test & Tag Services - per item	C	\$11.40	\$11.85	3.95%

**Public Gallery Exhibition & Display Hire Charges****Exhibition**

Exhibition - % Commission	C			10.00%
				<b>Last year fee</b> 10.00%

**Public Gallery Hourly Rate For Meeting & Convention****Commercial Hire**

After Hours	C	\$75.50	\$78.50	3.97%
Between 8:30am & 5pm	C	\$52.00	\$54.00	3.85%

**Community From Colac Otway**

After Hours	C	\$64.00	\$67.00	4.69%
Between 8:30am & 5pm	C	\$44.00	\$46.00	4.55%



Name	Council / Statutory	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	---------------------	----------------------------	----------------------------	------------

## Rehearsal Room Hourly Rate

### Commercial Hire

After Hours	C	\$101.50	\$105.60	4.04%
Between 8:30am & 5pm	C	\$70.00	\$73.00	4.29%

### Community From Colac Otway

After Hours	C	\$86.00	\$89.00	3.49%
Between 8:30am & 5pm	C	\$59.00	\$61.00	3.39%

## Customer Service

A3 sheet	C	\$1.00	\$1.00	0.00%
A4 sheet	C	\$0.50	\$0.50	0.00%
Coloured copy – A3 sheet	C	\$2.50	\$2.50	0.00%
Coloured copy – A4 sheet	C	\$1.50	\$1.50	0.00%

## Economic Development & Events

### Aerodrome Landing Fees

#### Colac

Per landing	C	\$12.10	\$12.60	4.13%
-------------	---	---------	---------	-------

### Colac Livestock Selling Centre

#### Agents (with leased office space) special sale

Fee	C	\$210.00	\$219.00	4.29%
-----	---	----------	----------	-------

#### Agents (with leased office space) weekly fee

Fee	C	\$210.00	\$219.00	4.29%
-----	---	----------	----------	-------

#### Agents (without office space) per sale fee

Fee	C	\$525.00	\$546.00	4.00%
-----	---	----------	----------	-------

#### All horses

Fee	C	\$18.50	\$19.30	4.32%
-----	---	---------	---------	-------

#### All other cattle

Fee	C	\$14.10	\$14.70	4.26%
-----	---	---------	---------	-------

#### Annual licence and rental

Fee	C	\$2,495.00	\$2,595.00	4.01%
-----	---	------------	------------	-------

#### Bobby calves

Fee	C	\$6.20	\$6.50	4.84%
-----	---	--------	--------	-------



Name	Council / Statutory	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	---------------------	----------------------------	----------------------------	------------

**Bulls flat rate**

Fee	C	\$19.60	\$20.50	4.59%
-----	---	---------	---------	-------

**Cows and calves weigh fee**

Weigh Fee per Animal	C	\$4.30	\$4.50	4.65%
----------------------	---	--------	--------	-------

**Dairy cattle**

Fee	C	\$14.10	\$14.70	4.26%
-----	---	---------	---------	-------

**Pigs**

Fee	C	\$3.70	\$3.85	4.05%
-----	---	--------	--------	-------

**Private weigh**

Fee	C	\$6.20	\$6.50	4.84%
-----	---	--------	--------	-------

**Sheep and lambs**

Fee	C	\$2.30	\$2.40	4.35%
-----	---	--------	--------	-------

**Stud cattle**

Fee	C	\$19.60	\$20.40	4.08%
-----	---	---------	---------	-------

**Weighed cattle**

Fee	C	\$14.10	\$14.70	4.26%
-----	---	---------	---------	-------

**Other miscellaneous fees**

Round Bales	C	\$77.00	\$80.00	3.90%
Transit Fee (loading/unloading cattle) per beast	C	\$2.20	\$2.30	4.55%
Store Sale weigh admin fee (per animal)	C	\$0.00	\$1.10	∞
Ear Tag Replacement	C	\$0.00	\$11.00	∞
Truck wash per minute	C	\$1.20	\$1.25	4.17%
Small bale of Hay	C	\$16.50	\$17.20	4.24%
Facility hire	C	\$440.00	\$458.00	4.09%
Agistment for cattle per day per beast	C	\$4.40	\$4.60	4.55%

**Events**

Event in a public place permit	C	\$215.00	\$220.00	2.33%
Event trailer hire - Commercial	C	\$330.00	\$330.00	0.00%
Event trailer hire - not-for-profit	C	\$110.00	\$110.00	0.00%
Consulting of Liquor in a Public Place Permit	C	\$190.00	\$195.00	2.63%



Name	Council / Statutory	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	---------------------	----------------------------	----------------------------	------------

## Planning & Building

### Building Control Charges

#### Application for Place of Public Entertainment (PoPE) Permit or Temporary Structure

##### PoPE Single Event

Application for Place of Public Entertainment (PoPE) Permit <500 persons	C	\$300.00	\$311.00	3.67%
Application for Place of Public Entertainment (PoPE) Permit 500-2000 persons	C	\$625.00	\$650.00	4.00%
Application for Place of Public Entertainment (PoPE) Permit >2000 persons	C	\$950.00	\$985.00	3.68%

##### PoPE Multi year event (In addition to single event fee for additional years)

Application for Place of Public Entertainment (PoPE) Permit <500 persons, additional per year fee	C	\$163.00	\$169.00	3.68%
Application for Place of Public Entertainment (PoPE) Permit 500-2000 persons, additional per year fee	C	\$217.00	\$225.00	3.69%
Application for Place of Public Entertainment (PoPE) Permit >2000 persons, additional per year fee	C	\$271.00	\$281.00	3.69%

##### Application for Siting of Temporary Structure associated with PoPE (In addition to PoPE fee)

Application for Place of Public Entertainment (PoPE) Permit & Temporary Structure Siting Permit per structure	C	\$88.00	\$92.00	4.55%
---	---	---------	---------	-------

##### Application for PoPE & Siting of Temporary Structure Multi year Event max 5 year (In addition to single event fee)

Application for Place of Public Entertainment (PoPE) Permit & Temporary Structure Siting Permit per structure <500 persons, additional per year fee	C	\$163.00	\$169.00	3.68%
Application for Place of Public Entertainment (PoPE) Permit & Temporary Structure Siting Permit per structure 500-2000 persons	C	\$217.00	\$225.00	3.69%
Application for Place of Public Entertainment (PoPE) Permit & Temporary Structure Siting Permit per structure >2000 persons	C	\$271.00	\$281.00	3.69%

##### Application for Siting of Temporary Structure not associated with a PoPE

Application for Temporary Structure Siting Permit - Single Event per structure	C	\$157.00	\$163.00	3.82%
Application for Temporary Structure Siting Permit - Single Event, plus per multi year event per structure	C	\$105.00	\$109.00	3.81%

##### Late Application for PoPE or Siting of Temporary Structure

Application for Place of Public Entertainment (PoPE) or Temporary Structure Siting Permit made less than 21 days from the scheduled event (in additional to application fee)	C	\$555.00	\$575.00	3.60%
--	---	----------	----------	-------

### Information charges

Building plans, plan search	C	\$123.00	\$128.00	4.07%
Building plans/plan search (archival search)	C	\$245.00	\$254.00	3.67%



Name	Council / Statutory	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	---------------------	----------------------------	----------------------------	------------

### Registration of Swimming Pool

Application for Registration	C	\$32.30	\$32.30	0.00%
Information Search	C	\$47.90	\$47.90	0.00%
Lodgement of Certificate - Pool Barrier Compliant	C	\$20.70	\$20.70	0.00%
Lodgement of Certificate - Pool Barrier Non-Compliant	C	\$390.70	\$390.70	0.00%
Swimming Pool/Spa Compliance Audit for Land Owner	C	\$740.00	\$770.00	4.05%

### Building Permit Amendments

Permit Amendments	C	\$222.00	\$230.00	3.60%
Extensions of Time	C	\$222.00	\$230.00	3.60%

### Building Permit Application Fee

#### All other classes of Occupancy 2-9 inclusive (construction and/or demolition)

Does not exceed \$5,000	C	\$1,005.00	\$1,045.00	3.98%
Does not exceed \$10,000	C	\$1,415.00	\$1,465.00	3.53%
Does not exceed \$20,000	C	\$2,140.00	\$2,215.00	3.50%
Does not exceed \$50,000	C	\$3,080.00	\$3,190.00	3.57%
Does not exceed \$100,000	C	\$4,780.00	\$4,950.00	3.56%
Does not exceed \$200,000	C	\$6,120.00	\$6,340.00	3.59%
Does not exceed \$500,000	C	\$7,580.00	\$7,850.00	3.56%
Does not exceed \$600,000	C	\$9,090.00	\$9,410.00	3.52%
Does not exceed \$700,000	C	\$10,600.00	\$10,980.00	3.58%
Does not exceed \$800,000	C	\$10,580.00	\$10,960.00	3.59%
Does not exceed \$900,000	C	\$13,660.00	\$14,140.00	3.51%
Does not exceed \$1,000,000	C	\$13,930.00	\$14,420.00	3.52%
Does not exceed \$1,500,000	C	\$20,760.00	\$21,490.00	3.52%
Does not exceed \$2,000,000	C	\$25,400.00	\$26,290.00	3.50%
Does exceed \$2,000,000	C	\$30,780.00	\$31,860.00	3.51%

#### Domestic – class 1a Dwellings (construction and demolition), where the value of building work:

Does not exceed \$5,000	C	\$785.00	\$815.00	3.82%
Does not exceed \$10,000	C	\$1,065.00	\$1,105.00	3.76%
Does not exceed \$15,000	C	\$1,455.00	\$1,510.00	3.78%
Does not exceed \$25,000	C	\$1,800.00	\$1,865.00	3.61%
Does not exceed \$50,000	C	\$2,820.00	\$2,920.00	3.55%
Does not exceed \$75,000	C	\$3,265.00	\$3,380.00	3.52%
Does not exceed \$100,000	C	\$3,940.00	\$4,080.00	3.55%
Does not exceed \$150,000	C	\$4,205.00	\$4,355.00	3.57%
Does not exceed \$200,000	C	\$5,150.00	\$5,340.00	3.69%
Does not exceed \$250,000	C	\$5,560.00	\$5,760.00	3.60%
Does not exceed \$300,000	C	\$6,120.00	\$6,340.00	3.59%
Does exceed \$300,000	C	\$7,230.00	\$7,490.00	3.60%

#### Minor Works - Class 10a, 10b & 1ai: Garages, carports, pool/spas & fence where value of work:

Less than \$5000	C	\$785.00	\$815.00	3.82%
------------------	---	----------	----------	-------



Name	Council / Statutory	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	---------------------	----------------------------	----------------------------	------------

### Minor Works - Class 10a, 10b & 1ai: Garages, carports, pool/spas & fence where value of work: [continued]

Between \$5,000 to \$10,000	C	\$1,065.00	\$1,105.00	3.76%
Between \$10,001 to \$20,000	C	\$1,745.00	\$1,810.00	3.72%
More than \$20,000	C	\$2,010.00	\$2,085.00	3.73%
Minor works - Class 10b: Safety Barrier (without pool/spa) & Alterations to Safety Barrier.	C	\$560.00	\$580.00	3.57%

## Inspections

### Additional Inspection (charged where additional inspections are required)

Additional Inspection (Domestic) - within 20km radius of Colac	C	\$246.00	\$256.00	4.07%
Additional Inspection (Commercial)	C	\$307.00	\$320.00	4.23%
Additional Travel per km (in addition to additional inspection fee) - more than 20km from Colac	C	\$1.25	\$1.30	4.00%

## Essential Safety Measures Assessments

### Essential Safety Measures Determination

Fee	C	\$715.00	\$745.00	4.20%
-----	---	----------	----------	-------

## Report and Consent Fees

### Report & Consent Application

Report & Consent Application - Charge per notice sent to adjoining properties	C	\$25.00	\$26.00	4.00%
---	---	---------	---------	-------

## Planning Fees & Charges – Other

### Advertising

Advertising notice sent to individual property owners per letter	C	\$8.20	\$8.60	4.88%
Advertising sign erected on site	C	\$354.00	\$369.00	4.24%

### Application for approval of amended plans under secondary consent

Fee	C	\$192.00	\$200.00	4.17%
-----	---	----------	----------	-------

### Extension of time to planning permits

1st Extension of time to planning permits	C	\$121.00	\$126.00	4.13%
2nd Extension of time to planning permits	C	\$181.00	\$189.00	4.42%
Each additional extension of time to planning permits	C	\$242.00	\$252.00	4.13%

## Property Enquiry

Does not require extensive research	C	\$0.00	\$0.00	0.00%
Extensive research	C	\$0.00	\$0.00	0.00%



Name	Council / Statutory	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	---------------------	----------------------------	----------------------------	------------

## Public Health

### Health Protection Administration (Registration Fees)

#### CLASS 1 Food Premises

Class 1 - Not For Profit Renewal or New	C	\$332.00	\$339.00	2.11%
Class 1 Renewal or New	C	\$667.00	\$680.00	1.95%
Class 1 Change of Ownership	C	\$334.00	\$341.00	2.10%

#### CLASS 2 Food Premises

Class 2 Major Renewal or New	C	\$1,238.00	\$1,263.00	2.02%
Class 2 Major Transfer of Registration	C	\$620.00	\$635.00	2.42%
Class 2 Not for Profit Renewal or New	C	\$281.00	\$287.00	2.14%
Class 2 Not for Profit Transfer of Registration	C	\$144.00	\$147.00	2.08%
Class 2 General Renewal or New	C	\$560.00	\$571.00	1.96%
Class 2 General Change of Ownership	C	\$280.00	\$286.00	2.14%

#### CLASS 3 Food Premises

Class 3 General Renewal or New	C	\$345.00	\$352.00	2.03%
Class 3 General Transfer of Registration	C	\$172.00	\$175.00	1.74%
Class 3 Not for Profit Renewal or New	C	\$174.00	\$178.00	2.30%
Class 3 Not for Profit Change of Ownership	C	\$87.00	\$89.00	2.30%

#### Additional Temporary/Mobile Food Registration

Class 2 Streatrader Additional Component	C	\$136.00	\$139.00	2.21%
Class 3 Streatrader Additional Component	C	\$76.00	\$78.00	2.63%

#### Community Group Support

Class 2 or 3 - Not For Profit - Community Service Club	C	\$51.00	\$52.00	1.96%
Class 2 or 3 less than 3 Months Not For Profit (once per year)	C	\$0.00	\$0.00	0.00%

#### Category 1 Aquatic Facilities

Registration or Renewal of category 1 aquatic facilities (1 year registration)	C	\$332.73	\$339.40	2.00%
Transfer of category 1 aquatic facilities	C	\$332.73	\$339.40	2.00%

## Personal Appearance Services

#### Beauty Therapies

Beauty Therapy/Ear Piercing (Med Risk) Renewal or New	C	\$172.00	\$175.00	1.74%
Beauty Therapy/Ear Piercing (Med Risk) Transfer of Registration	C	\$86.00	\$88.00	2.33%

#### Hairdressers

Hairdresser/Makeup (Low Risk) New - One Off Reg Fee	C	\$219.00	\$223.00	1.83%
---	---	----------	----------	-------

#### Skin Penetration (Tattooists, body piercing)

Tattooist/Body Piercing (High Risk) Renewal or New	C	\$231.00	\$236.00	2.16%
--	---	----------	----------	-------



Name	Council / Statutory	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	---------------------	----------------------------	----------------------------	------------

**Skin Penetration (Tattooists, body piercing)** [continued]

Tattooist/Body Piercing (High Risk) Transfer of Registration	C	\$116.00	\$118.00	1.72%
--	---	----------	----------	-------

**Miscellaneous****Conveyance Enquiries for regulated businesses**

Pre Purchasing Inspection	C	\$248.00	\$253.00	2.02%
---------------------------	---	----------	----------	-------

**Water Sampling**

Professional service fee	C	\$158.00	\$161.00	1.90%
Actual testing fee	C			Actual cost
				Last year fee
				Actual cost

**Immunisation**

Immunisation Service Fee Flu Vaccine	C	\$27.50	\$28.50	3.64%
--------------------------------------	---	---------	---------	-------

**Replacement Certificate**

Fee	C	\$45.50	\$46.50	2.20%
-----	---	---------	---------	-------

**Express Service**

Within 5 days	C	\$225.00	\$230.00	2.22%
---------------	---	----------	----------	-------

**Professional Service**

Additional compliance inspection	C	\$158.00	\$162.00	2.53%
----------------------------------	---	----------	----------	-------

**Prescribed Accommodation****6 to 10 persons**

Prescribed Accommodation up to 10 Renewal or New	C	\$366.00	\$373.00	1.91%
Prescribed Accommodation up to 10 Transfer of Registration	C	\$183.00	\$186.70	2.02%

**11 to 20 persons**

Prescribed Accommodation 10 -20 persons Renewal or New	C	\$474.00	\$483.00	1.90%
Prescribed Accommodation 11-20 persons Transfer of Registration	C	\$237.00	\$242.00	2.11%

**20+ persons**

Prescribed Accommodation 20+ persons Renewal or New	C	\$581.00	\$593.00	2.07%
Prescribed Accommodation 20+ persons Transfer of Registration	C	\$290.00	\$296.00	2.07%



Name	Council / Statutory	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	---------------------	----------------------------	----------------------------	------------

## Environment & Infrastructure Services

### Infrastructure Development

#### Asset Protection Permit Fee

Permit Fee	C	\$158.00	\$165.00	4.43%
------------	---	----------	----------	-------

#### Check Engineering Plans

These fees apply to developments/subdivisions that do not require the construction of new Council roads.

2 lot development	C	\$156.00	\$163.00	4.49%
3 to 5 lot development	C	\$260.00	\$270.00	3.85%
6 to 12 lot development	C	\$416.00	\$433.00	4.09%
13 to 19 lot development	C	\$572.00	\$595.00	4.02%
20 to 30 lot development	C	\$728.00	\$757.00	3.98%
31+ lot development	C	\$936.00	\$973.00	3.95%
Apartment, motel, hotel building (per 10 units)	C	\$260.00	\$270.00	3.85%
Small commercial developments (<500m2 + floor area)	C	\$260.00	\$270.00	3.85%
Medium commercial developments (500-2,000m2 + floor area)	C	\$572.00	\$595.00	4.02%
Large commercial developments (2,001m2 + floor area)	C	\$988.00	\$1,028.00	4.05%
1 industrial/factory/warehouse buildings/lots	C	\$156.00	\$162.00	3.85%
2-5 industrial/factory/warehouse buildings/lots	C	\$416.00	\$433.00	4.09%
6+ industrial/factory/warehouse buildings/lots	C	\$624.00	\$649.00	4.01%

#### Design Fee

In house	C	10.00%
		<b>Last year fee</b> 10.00%
External design - Supervision fee	C	2.5%
		<b>Last year fee</b> 2.5%
External design work	C	At Cost
		<b>Last year fee</b> At Cost

#### Special Charge Scheme

Contract administration	C	2.50%
		<b>Last year fee</b> 2.50%
Scheme administration	C	3.00%
		<b>Last year fee</b> 3.00%

#### Standpipe water fee

Per kilolitre	C	\$6.00	\$6.50	8.33%
---------------	---	--------	--------	-------



Name	Council / Statutory	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	---------------------	----------------------------	----------------------------	------------

## Environment & Community Safety

### Animal Control

#### Registration

All other (refer Sch 2 of Domestic Animal Act 1994)	C	\$47.00	\$48.00	2.13%
Cat registration - full	C	\$125.00	\$128.00	2.40%
Cat registration - micro chipped and de-sexed	C	\$23.00	\$24.00	4.35%
Cat registration - micro chipped only	C	\$40.00	\$41.00	2.50%
Dog registration - full	C	\$145.00	\$150.00	3.45%
Dog registration - micro chipped and de-sexed	C	\$32.00	\$33.00	3.13%
Dog registration - micro chipped only	C	\$47.00	\$48.00	2.13%
Pensioner discount of registration fee	C			50.00%
				<b>Last year fee 50.00%</b>
Working farm dog	C	\$32.00	\$33.00	3.13%
Declared Dangerous & Menacing Dogs	C	\$160.00	\$165.00	3.13%
Pet Shop - Breeding/Boarding Facility Audit Fee	C	\$250.00	\$260.00	4.00%

#### Pound Release Fees

Cats - Initial impoundment plus	C	\$48.00	\$50.00	4.17%
Cats - per head per day	C	\$12.00	\$13.00	8.33%
Cattle/horses - Initial impoundment plus	C	\$110.00	\$115.00	4.55%
Cattle/horses - per head per day	C	\$20.00	\$22.00	10.00%
Dogs - Initial impoundment plus	C	\$75.00	\$80.00	6.67%
Dogs - per head per day	C	\$22.00	\$23.00	4.55%
Sheep/pigs - Initial impoundment plus	C	\$48.00	\$50.00	4.17%
Sheep/pigs - per head per day	C	\$16.00	\$18.00	12.50%
All other - Initial impoundment plus	C	\$37.00	\$38.00	2.70%
All other - per head per day	C	\$15.00	\$16.00	6.67%

### Fire Prevention

#### Administrative fee block slashing

Fee (plus cost of slashing)	C	\$190.00	\$200.00	5.26%
-----------------------------	---	----------	----------	-------

### Local Laws

#### Local Law No 1

Goods for sale per m2	C	\$78.00	\$80.00	2.56%
Signs (A frame) - Charitable Organisations	C	\$78.00	\$80.00	2.56%
Signs (A frame) - Other	C	\$155.00	\$160.00	3.23%
Tables and chairs - 1st table and 4 chairs	C	\$150.00	\$155.00	3.33%
Tables and chairs - then per seat thereafter	C	\$44.00	\$45.00	2.27%
Using Council land - Permit /admin fee	C	\$70.00	\$72.00	2.86%
Plus Cost Per Week				
Using Council land - Cost per week	C	\$40.00	\$42.00	5.00%



Name	Council / Statutory	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	---------------------	----------------------------	----------------------------	------------

**Local Law No 1** [continued]

Vegetation	C	\$0.00	\$0.00	0.00%
------------	---	--------	--------	-------

**Other****Abandoned or derelict vehicles**

Pickup fee	C	\$300.00	\$310.00	3.33%
Plus Transport and Storage Costs				
Transport and storage costs	C			At Cost
				Last year fee At Cost

**All other permits**

Spruiking & Busking, Door Knocks and Temporary Dwellings Permit	C	\$100.00	\$105.00	5.00%
---	---	----------	----------	-------

**Impoundment Fee**

Fee	C	\$165.00	\$170.00	3.03%
-----	---	----------	----------	-------

**Public protection (hording permit)**

Application fee	C	\$42.00	\$44.00	4.76%
Plus Per m2 fee				
Per m2 fee	C	\$22.00	\$23.00	4.55%
Work Zone / Timed Parking Permit (per bay per week)	C	\$50.00	\$52.00	4.00%

**Parking****All day parking permit (Payable in 6 monthly blocks - Johnstone's Carpark only)**

Per week	C	\$25.00	\$26.00	4.00%
----------	---	---------	---------	-------

**Car parking fines**

Fine	C	\$85.00	\$90.00	5.88%
------	---	---------	---------	-------

**Apollo Bay Market**

Apollo Bay Community Saturday Market 1/2 Day permit (per annum)	C	\$40.00	\$40.00	0.00%
---	---	---------	---------	-------

**Waste Management****Waste Management Additional Service Charge/Bin**

360 Litre Recycle additional bin	C	\$120.00	\$132.00	10.00%
Additional Glass Bin 120 Litre	C	\$60.00	\$66.00	10.00%
240 litre garbage additional service charge/bin	C	\$367.00	\$404.00	10.08%
240 litre organic additional service charge/bin	C	\$127.00	\$140.00	10.24%
240 litre recycle additional service charge/bin	C	\$103.00	\$114.00	10.68%
Upgrade to 240 litre Garbage Bin	C	\$153.00	\$169.00	10.46%
Upgrade to 360 litre Recycling bin	C	\$23.00	\$25.50	10.87%



Name	Council / Statutory	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	---------------------	----------------------------	----------------------------	------------

### All waste receival sites

240L Comingled Recycling (Charging from 1 January 2022)	C	\$4.20	\$4.40	4.76%
Chemical drums (each)	C	\$1.40	\$1.55	10.71%
Commercial fully co-mingled recyclables (per m3)	C	\$87.00	\$96.00	10.34%
Commercial fully co-mingled recyclables (per tonne)	C	\$168.00	\$185.00	10.12%
Mattresses each	C	\$33.00	\$36.30	10.00%
Putrescibles (incl mixed rubbish) per m3	C	\$52.00	\$58.00	11.54%
Putrescibles (incl mixed rubbish) 1st 240 litre bin or less	C	\$11.40	\$12.60	10.53%
Putrescibles (incl mixed rubbish) 2nd 240 litre bin	C	\$0.00	\$0.00	0.00%
Putrescibles (incl mixed rubbish) per tonne	C	\$251.00	\$277.00	10.36%
Tree pruning's (per m3)	C	\$57.00	\$63.00	10.53%
Tree pruning's (per tonne)	C	\$137.00	\$151.00	10.22%
Car tyre	C	\$10.45	\$11.50	10.05%
Car tyre on rim	C	\$17.10	\$18.90	10.53%
Commercial batteries each (more than 2)	C	\$7.70	\$8.50	10.39%
Light truck tyre	C	\$19.80	\$22.00	11.11%
Tractor tyre 1 - 2m	C	\$245.00	\$270.00	10.20%
Tractor tyre up to 1m	C	\$116.60	\$128.30	10.03%
Truck tyre	C	\$52.30	\$57.50	9.94%
10 tickets up to 240L, Waste, Co-mingled or Mix of Both	C	\$87.00	\$96.00	10.34%
25 tickets up to 240L, Waste, Co-mingled or Mix of Both	C	\$183.00	\$202.00	10.38%
15 tickets up to 240L, Waste, Recycling Disposal	C	\$20.00	\$22.00	10.00%
30 tickets up to 240L, Waste, Recycling Disposal	C	\$40.00	\$44.00	10.00%

### Kerbside Bin Fees

Additional Bin	C	\$0.00	\$88.00	∞
Bin change over fee (all bins)	C	\$33.00	\$36.50	10.61%
Lost or stolen bins – 120/240 litre	C	\$62.00	\$69.00	11.29%





# COLAC OTWAY SHIRE

## FEES AND CHARGES 2024-25

Statutory Fees and Charges  
(Fees and Charges set by a Statute)

Colac Otway Shire

<https://www.colacotway.vic.gov.au>



DRAFT

## Fees & Charges

---

Colac Otway Shire Council



# Table Of Contents

<b>Colac Otway Shire .....</b>	<b>4</b>
<b>Corporate Services .....</b>	<b>4</b>
Financial Services .....	4
Land Information Certificate .....	4
Governance.....	4
Freedom of Information .....	4
<b>Development &amp; Community Services.....</b>	<b>5</b>
Community Services - Older Persons Ability Support Service (OPASS).....	5
OPASS .....	5
Veterans Home Care (1st hr) .....	5
<b>Planning &amp; Building .....</b>	<b>5</b>
Bonds .....	5
Bond for Demolition or Removal of Building (Reg 323) .....	5
Bond for Re-erection of Building (Reg 323).....	5
Building Control Charges.....	5
Property Information Certificate .....	5
Lodgement fees.....	5
Report and Consent Fees.....	5
Demolition fee (s. 29A).....	5
Report & Consent Application .....	5
Planning Fees & Charges – Other .....	5
Application for Certification of subdivision under Subdivision Act .....	5
Application for Plan of Consolidation .....	5
Application for Recertification of Plan of Subdivision .....	5
Engineering Plan prepared by Council .....	6
Satisfaction Matters .....	6
Supervision of Works .....	6
Section 173 Agreements.....	6
Certificates of compliance.....	6
Permit for use of land .....	6
To develop land or to use and develop land for a single dwelling per lot or to undertake development ancillary to the use of the land for a single dwelling per lot if the estimated cost of development included in the application is: .....	6
Excluding VicSmart applications.....	6
NEW FEE Vic smart applications.....	6
To develop land (other than for a single dwelling per lot) if the estimated cost of development included in the application is: .....	6
(b) Amendments to Permits – Set by Statute .....	7
1 .....	7
2 .....	7
3 .....	7
4 .....	7
5 .....	7
6 .....	7
8 .....	8
9 .....	8
(c) Planning Scheme Amendment Fees – Set by Statute.....	8
i. ....	8
ii.....	8
iii. ....	8
iv.....	8
<b>Public Health.....</b>	<b>8</b>
Prescribed Accommodation.....	8
Caravan Parks per site.....	8



**Table Of Contents** [continued]

<b>Public Health - Septic Tanks .....</b>	<b>8</b>
Additional inspections .....	8
Septic tank alterations .....	8
Septic tanks system.....	9
Septic tank amend a permit.....	9
Transfer a septic tank permit .....	9
Renew a septic tank permit .....	9
Septic tank exemption .....	9
<b>Environment &amp; Infrastructure Services.....</b>	<b>10</b>
<b>Infrastructure Development .....</b>	<b>10</b>
Check Engineering Plans .....	10
Fee for Legal Point of Discharge Report.....	10
Local Road (speed at any time is greater than 50 kph) .....	10
Minor Works.....	10
Works on Roads (works other than minor works) .....	10
Local Road (speed at any time is not more than 50kph) .....	10
Minor Works.....	10
Works on Roads (works other than minor works) .....	10
<b>Environment &amp; Community Safety .....</b>	<b>11</b>
Fire Prevention .....	11
Local Law Infringement fee – burning of offensive material (2 penalty units).....	11
Statutory Penalty fee – Failing to comply with fire prevention notice (10 penalty units) .....	11
Local Laws .....	11
Local Law No 1 .....	11



Name	Council / Statutory	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	---------------------	-------------------------------	-------------------------------	------------

## Colac Otway Shire

### Corporate Services

### Financial Services

### Land Information Certificate

Fee	S	\$27.80	\$28.95	4.14%
-----	---	---------	---------	-------

## Governance

### Freedom of Information

Per application	S	\$30.60	\$30.60	0.00%
Printing Fee - Per Page	S	\$0.20	\$0.20	0.00%
Search Time - Per Hour	S	\$22.90	\$22.90	0.00%
Supervision of Inspection - Per Hour	S	\$22.90	\$22.90	0.00%

DRAFT



Name	Council / Statutory	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	---------------------	----------------------------	----------------------------	------------

## Development & Community Services

### Community Services - Older Persons Ability Support Service (OPASS)

#### OPASS

##### Veterans Home Care (1st hr)

Minimum service fee	S	\$5.00	\$5.00	0.00%
---------------------	---	--------	--------	-------

## Planning & Building

### Bonds

#### Bond for Demolition or Removal of Building (Reg 323)

Bond for Demolition or Removal of Building (Reg 323) - per sqm of floor area; OR - cost of works, whichever is the lesser	S	\$100.00	\$100.00	0.00%
---	---	----------	----------	-------

#### Bond for Re-erection of Building (Reg 323)

Bond for Re-erection of Building (Reg 323) - Fee; OR - cost of works	S	\$10,000.00	\$10,000.00	0.00%
--	---	-------------	-------------	-------

## Building Control Charges

### Property Information Certificate

Property information Application	S	\$48.80	\$48.80	0.00%
----------------------------------	---	---------	---------	-------

### Lodgement fees

Building permit lodgement - private building surveyor	S	\$125.80	\$125.80	0.00%
---	---	----------	----------	-------

## Report and Consent Fees

### Demolition fee (s. 29A)

Fee	S	\$87.90	\$91.40	3.98%
-----	---	---------	---------	-------

### Report & Consent Application

Report & Consent Application	S	\$299.70	\$311.80	4.04%
------------------------------	---	----------	----------	-------

## Planning Fees & Charges – Other

### Application for Certification of subdivision under Subdivision Act

Application for Certification of subdivision under Subdivision Act; plus	S	\$180.40	\$187.60	3.99%
Application for Certification of subdivision under Subdivision Act - cost per lot	S	\$20.00	\$20.00	0.00%
Required alteration of plan	S	\$114.70	\$119.20	3.92%

### Application for Plan of Consolidation

Fee	S	\$180.40	\$187.60	3.99%
-----	---	----------	----------	-------

### Application for Recertification of Plan of Subdivision

Fee	S	\$145.30	\$151.00	3.92%
-----	---	----------	----------	-------



Name	Council / Statutory	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	---------------------	----------------------------	----------------------------	------------

### Engineering Plan prepared by Council

Fee	S			3.50%
				<b>Last year fee 3.50%</b>

### Satisfaction Matters

Satisfaction matters as specified by planning scheme	S	\$336.40	\$349.80	3.98%
--	---	----------	----------	-------

### Supervision of Works

Supervision of Landscaping works associated with Subdivision (percentage of estimated Works)	S			2.50%
				<b>Last year fee 2.50%</b>

### Section 173 Agreements

Amendment to an existing agreement	S	\$680.40	\$707.50	3.98%
Removal of an existing agreement	S	\$680.40	\$707.50	3.98%
Written consent to vary something registered on title.	S	\$735.00	\$765.00	4.08%

### Certificates of compliance

Fee	S	\$336.40	\$349.80	3.98%
-----	---	----------	----------	-------

### Permit for use of land

Application where only the land use is changed.	S	\$1,360.80	\$1,415.10	3.99%
---	---	------------	------------	-------

**To develop land or to use and develop land for a single dwelling per lot or to undertake development ancillary to the use of the land for a single dwelling per lot if the estimated cost of development included in the application is:**

#### Excluding VicSmart applications

\$100,000 to \$500,000	S	\$1,330.20	\$1,383.30	3.99%
\$10,000 or less	S	\$206.40	\$214.60	3.97%
\$10,000 - \$100,000	S	\$649.80	\$675.70	3.99%
\$500,000 - \$1,000,000	S	\$1,437.30	\$1,494.60	3.99%
\$1,000,000 - \$2,000,000	S	\$1,544.30	\$1,605.90	3.99%

#### NEW FEE Vic smart applications

##### Single dwelling

\$10,000 or less	S	\$206.40	\$214.60	3.97%
More than \$10,000	S	\$443.40	\$461.10	3.99%
Subdivision or consolidation	S	\$206.40	\$214.60	3.97%

**To develop land (other than for a single dwelling per lot) if the estimated cost of development included in the application is:**

Less than \$100,000	S	\$1,185.00	\$1,232.20	3.98%
\$100,000 - \$1,000,000	S	\$1,597.80	\$1,661.50	3.99%



Name	Council / Statutory	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	---------------------	----------------------------	----------------------------	------------

**To develop land (other than for a single dwelling per lot) if the estimated cost of development included in the application is:** [continued]

\$1,000,000 - \$5,000,000	S	\$3,524.30	\$3,664.90	3.99%
\$5,000,000 - \$15,000,000	S	\$8,982.90	\$9,341.20	3.99%
\$15,000,001 - \$50,000,000	S	\$26,489.90	\$27,546.70	3.99%
More than \$50,000,000	S	\$59,539.30	\$61,914.60	3.99%
To subdivide an existing building	S	\$1,360.80	\$1,415.10	3.99%
To subdivide land into two lots	S	\$1,360.80	\$1,415.10	3.99%
To effect a realignment of a common boundary between lots or to consolidate two or more lots	S	\$1,360.80	\$1,415.10	3.99%
All other subdivisions per 100 lots created	S	\$1,360.80	\$1,415.10	3.99%
An application to remove a restriction (within the meaning of the Subdivision Act 1988) in the circumstances described in Section 47(2) of the Planning and Environment Act 1987	S	\$1,360.80	\$1,415.10	3.99%
An application to create, vary or remove a restriction within the meaning of the Subdivision Act 1988 or to create or remove a right-of-way.	S	\$1,360.80	\$1,415.10	3.99%
To create, vary or remove an easement other than a right of way, or to vary or remove a condition in the nature of an easement other than a right of way in a Crown.	S	\$1,360.80	\$1,415.10	3.99%
A permit not otherwise provided for in the Fee regulations	S	\$1,360.80	\$1,415.10	3.99%

**(b) Amendments to Permits – Set by Statute**

<b>1</b>				
Change of use only	S	\$1,360.80	\$1,415.10	3.99%
<b>2</b>				
To amend a permit other than a single dwelling to change the statement of what the permit allows or to change any or all of the conditions which apply to the permit	S	\$1,360.80	\$1,415.10	3.99%
<b>3</b>				
Single dwelling (\$10,000 or less)	S	\$206.40	\$214.60	3.97%
<b>4</b>				
Single dwelling (\$10,000 - \$100,000)	S	\$649.80	\$675.70	3.99%
Single dwelling (\$100,000 - \$500,000)	S	\$1,330.20	\$1,383.30	3.99%
Single dwelling (\$500,000 - \$2,000,000)	S	\$1,437.30	\$1,494.60	3.99%
<b>5</b>				
VicSmart - \$10,000 or less	S	\$206.40	\$214.60	3.97%
VicSmart - development more than \$10,000	S	\$443.40	\$461.10	3.99%
VicSmart - subdivision or consolidation	S	\$206.40	\$214.60	3.97%
<b>6</b>				
Other developments (less than \$100,000)	S	\$1,185.00	\$1,232.20	3.98%



Name	Council / Statutory	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	---------------------	----------------------------	----------------------------	------------

8

Other developments (\$100,00 - \$1,000,000)	S			1661.50
				<b>Last year fee \$1,597.80</b>
Other developments (\$1,000,000 - \$50,000,000)	S	\$3,524.30	\$3,664.90	3.99%

9

Amendment to a permit not otherwise provided for in the fee regulation	S	\$1,360.80	\$1,415.10	3.99%
Subdivision - common boundary realignment, consolidation of two or more lots, existing buildings and two lot subdivisions (other than VicSmart)	S	\$1,360.80	\$1,415.10	3.99%
Subdivision (other than VicSmart, two lot subdivisions and boundary realignments)	S	\$1,360.80	\$1,415.10	3.99%
Creation, variation and removal of restrictions, easements and rights of way	S	\$1,360.80	\$1,415.10	3.99%

### (c) Planning Scheme Amendment Fees – Set by Statute

i.

Considering a request for an Amendment	S	\$3,149.70	\$3,275.40	3.99%
--	---	------------	------------	-------

ii.

For considering up to 10 submissions	S	\$15,611.10	\$16,233.90	3.99%
For considering 11-20 submissions	S	\$31,191.60	\$32,436.00	3.99%
For considering in excess of 20 submissions	S	\$41,695.80	\$43,359.30	3.99%

iii.

Adoption of Amendment by Responsible Authority	S	\$496.90	\$516.80	4.00%
--	---	----------	----------	-------

iv.

Consideration of a request to approve an Amendment (by the Minister for Planning)	S	\$496.90	\$516.80	4.00%
---	---	----------	----------	-------

## Public Health

### Prescribed Accommodation

#### Caravan Parks per site

Fee	S	\$15.90	\$15.90	0.00%
-----	---	---------	---------	-------

## Public Health - Septic Tanks

### Additional inspections

additional hours for OWMS approval per hour	S	\$95.17	\$95.20	0.03%
---	---	---------	---------	-------

### Septic tank alterations

Minor Alterations	S	\$592.27	\$592.30	0.01%
-------------------	---	----------	----------	-------



Name	Council / Statutory	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
<b>Septic tanks system</b>				
Construct, install or alter	S	\$777.19	\$777.20	0.00%
<b>Septic tank amend a permit</b>				
Amend a permit	S	\$165.04	\$165.05	0.01%
<b>Transfer a septic tank permit</b>				
Fee	S	\$157.88	\$157.90	0.01%
<b>Renew a septic tank permit</b>				
Fee	S	\$132.12	\$132.15	0.02%
<b>Septic tank exemption</b>				
Fee	S	\$233.25	\$233.25	0.00%

DRAFT



Name	Council / Statutory	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	---------------------	----------------------------	----------------------------	------------

## Environment & Infrastructure Services

### Infrastructure Development

#### Check Engineering Plans

These fees apply to developments/subdivisions that do not require the construction of new Council roads.

Fee	S			0.75%
				<b>Last year fee</b> 0.75%

#### Fee for Legal Point of Discharge Report

As per Section 36(4) Building Regulations 2018

Fee (9.77 units)	S	\$149.40	\$149.40	0.00%
------------------	---	----------	----------	-------

#### Local Road (speed at any time is greater than 50 kph)

##### Minor Works

Cost per fee unit

Conducted on any part of the roadway, shoulder or pathway (9.3 units)	S	\$142.20	\$142.20	0.00%
Not conducted on any part of the roadway, shoulder or pathway (6 units)	S	\$91.74	\$91.75	0.01%

##### Works on Roads (works other than minor works)

Cost per fee unit

Conducted on any part of the roadway, shoulder or pathway (43.1 units)	S	\$659.00	\$659.00	0.00%
Not conducted on any part of the roadway, shoulder or pathway (23.5 units)	S	\$359.31	\$359.35	0.01%

#### Local Road (speed at any time is not more than 50kph)

##### Minor Works

Cost per fee unit

Conducted on any part of the roadway, shoulder or pathway (9.3 units)	S	\$142.20	\$142.20	0.00%
Not conducted on any part of the roadway, shoulder or pathway (6 units)	S	\$91.60	\$91.60	0.00%

##### Works on Roads (works other than minor works)

Cost per fee unit

Conducted on any part of the roadway, shoulder or pathway (23.5 units)	S	\$358.60	\$358.60	0.00%
Not conducted on any part of the roadway, should or pathway (6 units)	S	\$91.60	\$91.60	0.00%



Name	Council / Statutory	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	---------------------	----------------------------	----------------------------	------------

## Environment & Community Safety

### Fire Prevention

#### Local Law Infringement fee – burning of offensive material (2 penalty units)

Infringement fee - burning of offensive material (2 penalty units)	S	\$200.00	\$385.00	92.50%
--	---	----------	----------	--------

#### Statutory Penalty fee – Failing to comply with fire prevention notice (10 penalty units)

Infringement fee - failing to comply with fire prevention notice (10 penalty units)	S	\$1,849.20	\$1,923.00	3.99%
---	---	------------	------------	-------

### Local Laws

#### Local Law No 1

Alcohol infringement fee (2 penalty unit)	S	\$200.00	\$385.00	92.50%
---	---	----------	----------	--------

DRAFT



Item: 9.6

## J Barrys Road / Colac West Planning Scheme Amendment C125cola Referral to Planning Panel

<b>OFFICER</b>	Simon Clarke
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	1. Revised Schedule 10 replacing Schedule 9 of Development Plan Overlay [9.6.1 - 2 pages]

### 1. PURPOSE

To consider submissions and adopt parts of the planning scheme amendment that are not in dispute lodged in respect to Planning Scheme Amendment C125cola, and to refer any unresolved submissions to a Planning Panel for further consideration in accordance with the provisions of the *Planning and Environment Act 1987*.

### 2. EXECUTIVE SUMMARY

Amendment C125cola proposes changes to the Development Plan Overlay Schedule that applies to the Colac West residential area. The amendment also amends the Design and Development Overlay (DDO1) and Schedule 7 to the Development Plan Overlay (J Barrys Road, Colac Industrial Area) (DPO7) to reduce the minimum lot size for industrial land in Colac. This change is intended to promote a wider range of industrial lot sizes, to better align with market demand and economic development objectives.

The Amendment was placed on public exhibition in late 2023 and three submissions were received during the exhibition period. One submission was received on behalf of the developer of the proposed Colac West development and after further discussions regarding minor changes, in principle agreement was reached on minor changes to the Amendment documents. Subject to Council's agreement to these modifications the submitter is willing to withdraw their submission to the planning scheme amendment.

The two remaining submissions were received in response to the proposed planning scheme changes impacting the J Barrys Road industrial component of the Amendment. These two submissions are not



able to be resolved. Under the provisions of the *Planning and Environment Act 1987* any submission asking for changes to the amendment that cannot be agreed must be referred to an independent planning panel (Panel).

The *Planning and Environment Act 1987* also allows Council to split an Amendment, allowing part of an Amendment (not in dispute) to proceed to approval stage and the other part to be abandoned or referred to a Panel for consideration.

Officers consider Amendment C125cola has strategic merit and would result in net community benefit. Officers therefore recommend that the Amendment be progressed by splitting the Amendment into two parts, agreeing to minor changes to the exhibition documents for Colac West and adopt this part of the Amendment (Part 1), and refer the second part of the Amendment concerning industrial land and J Barrys Road to a Planning Panel for review (Part 2).

### 3. RECOMMENDATION

***That Council having formally considered all written submissions made to Amendment C125cola to the Colac Otway Planning Scheme under section 22 of the Planning and Environment Act 1987 (the Act), resolves to:***

- 1. Split Amendment C125cola into two separate amendments, with Part 1 including changes associated with Colac West and Part 2 associated with industrial land and J Barrys Road, pursuant to section 29 of the Act.***
- 2. Endorses the officers' response to the issues raised by the submission relating to Amendment C125cola - Part 1, as outlined in revised Schedule 9 to the Development Plan Overlay (relabeled Schedule 10).***
- 3. Adopts Amendment C125cola - Part 1 to the Colac Otway Planning Scheme with changes generally in accordance with the revised Schedule 9 (relabelled Schedule 10) to the Development Plan Overlay (DPO10), pursuant to section 29 of the Act.***
- 4. Authorises the Chief Executive Officer (or delegate) to finalise the Amendment C125cola – Part 1 documentation for Ministerial approval.***
- 5. Submits the changed and adopted Amendment C125cola – Part 1 documentation, together with prescribed information, to the Minister for Planning for approval, pursuant to section 31 of the Act.***
- 6. Requests the Minister for Planning to appoint an independent Planning Panel to consider the submissions related to Amendment C125cola – Part 2, in accordance with Part 8 of the Act and refers those submissions that relate to Amendment C125cola – Part 2 to the Panel to be appointed by the Minister for Planning.***
- 7. Authorises officers/suitable persons to represent Council at the Planning Panel hearing generally in accordance with the response to the issues outlined in this report.***
- 8. Write to all submitters to Amendment C125cola to inform them of Council's decision.***



## 4. KEY INFORMATION

Planning Scheme Amendment C125cola is comprised of two distinct and separate parts.

### Colac West

Part of the Amendment seeks changes to the existing Development Plan Overlay Schedule (DPO2) in place over the Colac West Development Plan Area. This Colac West area is bounded by Murray Street to the south, Rifle Butts Road to the west, Lake Colac to the north, and existing residential development and the former Colac High School to the east.

The Amendment proposes changes to the Development Plan Overlay to apply a requirement for a Shared Infrastructure Funding Plan. This will align proposed requirements to be consistent with more recently approved planning scheme amendments that have introduced new Development Plan Overlays into the planning scheme. This is achieved by deleting the existing DPO2 and replace it with new Development Plan Overlay Schedule 10 (DPO10). (Note: DPO10 was originally DPO9 but has been relabelled as a different amendment endorsed by the Minister has utilised this schedule number since exhibition of the amendment).

### Industrial land and J Barrys Road

This part of the amendment includes a limited number of changes to the existing Schedule for the J Barrys Road Industrial Development Plan Area (DPO7), Design and Development Overlay (DDO1) and broad industrial policy in the planning scheme. These changes propose to increase the flexibility in minimum lot size requirements to align with market interest in industrial lots. Specifically, this change would remove the current limitation of mandating minimum 5ha lot sizes in the J Barrys Road Precinct (Industry 1 Zone land bounded by J Barrys Road to the north and east, Forest Street to the west and an un-named road to the south) and more broadly across Colac by providing a range of lot sizes, including large lots sizes of 5ha. This will assist in the facilitation of development of land for industrial purposes, allow for a variety of lot sizes and promote the development of the J Barrys Road Precinct.

### Exhibition period

Council sought authorisation to exhibit the Amendment at its meeting of 29 March 2023. The Amendment was placed on public exhibition for a six-week period from 5 October to 16 November 2023. Three submissions were received during the exhibition period. The submissions are included in the confidential Attachment.

### **Submission 1**

Submission 1 relates to Colac West and seeks to make changes to the wording of the proposed Development Plan Schedule. These changes revolve around the requirements of the Shared Infrastructure Funding Plan, provision of service lanes, road frontages to Lake Colac, open space, pedestrian links and stormwater treatment.

Council officers have worked with the Submitter, and subject to agreed modifications to the exhibited Schedule, the Submitter has withdrawn their submission. These modifications involve minor adjustment to the wording of Development Plan Overlay Schedule 10 (see Attachment 2) and are consistent with the original intent of the planning scheme amendment.

### **Submission 2**

Submission 2 was made on behalf of a landowner at J Barrys Road. The submitter supports the removal of the current minimum lot size for future industrial subdivisions on land affected by existing Schedule 7 of the Development Plan Overlay at J Barrys Road. However, the submitter does not accept the 'aspirational goal for large scale industrial uses on large lots,' stating that such a requirement is too prescriptive. The submission also seeks to include a provision that would allow use or development of land before a Development Plan is approved, as well as to support compatible non-industrial uses such as renewable energy generation.



This submission has not been resolved.



### Submission 3

Submission 3 was made on behalf of a landowner in a neighbouring industrial area. The submitter does not support the removal of the 5ha minimum limit on subdivision size in J Barrys Road, stating the proposed changes are contradictory to ordinary planning, inconsistent and not necessary. This submission has not been resolved.

Submissions 2 and 3 cannot be resolved and are also opposed in the changes they are both seeking. To proceed with the Amendment as exhibited, these submissions, along with the Amendment, must be referred to an independent Planning Panel appointed by the Minister for Planning for review.

### Next Steps

To proceed with the Amendment after considering the submission received, any unresolved submissions must be referred to an independent Panel appointed by the Minister for Planning. This requires a resolution of Council.

For the part of the Amendment relating to Colac West to proceed in a timely manner, it is necessary to formally split Amendment C125cola into two parts. This would allow Council to adopt the part of the Amendment that is no longer in dispute, enabling it to be forwarded to the Minister for Planning for approval.

The second part of the Amendment that is unable to be resolved (concerning industrial land and the J Barrys Road Precinct specifically) will need to be the subject of a request to the Minister for Planning to appoint a Panel to consider the Amendment and submissions received.

Splitting the Amendment in two will result in additional work for Council officers in processing two amendments but will allow for the preparation of the Colac West Development Plan to be finalised and development to commence earlier to help address the critical residential land shortage being experienced in Colac.

## 5. CONSIDERATIONS

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

The amendment is being processed in accordance with the *Planning and Environment Act* and elements of the amendment which are opposed can be considered independently by a planning panel.

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

The Amendment is being processed in accordance with the provisions of the Planning and Environment Act 1987, relevant Ministerial Directions and the provisions of the Colac Otway Planning Scheme.

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

Not applicable.

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

All planning scheme amendment documentation has been made publicly available as part of the customary planning scheme amendment exhibition process. Affected landowners and the community were invited to consider the Amendment, make submissions and have them heard by an independent panel as required.

### **Public Transparency** (s58 LGA 2020)



All amendment documentation has been made available as part of the exhibition process consistent with the relevant planning legislation.

### **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 1 - Strong and Resilient Community

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

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

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

### **Financial Management** (*s101 Local Government Act 2020*)

The planning scheme amendment forms part of Council's strategic planning budget and will be managed using Council's planning staff. Council is required to fund the Panel costs associated with considering submissions made in respect of the planning scheme amendment. This is estimated to cost approximately \$10,000.

### **Service Performance** (*s106 Local Government Act 2020*)

Not applicable.

### **Risk Assessment**

The proposed Development Plan Overlay Schedule 10 for Colac West will minimise the risk to Council of legal challenges to the requirements of the Shared Infrastructure Funding Plan implemented for this area.

### **Communication/Implementation**

The Amendment was formally exhibited for a period of six weeks by way of notice in the Colac Herald and letters to affected landowners.

### **Human Rights Charter**

No impact.

### **Officer General or Material Interest**

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

### **Options**

#### Option 1 – Split the Amendment, adopt Part 1 with changes and refer Part 2 to a Panel

This option is recommended by officers as it will improve the operation of the Colac Otway Planning Scheme and reduce the risk to Council of challenges by landowners to the Colac West Development Plan and Shared Infrastructure Funding Plan. The Amendment will also promote the economic development and utilisation of zoned industrial land in Colac. Splitting the Amendment will also allow for the Colac West planning process to not be delayed by a planning panel process.

#### Option 2 – Abandon the Amendment

This option is not recommended by officers as it will maintain the status quo. There would continue to be constraints to developing industrial land in Colac due to the significant minimum lot size and there would be risk concerning statutory implementation of a Shared Infrastructure Funding Plan at Colac West.



## COLAC OTWAY PLANNING SCHEME

--/--/---  
Proposed C125cola

**SCHEDULE 109 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY**

Shown on the planning scheme map as **DPO109**.

**COLAC WEST****1.0**

--/--/---  
Proposed C125cola

**Objectives**

None specified.

**2.0**

--/--/---  
Proposed C125cola

**Requirement before a permit is granted**

A permit may be granted to use or subdivide land, construct a building or construct or carry out works before a development plan has been prepared to the satisfaction of the responsible authority for the following purposes:

- A single dwelling on an existing allotment.
- Subdivision, provided that any permit does not compromise the orderly planning and development of the area.

**3.0**

--/--/---  
Proposed C125cola

**Conditions and requirements for permits**

The following conditions and/or requirements apply to permits:

- A permit for use/development or subdivision of land must include conditions which require the owner(s) of land to enter into an agreement under section 173 of the *Planning and Environment Act 1987* prior to works commencing for use/development or prior to Statement of Compliance for subdivision of land. The agreement must provide for infrastructure contributions in accordance with the approved Shared Infrastructure Funding Plan.

**4.0**

--/--/---  
Proposed C125cola

**Requirements for development plan**

A development plan must include the following requirements:

- A Shared Infrastructure Funding Plan which guides the delivery of shared infrastructure required for the development plan area, by:
  - Identifying the land parcels which are to be developed and quantifying the area and likely development yield of each parcel.
  - Identifying shared infrastructure required to support development.
  - Identifying the specifications, costs and justification for each item.
  - Apportioning costs to each catchment area in the development plan area and calculating levies payable to ensure delivery of shared infrastructure.
  - Identifying any additional infrastructure items that are to be provided by specific landowners.
  - Describing the mechanisms by which the Shared Infrastructure Funding Plan will be implemented, including collection of levies, delivery of infrastructure, responsibilities for works in-kind and administration of the document (such as indexation).
  - Providing clear principles regarding obligation of developers to deliver and/or facilitate works.
- The development plan must include the following features:
  - An east-west extension of Moore Street to connect with Rifle Butts Road.
  - A new north south connector road from the Lake Colac foreshore to Murray Street along the western boundary of the former High School site.
  - An internal loop road service lane along the Murray Street frontage to provide lot access for lots fronting Murray Street.



**COLAC OTWAY PLANNING SCHEME**

- Maximised road frontage to the Lake Colac foreshore, subject to cultural heritage and the integration/retention of existing private dwelling in the short term with the road frontage in the long term considerations.
  - Extension of ~~public open space along the edge of Lake Colac that is not susceptible to flood in a 1 per cent AEP event, including a the~~ shared pathway along the Stodart Street within the Development Plan area foreshore, subject to cultural heritage considerations.
  - ~~Provision for a future connection of a pedestrian link through residential land to the east.~~
  - A single stormwater treatment facility to service the development plan area - that may be located outside of the Development Plan area, to the satisfaction of the relevant Authorities.
- The development plan must address the following requirements:
    - Internal road network.
    - Public open space.
    - Connectivity to other residential land and public open space.
    - Diversity of lot sizes and proposed density.
    - Provision of community facilities.
    - Impact of development on flora, fauna and cultural heritage.



Item: 9.7

## Proposed property disposal via direct negotiation, Lot 1, 8-16 Great Ocean Road, Lavers Hill

<b>OFFICER</b>	David Butterfield
<b>GENERAL MANAGER</b>	Andrew Tenni
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	1. Certificate of Title Volume 03571 Folio 086 [9.7.1 - 1 page]

### 1. PURPOSE

To seek approval to dispose of the Council owned property - Lot 1, 8-16 Great Ocean Road, Lavers Hill.

### 2. EXECUTIVE SUMMARY

Council has identified Council owned property that is surplus to its needs - Lot 1, 8-16 Great Ocean Road, Lavers Hill. The statutory process of providing the community with notice of Council's intention to dispose of the property and seek submissions from interested parties was completed on 12 February 2024. No submissions were received by Council.

### 3. RECOMMENDATION

***That Council, having followed the required statutory procedures under Section 114 of the Local Government Act 2020 (Act), and having received no submissions in response to the public notice of its intention to dispose of Lot 1, 8-16 Great Ocean Road Lavers Hill (the Subject Property):***

- 1. Determines to sell the Subject Property subject to points 2 and 3 below.***
- 2. Authorises the Chief Executive Officer or delegate to negotiate with the two adjoining landowners for the sale of the Subject Property on the condition that the title to the Subject Property must be consolidated with the title to the adjoining landowner's main property.***
- 3. Authorises the Chief Executive Officer to enter into a Contract of Sale for the highest price offered if more than one written offer is received to purchase the Subject Property.***



4. ***Authorises the Chief Executive Officer to execute all necessary documentation of, and incidental to, a Contract of Sale for the Subject Property in accordance with this resolution.***
5. ***Approves the transfer of the income of the sale of the property, net of related costs incurred to the Strategic Project Reserve, to be held until Council resolves otherwise.***
6. ***Discloses the sale price for the Subject Property in the first Quarterly Budget Report following settlement of the contract.***

## 4. KEY INFORMATION

A Council Resolution dated 22 November 2023 authorised commencement of the statutory procedure to give notice of Council's intention to dispose of the subject property (image below).

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

1. ***Authorises Council Officers give notice of Council's intention to dispose of Lot 1, 8-16 Great Ocean Road Lavers Hill, in accordance with Section 114 of the Local Government Act 2020.***
2. ***Authorises Council Officers, as part of the notice of the intention to dispose of Lot 1, 8-16 Great Ocean Road Lavers Hill, also give notice of the intention to negotiate with adjoining landowners that have the capacity to consolidate the lot within their title, as part of the disposal process.***
3. ***Prior to disposal of the property at Lot 1, 8-16 Great Ocean Road Lavers Hill, Council will seek feedback from the community for a period of 6 weeks and hears submissions regarding the proposed sale.***
4. ***Prior to any resolution for the disposal of Lot 1, 8-16 Great Ocean Road Lavers Hill, considers a further Officer report to consider any submissions received.***

A 'Notice of Intention to Dispose' for the subject property seeking submissions from interested parties was publicised in the Colac Herald and Council's website for six weeks. The submissions period closed on 12 February 2024. No submissions were received.

The property has been deemed as surplus to the future strategic or current operational needs of Council. Council's Property Advisory Committee recommended disposal by negotiation with surrounding property owners that are eligible, by reason of their ability to consolidate the subject property into an existing Certificate of Title.

The land is approximately 1064.40m<sup>2</sup> and is zoned Township Zone. There is a Bushfire Management Overlay, Erosion Overlay and Environmental Significance Overlay.

In accordance with the *Local Government Act 2020*, a valuation of the subject land is attached as a confidential supporting document. The valuation is treated as confidential since it may prejudice Council's negotiations if it is available as an open document in this report.

Approval is requested to allow offers to be sought from eligible surrounding property owners via a Contract of Sale of Real-estate. Council's Acquisition and Disposal of Council Property Policy requires



that Council allocate the anticipated proceeds of any sale of property within the Council Resolution to sell or dispose of the subject property.

Approval is also sought the Chief Executive Officer to enter into a Contract of Sale of Real-estate that contains the highest offer to purchase the property that exceeds the valuation amount.

If no offer to purchase exceeds the valuation amount, Council Officers will provide a further report to the Chamber for direction in relation to the offers made.

Attached to this report is the Copy of Certificate of Title Volume 03571 Folio 086.



## 5. CONSIDERATIONS

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

1. Council decisions are to be made and actions taken, in accordance with the relevant law. In relation to the proposal for disposal of Council property, Council is guided by the *Local Government Act 2020* and the Acquisition and Disposal of Council Property Policy. Officers confirm that all requirements of the Act and the Policy have been met or will be met with the Council Resolution recommended herein.
2. Priority is to be given to achieving the best outcomes for the municipal community, including future generations. The Council Resolutions sought in this report are considered by Council Officers, as achieving the best outcome whilst providing transparency and probity.

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

*Local Government Act 2020* – provides Council with the Statutory requirement surrounding this proposed transaction.

Colac Otway Shire Council Acquisition and Disposal of Council Property Policy – provides guidance as to the operational requirements surrounding this proposed transaction.



*Transfer of Land Act (Vic) 1958* – provides law relating to the transfer of land in Victoria.

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

There are no new Environmental or Sustainability implications that were not provided to Councillors in the report dated 22 November 2023.

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

Council conducted Community Engagement by giving Public Notice of its intention to dispose of the subject property. The Notice was advertised in the Colac Herald and on Council's website. The Notice called for any interested party to make submissions. Submissions were required to be submitted by 12 February 2024. No submissions were received. (*Local Government Act 2020 section 114(2)(b)*)

#### **Public Transparency (s58 LGA 2020)**

Council decisions in this matter will be made at an open Council meeting. The Property Valuations will be contained in a confidential attachment as it may prejudice Council's commercial negotiations if the document was available in the public report.

#### **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 4 – Strong Leadership and Management

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

Council regularly considers whether its property holdings are required for operational or future strategic purposes. Where a property is not required for the operational or future strategic needs of Council, the property should be declared surplus and considered by Council for disposal.

#### **Financial Management (s101 Local Government Act 2020)**

The Colac Otway Shire Council Acquisition and Disposal of Council Property Policy 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.

#### **Service Performance (s106 Local Government Act 2020)**

Not applicable.

#### **Risk Assessment**

Council's risk associated with disposal of property is mitigated by the engagement of a Solicitor/Lawyer who will protect Council's legal position and conduct the transfer of land process.

#### **Communication/Implementation**

- Any Resolution made will be available on Council's website.
- Communications with Councillors will come from the Governance Team or the Chief Executive Officer.

#### **Human Rights Charter**

The Authors and Coauthors of this report have considered the Human Rights Charter in the preparation of this report and confirm that the report has not diminished or impinged on any persons Human Rights as defined by the Human Rights Charter.



### **Officer General or Material Interest**

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

### **Options**

#### Option 1 – Approve to sell Lot 1, 8-16 Great Ocean Road, Lavers Hill

This option is recommended by Officers as it will dispose of the property that has been declared surplus to the operational or future strategic needs of Council. Council may add additional resolutions regarding the allocation of the proceeds of any sale, as required by the Colac Otway Shire Council Acquisition and Disposal of Council Property Policy.

#### Option 2 – Do not approve to sell Lot 1, 8-16 Great Ocean Road, Lavers Hill

This option is not recommended by Officers as it would result in the surplus property remaining in Council's ownership.



4/24/23, 10:28 AM

Land Registry Document



Copyright State of Victoria. No part of this publication may be reproduced except as permitted by the Copyright Act 1968 (Cth), to comply with a statutory requirement or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA REGD TM System. None of the State of Victoria, its agents or contractors, accepts responsibility for any subsequent publication or reproduction of the information.

The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

**REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958**

VOLUME 03571 FOLIO 086

Security no : 124105585260R

Produced 24/04/2023 10:27 AM

**LAND DESCRIPTION**

Lot 1 on Plan of Subdivision 005673.

PARENT TITLE Volume 03362 Folio 204

Created by instrument 0674464 07/02/1912

**REGISTERED PROPRIETOR**

Estate Fee Simple

Sole Proprietor

COLAC OTWAY SHIRE COUNCIL of 2-6 RAE STREET COLAC VIC 3250

AS105940M 18/04/2019**ENCUMBRANCES, CAVEATS AND NOTICES**

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

**DIAGRAM LOCATION**SEE TP658147K FOR FURTHER DETAILS AND BOUNDARIES**ACTIVITY IN THE LAST 125 DAYS**

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 8-16 GREAT OCEAN ROAD LAVERS HILL VIC 3238

**ADMINISTRATIVE NOTICES**

NIL

eCT Control 09858G COLAC OTWAY SHIRE COUNCIL

Effective from 03/05/2019

DOCUMENT END

<a href="#">Home</a>	Account: <b>325039</b>		Authority Fee(GST exclusive): <b>\$0.00</b> Service Fee(GST exclusive): <b>\$0.00</b> GST Payable: <b>\$0.00</b> Total: <b>\$0.00</b>	24/04/2023 10:27AM
----------------------	---------------------------	--	--	-----------------------

©State Government of Victoria.



Item: 9.8

## Proposed property disposal via Expression of Interest, 69 McLachlan Street, Apollo Bay

<b>OFFICER</b>	Mark McLennan
<b>GENERAL MANAGER</b>	Andrew Tenni
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. Attachment 1. EOI - 69 Mc Lachlan Street Apollo Bay - Combined Documents Redacted names [9.8.1 - 12 pages]</li><li>2. Attachment 2 - EOI 69 Mc Lachlan Street APOLLO BAY - Apollo Bay Community Charitable Trust - Names R [9.8.2 - 7 pages]</li><li>3. Attachment 3. - Invitation - Expression of Interest - 69 Mc Lachlan St Apollo Bay [9.8.3 - 39 pages]</li></ol>

### 1. PURPOSE

To provide Councillors with the submission received to the Expression of Interest process conducted to consider the future ownership and use of the property at 69 McLachlan Street, Apollo Bay.

### 2. EXECUTIVE SUMMARY

At its meeting on 13 December 2023, Council resolved to undertake an Expression of Interest process in relation to the future ownership and use of 69 McLachlan Street, Apollo Bay (former Apollo Bay Kindergarten).

The Expression of Interest process commenced on 16 February 2024. Council advertised the invitation in the Colac Herald, Apollo Bay News Sheet and on its website. The process required submissions to be made on or before 2:00pm, Friday 22 March 2024.

One submission was received and is presented for Council's consideration.



### 3. RECOMMENDATION

*That Council, having invited Expressions of Interest in relation to the disposal of 69 McLachlan Street Apollo Bay (the Subject Property):*

- 1. Determines to accept the Expression of Interest submission (Attachment 1) received from the Apollo Bay Community Voice, noting that it proposes that the new owner of the property will be the 'Apollo Bay Community Charitable Trust' to be established for this purpose.*
- 2. Endorses the draft Trust Deed (Attachment 2) as provided in the submission which sets out the terms for the establishment and operation of the Apollo Bay Community Charitable Trust.*
- 3. Authorises the Chief Executive Officer to enter into a Contract of Sale, with no financial consideration, in accordance with Sections 116 (1), (2) and (3) of the Local Government Act 2020 with the Apollo Bay Community Charitable Trust.*
- 4. Authorises the Chief Executive Officer to execute all necessary documentation of, and incidental to, a Contract of Sale for the Subject Property in accordance with this resolution.*
- 5. Notes that Council will pay for legal and administrative costs to enact this transfer of the Subject Property that are generally the responsibility of the vendor, however the costs for establishment of the Apollo Bay Community Charitable Trust and all other costs shall be borne by the Trust or other community group.*
- 6. Notes that the Subject Property will be removed from its asset register and the relevant financial adjustments to accounts will be made following the settlement of the Contract of Sale.*

### 4. KEY INFORMATION

At its meeting on 13 December 2023, Council resolved to undertake an Expression of Interest process in relation to the future ownership and use of 69 McLachlan Street, Apollo Bay (former Apollo Bay Kindergarten).

The resolution is as follows:

***That Council:***

- 1. Notes that the community submissions have raised potential uses for the property at 69 McLachlan Street Apollo Bay if it is retained by Council for a future community use.*
- 2. Thanks those who made a submission to Council regarding this matter.*
- 3. Determines not to sell the property located at 69 McLachlan Street Apollo Bay.*
- 4. Provides in-principal support to transfer the land without consideration to an entity that can facilitate future use for the local community.*
- 5. Invites expressions of interest from entities that may facilitate future use for the local community in time for Council to consider submissions before the end of April 2024.*
- 6. Notes that this decision does not authorise any Council Officer to enter any contracts on behalf of Council in relation to the sale or transfer of 69 McLachlan Street Apollo Bay.*



**7. Notes that this decision does not infer nor represent a commitment that any further financial contribution will be provided to the future community use beyond the transfer of the property.**

A copy of the Invitation – Expression of Interest 69 McLachlan Street Apollo Bay is attached (Attachment 3) to this report.

There was one submission received from the Apollo Bay Community Voice (Attachment 1). The submission is considered to be compliant with the mandatory terms of the Expression of Interest process. The submission was evaluated by an Evaluation Panel.

The submission proposes that a Charitable Trust (known as the Apollo Bay Community Charitable Trust) would be established to take ownership of the property. A draft Trust Deed has been prepared and would be enacted should Council determine to award ownership of the property to the proposed Trust. The submission also proposes a partnership with Great Ocean Road Health, who would manage the property on behalf of the Trust.

The Trust document (Attachment 2) includes the purpose of the Trust and nominates the Trustees. The purpose details that the Trust would hold the property at 69 McLachlan Street Apollo Bay for public and municipal purposes including social, cultural, educational, and recreational purposes for the benefit of the Apollo Bay community. This would ensure that the property would remain available for community use as per the resolution of Council. The document also includes a winding up clause.

## 5. CONSIDERATIONS

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

All Council decisions should be made in accordance with the relevant laws. Council will follow the procedures for disposal of Council property in accordance with the *Local Government Act 2020*.

Priority is to be given to achieving the best outcomes for the municipal community, including future generations. Officers consider that the recommendation is in the best interests of the community in that the subject property will remain available for community use into the future.

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

The following legislation and policies apply to this issue:

*Local Government Act 2020*

*Transfer of Land Act 1958*

Colac Otway Shire Acquisition and Disposal of Council Property Policy

Colac Otway Shire Community Engagement Policy

If Council determines to transfer the property to the proposed Apollo Bay Community Charitable Trust, this would meet the requirements of Section 116 (3) of the Local Government Act 2020.

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

There are no known environmental or sustainability implications.



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

Council has undertaken community engagement by way of an Expression of Interest process. If Council determines to transfer the property to the proposed Apollo Bay Community Charitable Trust, no further engagement is required as stipulated in Section 116 (3) of the *Local Government Act 2020*.

**Public Transparency** (s58 LGA 2020)

This report is presented to an open Council Meeting and therefore the consideration by Council provides transparency to the community.

**Alignment to Plans and Strategies**

Not applicable to this report.

**Financial Management** (s101 Local Government Act 2020)

Council will be required to pay legal costs and disbursements in relation to the transfer of the property in accordance with normal vendor requirements. The legal costs are estimated to not exceed \$1,600.

**Service Performance** (s106 Local Government Act 2020)

The transfer of the land to the proposed Apollo Bay Community Charitable Trust would enable a range of community services to be facilitated through the facility.

**Risk Assessment**

Not applicable to this report.

**Communication/Implementation**

Should Council determine to transfer the land to the Apollo Bay Community Charitable Trust, Council will engage appropriate expertise to implement the transfer through a Contract of Sale. The decision of Council will be communicated directly to the Apollo Bay Community Voice as the submitter to the Expression of Interest process, as well as the broader community through a range of communication channels.

**Human Rights Charter**

The Human Rights Charter has been considered in the preparation of this report and this issue has not diminished any person's human rights.

**Officer General or Material Interest**

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

**Options**Option 1 – Transfer the land to the proposed Apollo Bay Community Charitable Trust

This option is recommended as it will ensure that the property continues to be available to the community with an appropriate Governance structure surrounding the ownership and future use.

Option 2 – Not transfer the land to the proposed Apollo Bay Community Charitable Trust

Council could decide not to accept the submission from the Apollo Bay Community Voice and either retain or sell the property. This is not recommended as a suitable submission has been lodged through the Expression of Interest process which meets the intent and requirements of Council's resolution at its December 2023 meeting.



---

**Schedule 1 - Expression of Interest Registration Form**
**PROPONENTS MUST COMPLETE THE FOLLOWING DETAILS:**

1. **Name:** Apollo Bay Community Voice.....
2. **Registered Office:** .....  
.....
3. **Postal Address:** .....  
.....
4. **Nominated Contact Person:**
5. **Telephone:**
6. **Facsimile:**
7. **Email Address:**

**CHECKLIST FOR MANDATORY AND OTHER INFORMATION:**

ITEM TO BE SUPPLIED	ATTACHED (please tick)
Evidence that the Proponent meets the requirements of the <i>Local Government Act 2020</i> – SECT 116	✓
Purpose of entity	✓
Governance structure of proposed entity	✓
Commitment and ability to ensure ongoing community use	✓
Understanding of what would happen to the property, and proceeds of sale, if the entity was wound up or ceased to exist	✓
Proposed use of the site for ongoing community purposes	✓





abcvoice.com.au  
apollobayvoice@gmail.com  
PO Box 155  
Apollo Bay VIC 3233

Tuesday 19 March 2024

### **EXPRESSION OF INTEREST – 69 MCLACHLAN STREET, APOLLO BAY**

**Apollo Bay Community Voice (ABCV)** has liaised with major stakeholder organisations in the community including Apollo Bay Chamber of Commerce, Apollo Bay & District Health Foundation, Apollo Bay P-12 College and Great Ocean Road Health. Following these discussions, ABCV has consulted the broader community via Apollo Bay News and via emails to 300 members and a further 100 on the mailing list.

On behalf of the community, Apollo Bay Community Voice will facilitate the formation of a Charitable Trust, to be named **Apollo Bay Community Charitable Trust**.

To this end, ABCV engaged the services of Planning Lawyer, , who prepared the attached Trust document. The Trust is ready to initiate the moment approval is granted by Colac Otway Shire.

Please find attached the Trust document.

### **Apollo Bay Community Charitable Trust**

is an entity capable of completing a transfer of land that meets the requirements in accordance with the *Local Government Act 2020* as below (d) under the *Trustees Act 1958* (Vic), this public Charitable Trust is made for public and municipal purposes.

*Local Government Act 2020 – SECT 116 Transfer, exchange or lease of land without consideration:*

*(1) A Council's powers to transfer, exchange or lease any land include the power to do so with or without consideration to:*

*(a) the Crown; or*

*(b) a Minister; or*

*(c) any public body; or*

***(d) the trustees appointed under any Act to be held on trust for public or municipal purposes; or***

*(e) a public hospital within the meaning of the Health Services Act 1988 or other hospital carried on by an association or society otherwise than for profit or gain to the members of the association or society.*





abcvoice.com.au  
apollobayvoice@gmail.com  
PO Box 155  
Apollo Bay VIC 3233

### **Purposes**

To take ownership of/hold the title of 69 McLachlan Street Apollo Bay 3233 (the property).  
To ensure the property remains available for ongoing community use.  
To protect the property from being sold unless the Trust ceases to exist – see wind-up clause of attached Trust document and below.  
To contract Great Ocean Road Health (GORH) as the Manager of the site. GORH to be responsible for all payments, insurance, bookings, repairs, improvements, donations, grants and other activities involved in managing the property.

### **Governance Structure**

A Charitable Trust will be formed, Apollo Bay Community Charitable Trust, consisting of 5 Trustees, as above.  
The Trust will be the owner of the property with a Management Contract with GORH who will oversee the running of the property. GORH, as a registered DGR status incorporated association, will manage the activities, payments, maintenance and improvements of the property. GORH will ensure that the property is used for ongoing community purposes, as below. Please see attached document from GORH.

### **Proposed use of the site for ongoing community purposes**

The proposed uses will include: meeting and events for community groups; arts practices such as, regular workshops, pottery space, painting, theatre rehearsals, demonstrations, secure ongoing storage for art equipment including the panels for the annual Art Show, Arts Inc office space for meetings and storing documentation; educational activities and for the school to conduct mock interviews, a second art space for senior students, visiting speakers, health workshops, senior exams, professional development sessions; Great Ocean Road Health-run First Aid courses including Mental Health First Aid, extra office space and meetings.

Initially, the intention is to upgrade the existing building so that it can be used for community purposes, as described above, with the view to seeking capital funding in the future to rebuild on the site a Community Flexi-Hub to ensure the community's needs are met into the future. There is no commitment to any particular plans but please refer to the attached plans prepared by [redacted] previously presented to Colac Otway Shire as an option for the site.

### **Understanding of what would happen to the property, and proceeds of sale, if the entity was wound up or ceased to exist**

If the Trust ceases to exist, is wound up or a decision is made to not continue operating the community asset, then any property or proceeds from the property will be distributed to Apollo Bay community organisations with charitable purposes at the discretion of the Trustees. Failing this, to the Crown, a Minister, any public body, the trustees appointed under any Act to be held on trust for public or municipal purposes or a public hospital within the meaning of the Health Services Act 1988.





## Flexible Community Hub Design Option 69 McLachlan Street Apollo Bay





Recent feedback on this site has identified numerous possible community uses

A flexible community hub provides a strategic approach to address a “multi needs” solution

The Community Infrastructure Assessment 2021 has identified that most of Apollo Bay’s existing community space is owned and managed by non-council organisations. With the unknown future of the Apollo Bay Council Office site the retention of this site for a future community development makes strategic sense to assist in future proofing Apollo Bays Community Infrastructure.

The Flexible Community Hub consists of 4 no. flexible spaces of 80m<sup>2</sup> with the ability for multiuse and the flexibility to change its use over time.

Possible uses include

Education, Meeting Spaces, Arts Hub, Consulting Rooms, Co-working space, Club Space, Community Hub, Youth Centre, Conferences etc





## Flexible Community Hub Design Option 69 McLachlan Street Apollo Bay





## PROPERTY REPORT



Environment,  
Land, Water  
and Planning

From [www.planning.vic.gov.au](http://www.planning.vic.gov.au) at 26 September 2023 08:48 AM

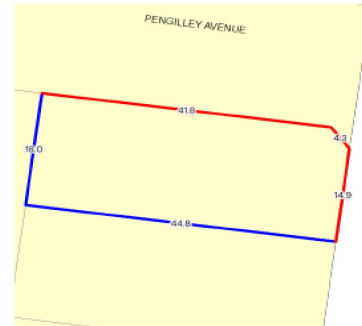
### PROPERTY DETAILS

Address: **69 MCLACHLAN STREET APOLLO BAY 3233**  
 Lot and Plan Number: **Lot 1 LP20996**  
 Standard Parcel Identifier (SPI): **1/LP20996**  
 Local Government Area (Council): **COLAC OTWAY**  
 Council Property Number: **18543**  
 Directory Reference: **Vicroads 519 N4**

[www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au)

### SITE DIMENSIONS

All dimensions and areas are approximate. They may not agree with those shown on a title or plan.



Area: 802 sq. m

Perimeter: 124 m

For this property:

— Site boundaries

— Road frontages

Dimensions for individual parcels require a separate search, but dimensions for individual units are generally not available.

Calculating the area from the dimensions shown may give a different value to the area shown above.

For more accurate dimensions get copy of plan or [Title and Property Certificates](#).

### UTILITIES

Rural Water Corporation: **Southern Rural Water**  
 Urban Water Corporation: **Barwon Water**  
 Melbourne Water: **Outside drainage boundary**  
 Power Distributor: **POWERCOR**

### STATE ELECTORATES

Legislative Council: **WESTERN VICTORIA**  
 Legislative Assembly: **POLWARTH**

### PLANNING INFORMATION

Property Planning details have been removed from the Property Reports to address duplication with the Planning Property Reports which are DELWP's authoritative source for all Property Planning Information.

The Planning Property Report for this property can be found here - [Planning Property Report](#).

Planning Property Reports can be found via these two links

**Vicplan** <https://mapshare.vic.gov.au/vicplan/>

**Property and parcel search** <https://www.land.vic.gov.au/property-and-parcel-search>

Copyright © - State Government of Victoria

**Disclaimer:** This content is provided for information purposes only. No claim is made as to the accuracy or authenticity of the content. The Victorian Government does not accept any liability to any person for the information provided.

Read the full disclaimer at <https://www.delwp.vic.gov.au/disclaimer>

PROPERTY REPORT: 69 MCLACHLAN STREET APOLLO BAY 3233

Page 1 of 2

# Property Details

## PLANNING PROPERTY REPORT



Environment,  
Land, Water  
and Planning

From [www.planning.vic.gov.au](http://www.planning.vic.gov.au) at 26 September 2023 08:47 AM

### PROPERTY DETAILS

Address: **69 MCLACHLAN STREET APOLLO BAY 3233**  
 Lot and Plan Number: **Lot 1 LP20996**  
 Standard Parcel Identifier (SPI): **1/LP20996**  
 Local Government Area (Council): **COLAC OTWAY**  
 Council Property Number: **18543**  
 Planning Scheme: **Colac Otway**  
 Directory Reference: **Vicroads 519 N4**

[www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au)

[Planning Scheme - Colac Otway](#)

### UTILITIES

Rural Water Corporation: **Southern Rural Water**  
 Urban Water Corporation: **Barwon Water**  
 Melbourne Water: **Outside drainage boundary**  
 Power Distributor: **POWERCOR**

### STATE ELECTORATES

Legislative Council: **WESTERN VICTORIA**  
 Legislative Assembly: **POLWARTH**

### OTHER

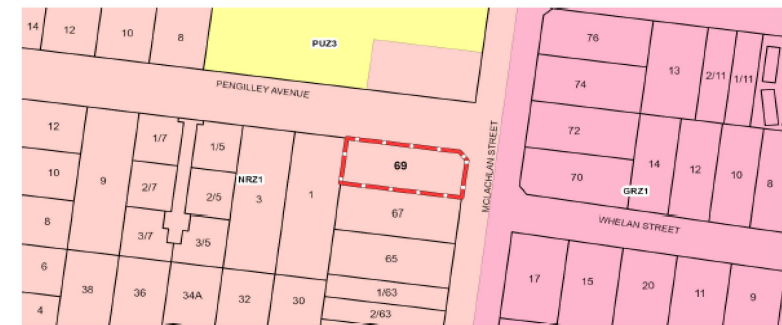
Registered Aboriginal Party: **Eastern Maar Aboriginal Corporation**

[View location in VicPlan](#)

### Planning Zones

**NEIGHBOURHOOD RESIDENTIAL ZONE (NRZ)**

**NEIGHBOURHOOD RESIDENTIAL ZONE - SCHEDULE 1 (NRZ1)**



GRZ - General Residential NRZ - Neighbourhood Residential PUZ3 - Public Use-Health & Community

Note: Labels for zones may appear outside the actual zone - please compare the labels with the legend.

Copyright © - State Government of Victoria

**Disclaimer:** This content is provided for information purposes only. No claim is made as to the accuracy or authenticity of the content. The Victorian Government does not accept any liability to any person for the information provided.

Read the full disclaimer at <https://www.delwp.vic.gov.au/disclaimer>

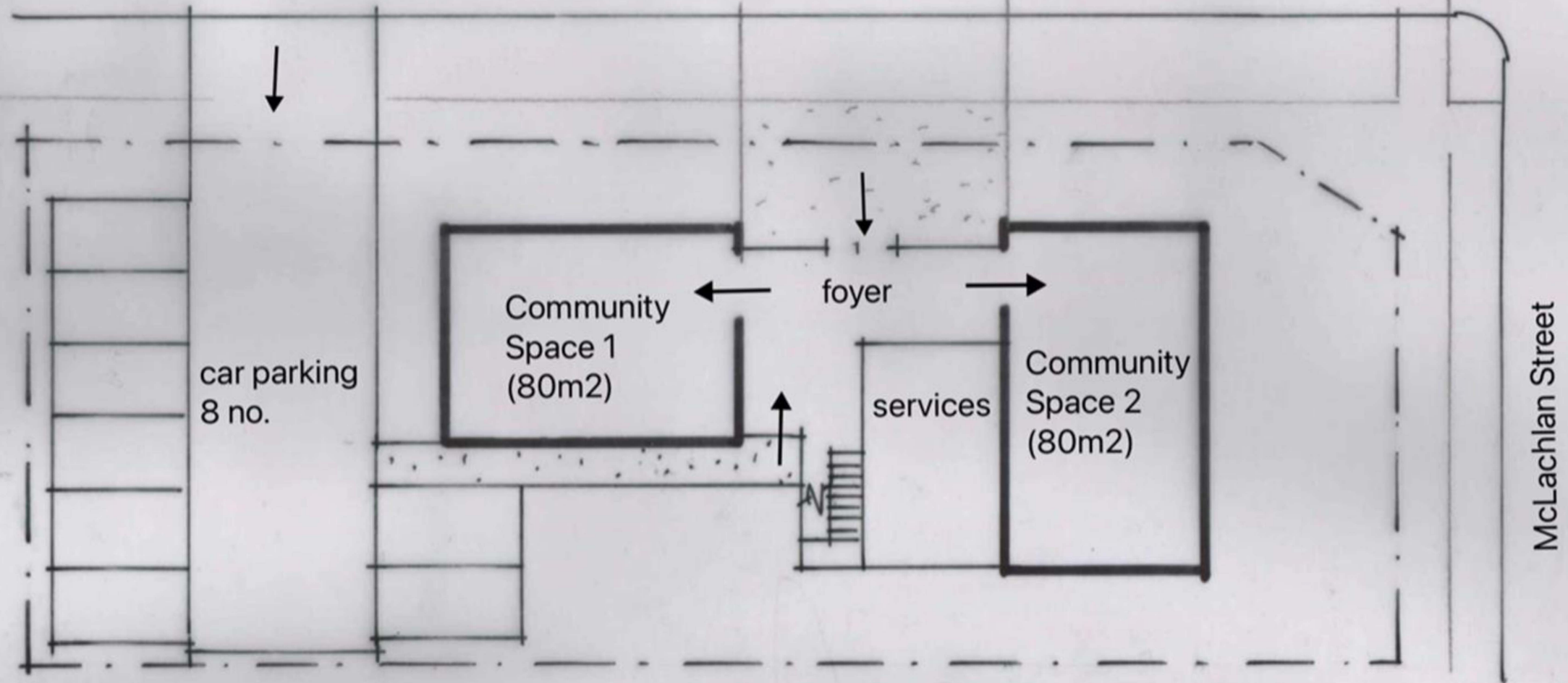
Notwithstanding this disclaimer, a vendor may rely on the information in this report for the purpose of a statement that land is in a bushfire prone area as required by section 32C (3) of the State of Land 1962 (Vic).

PLANNING PROPERTY REPORT: 69 MCLACHLAN STREET APOLLO BAY 3233

Page 1 of 3

# Zoning Details



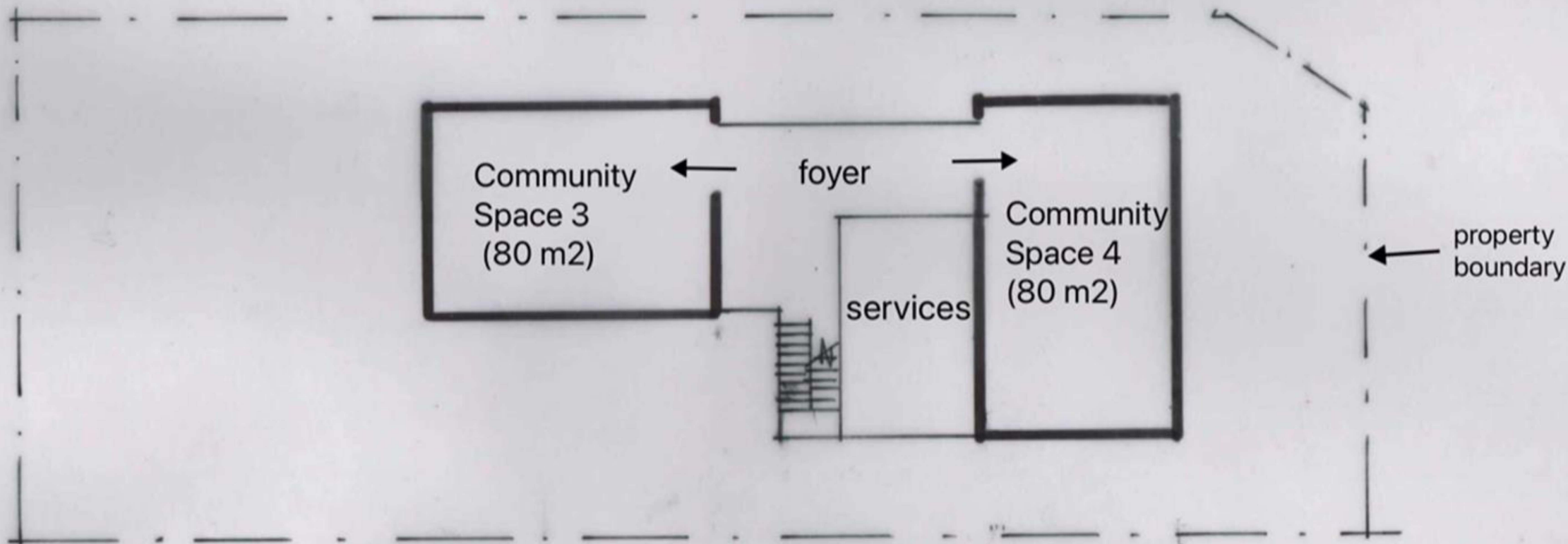


## GROUND FLOOR PLAN

0 2 4 8 16  
scale of metres

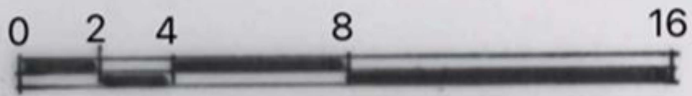




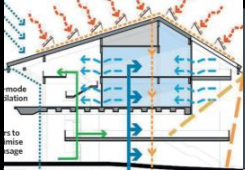


north

FIRST FLOOR PLAN







## Project Image Board





# GREAT OCEAN ROAD HEALTH

**REPORT TITLE:** Expression of Interest  
**DATE:** March 2024  
**MATTER FOR:** Colac Otway Shire Council  
**REPORT BY:**

---

## 69 McLachlan St - Great Ocean Road Health Operational Management Proposal

### BACKGROUND

Great Ocean Road Health (GORH) is an amalgamated public health service on the Great Ocean Road with campuses at Lorne and Apollo Bay. The organisation amalgamated on 1 July 2019, and incorporates the following sites and services:

#### Lorne Campus (previously Lorne Community Hospital)

- Acute Care
- Urgent Care
- Aged Care
- Allied Health
- Lorne Medical Centre
- Community Services including Home Care Packages and Community Nursing
- Lorne Neighbourhood House
- Lorne Occasional Child Care

#### Apollo Bay Campus (previously Otway Heath)

- Acute Care
- Urgent Care
- Aged Care
- Allied Health
- Apollo Bay Medical Centre
- Community Services including Home Care Packages and Community Nursing
- Marrar Woorn Neighbourhood House
- Second Sails Opportunity Shop

The GORH Board provides governance of the organisation which is a Public Health Service. The Apollo Bay Campus is a Multi-Purpose Health Service and the Lorne Campus is a Small Rural Health Service. Funding is provided by both the Commonwealth and the Victorian State governments on a block funding basis, with some activity based funding in Aged Care and in Acute Service. Medicare and Private billing are utilised in Allied Health and the Medical Practices and we also receive funds from fundraising and bequests.

### REPORT

Great Ocean Road Health (GORH) are part of the response to the Expression of Interest regarding 69 McLachlan St and are committing to provide the operational management of the property, including facilities management, maintenance and room bookings.





### Experience

GORH auspices the Neighbourhood houses in both Lorne and Apollo Bay and provide a room booking service to the community.

GORH also has in house facilities, infrastructure and support services teams who manage the maintenance and cleaning of ten owned properties and ten further leased properties, with contracts in place with contractors where in house services are not available.

The property will be maintained to a maintenance schedule as per our property portfolio.

### Opportunities

There are opportunities for funding provided to health services for infrastructure refurbishment and rebuilding via various infrastructure funds which could be used for opportunities to modernise/ rebuild the building to better suit the community's needs in the future.

The property is in the health precinct, across the road from the Apollo Bay Medical Practice, Ambulance Victoria, the Neighbourhood House, Child-Care Centre and Gym. The location means that GORH will be able to make use of the building for multiple purposes as well as being able to facilitate community use.

### Approvals

The expression of interest operational management proposal was approved by Great Ocean Road Health Board on the 19<sup>th</sup> February 2024.

### CONCLUSION

The operational management of 69 McLachlan St, Apollo Bay will be facilitated in the same way as GORH's other owned and leased properties.

**Prepared by:** , CEO Great Ocean Road Health



## **APOLLO BAY COMMUNITY CHARITABLE TRUST**

Under the *Trustees Act 1958* (Vic), this public Charitable Trust is made for public and municipal purposes on        April 2024 between the Original Trustees being:

Now this Charitable Trust witnesses as follows:

### **1    Definitions**

In this Charitable Trust:

1.1 “Charity” means any fund or institution that is established and maintained for purposes

that are exclusively charitable but of particular application to the public community of Apollo Bay.

1.2 “Person” includes a person anywhere in the world and includes a Trustee

1.3 “Charitable” means of social, cultural, educational or recreational benefit to the public of the Apollo Bay community.

1.4 “The Trustees” means the Original Trustees or the trustees of this Charitable Trust for the time being.

1.5 “The Trust Property” means:

1.5.1 Property transferred to the Trustees to hold on the terms of this Charitable Trust including land at 69 McLachlan Street, Apollo Bay (Volume 7792 Folio 029 Lot 1 Plan of Subdivision 020996)

### **2    Name and purpose of Charitable Trust**

The charity shall be called the **Apollo Bay Community Charitable Trust** and its purpose is to hold property in Apollo Bay for public and municipal purposes including social, cultural, educational and recreational purposes for the benefit of Apollo Bay community members.



### 3 Trust Income

- 3.1 Subject to the Powers over Capital below, the Trustees shall pay or apply any income derived from use of Trust Property to such Charities or for such Charitable purposes as the Trustees think fit within the community of Apollo Bay.
- 3.2 The Trustees may accumulate any part of the income from the Trust Property.

### 4 Powers over Capital

The Trustees shall have the following powers:

#### 4.1 Power of appointment:

- 4.1.1 The Trustees may appoint that they shall hold any Trust Property on such charitable trusts as the Trustees think fit.
- 4.1.2 An appointment may create any provisions and in particular:
  - 4.1.2.1 discretionary trusts
  - 4.1.2.2 administrative and management powersexercisable by any Person, but at all times this Charitable Trust shall remain a Charity.
- 4.1.3 An appointment shall be made by deed and may be revocable or irrevocable.

#### 4.2 Power of variation

The Trustees may by deed release or revoke any power or powers conferred on the Trustees under this deed and may vary or amend any of the provisions of this Trust, but at all times this Charitable Trust shall remain a charity.

#### 4.3 Power of advancement

The Trustees may pay or transfer any Trust Property to any Charity and may apply any Trust Property for any charitable purposes with or without consideration to—

- (a) the Crown; or
- (b) a Minister; or
- (c) any public body; or
- (d) the trustees appointed under any Act to be held on trust for public or municipal purposes; or



(e) a public hospital within the meaning of the Health Services Act 1988, or other hospital carried on by an association or society otherwise than for profit or gain to the members of the association or society.

## 5 Further Provisions

The provisions set out in the schedule below shall have effect in furtherance of the charitable purposes of this Charitable Trust but not otherwise.

## 6 Exclusion of non-charitable purposes

Notwithstanding anything else in this deed, no power conferred by this Charitable Trust shall be exercisable, and no provision shall operate so as to allow Trust Property or its income:

6.1 to become payable to or applicable for the benefit of the Trustees; or

6.2 to be applied for any purpose that is not Charitable.

## 7 New Trustees

The power of appointing new trustees is exercisable by the surviving trustees.

## 8 Winding up or vesting of Apollo Bay Community Charitable Trust

In the case of the winding up or vesting of the Apollo Bay Community Charitable Trust, any property or surplus assets held by this Trust will be distributed according to the following formula:

- (a) if the Trust Property is sold within two years of the date of transfer from Colac Otway Shire to the Trust; the entire proceeds of sale will be returned to Colac Otway Shire Council
- (b) if the Trust Property is sold between two years and ten years from the date of transfer from Colac Otway Shire Council to the Trust; the proceeds will be distributed as per Clause 8 (c) of this Trust Deed following consultation and approval by Colac Otway Shire Council
- (c) if the Trust Property is sold or vests more than ten years after the date of transfer from Colac Otway Shire Council to the Trust; to Apollo Bay community organisations with charitable purposes but, failing that, to the Crown, a Minister, any public body, the trustees appointed under any Act to be held on trust for public or municipal purposes or a public hospital within the meaning of the Health Services Act 1988.



IN WITNESS WHEREOF, THIS TRUST DEED IS SIGNED ON THIS       DAY OF  
APRIL 2024

BY THE ORIGINAL TRUSTEES:

Original Trustee

.....

And witnessed by:.....

Original Trustee

.....

And witnessed by:.....

Original Trustee

.....

And witnessed by:.....

Original Trustee

.....

And witnessed by:.....

Original Trustee

.....

And witnessed by:.....



## **THE SCHEDULE**

### **The Schedule: Administrative Powers**

#### **1 Additional powers**

The Trustees have the following additional powers:

##### **1.1 Investment**

The Trustees may make any kind of investment in furtherance of the charitable purposes of this Trust.

##### **1.2 General power of management**

The Trustees may effect any transaction relating to the management of Trust Property as if they were absolutely entitled to it. In particular:

1.2.1 The Trustees may repair and maintain Trust Property.

1.2.2 The Trustees may develop or improve Trust Property.

1.2.3 The Trustees may enter into management arrangements for the day-to day operational management of Trust Property.

1.2.4 The Trustees may dispose of the Trust Property but only if there is no longer a need existing in the Apollo Bay community for retention of the property and only in accordance with Clause 8 of this Trust Deed.

##### **1.3 Income and capital**

The Trustees may pay expenses out of income although they would otherwise be paid out of capital and expenses out of capital which would otherwise be paid out of income.

##### **1.4 Borrowing**

The Trustees may borrow money for investment or any other purpose. Money borrowed shall be treated as Trust Property.

##### **1.5 Delegation**

A Trustee may delegate in writing any of his or her functions to any Person with the written consent of the other Trustees. A Trustee shall not be responsible for the default of that Person (even if the delegation was not strictly necessary or expedient) provided that they took reasonable care in their selection and supervision.



## 1.6 Security

Subject to any restrictions imposed by law, the Trustees may mortgage or charge Trust Property as security for any liability properly incurred by them as Trustees.

## 1.7 Receipt by charities

1.7.1 Where Trust Property is to be paid or transferred to a charity or non-charitable association or company, the receipt of the treasurer or appropriate officer of the organisation shall be a complete discharge to the Trustees. A Trustee shall not be liable for making a payment or transfer to any Person who appears to be the treasurer or appropriate officer unless at the time of the distribution the Trustee has knowledge of circumstances which call for enquiry.

1.7.2 If any charity ceases to exist, changes its name, or enters into insolvent liquidation, before the time that a gift to the charity takes effect in possession, the gift shall instead be paid to such charity as the Trustees decide having regard to the objects that were intended to benefit.

## 1.8 Ancillary powers

The Trustees may do anything which is incidental or conducive to the exercise of their functions.

## 2 Conflicts of Interest

A Trustee must not enter into a transaction that brings them into a conflict of interest in regard to their duties as Trustees of the Trust Property.

## 3 Insurance

The Trustees may take out insurance that protects or indemnifies the Trustees against the risk of personal liability arising from:

- 3.1 breach of trust or duty by the Trustees in their capacity as trustees; and
- 3.2 any negligence, default, breach of duty or breach of trust committed by the Trustee while acting as directors or officers of this charitable Trust or any charitable company or any company carrying out activities on behalf of this charitable Trust.

The insurers shall not be liable to a Trustee for loss arising from any act or omission which that Trustee knew to be a breach of trust or which was committed by that Trustee in reckless disregard of whether it was a breach of trust or not.

## 4 Trustee remuneration



- 4.1 A Trustee acting in a professional capacity is entitled to receive reasonable remuneration, but is not entitled to commission, out of any Trust funds for any services that he/she provides to or on behalf of the Trust.
- 4.2 For this purpose, a Trustee acts in a professional capacity if he/she acts in the course of a profession or business which consists of or includes the provision of services in connection with:
  - 4.2.1 the management or administration of trusts generally or a particular kind of trust, or
  - 4.2.2 any particular aspect of the management or administration of trusts generally or a particular kind of trust.
- 5 Liability of trustees
  - 5.1 The duty of reasonable care applies to all the functions of the Trustees.
  - 5.2 A Trustee shall not be liable for a loss to the Trust Property unless that loss was caused by their own fraud or negligence.
  - 5.3 A Trustee shall not be liable for acting in accordance with the advice of Counsel, of at least five years standing, with respect to the Trust.
  - 5.4 Sub-paragraph 5.3 does not apply:
    - 5.4.1 in relation to a Trustee who knows or has reasonable cause to suspect that the advice was given in ignorance of material facts;
    - 5.4.2 if proceedings are pending to obtain the decision of the court on the matter;
    - 5.4.3 in relation to a Trustee who has a personal interest in the subject matter of the advice; or
    - 5.4.4 in relation to a Trustee who has committed a breach of trust relating to the subject matter of the advice.
- 6 Trustees' right of indemnity
  - 6.1 The Trustees are entitled to reimburse themselves, or pay or discharge out of Trust Property, all expenses and liabilities they incur in or about the execution of the Trustees' trusts or powers but only if funds are available and the Trustees resolve to do so.
  - 6.2 The Trustees have no right to recover from an object of this Trust (eg, an ordinary member of the Apollo Bay community) expenses or liabilities incurred by the Trustees in the administration of the Trust or of any specific trust created under this Trust, apart from expenses incurred in the provision of services authorised by the Trust.





**Invitation for Expression of Interest**

Council is seeking Expressions of Interest from relevant entities that wish to take ownership of the property at 69 McLachlan Street Apollo Bay (former Apollo Bay Kindergarten) to ensure future and ongoing community use of the property.

**Colac Otway Shire Council**

**Expressions of Interest close at 2:00pm (Australian Eastern Standard Time) on Friday 22 March 2024.**



---

**Contents**

<b>1.</b>	<b>Definitions .....</b>	<b>3</b>
<b>2.</b>	<b>Overview and Purposes .....</b>	<b>3</b>
2.1	Overview .....	3
2.2	Purpose.....	3
2.3	Background & Key Information .....	3
<b>3.</b>	<b>The Expression of Interest Process .....</b>	<b>5</b>
3.1	Timetable .....	5
3.2	Inspection .....	5
3.3	Expression of Interest – Registration Form .....	5
3.4	Proposals .....	5
3.5	Procedure for Lodgement .....	5
3.6	Variations .....	6
3.7	More than one Proposal .....	6
3.8	Non-conforming Proposals .....	6
<b>4.</b>	<b>Evaluation Process .....</b>	<b>6</b>
4.1	Mandatory Requirements .....	6
4.2	Evaluation Criteria .....	6
<b>5.</b>	<b>Costs and Expenses .....</b>	<b>7</b>
<b>6.</b>	<b>Canvassing .....</b>	<b>7</b>
<b>7.</b>	<b>Conflicts of Interest .....</b>	<b>7</b>
<b>8.</b>	<b>Public Statements .....</b>	<b>7</b>
<b>9.</b>	<b>Disclaimer .....</b>	<b>7</b>
<b>10.</b>	<b>Further Information .....</b>	<b>8</b>
<b>11.</b>	<b>Schedules .....</b>	<b>8</b>
	Schedule 1 - Expression of Interest Registration Form .....	9
	Schedule 2 - Map .....	10
	Schedule 3 - Statement in accordance with Sale of Land Act 1962 SEC 32 Vendors Statement .....	11



---

## Invitation for Expression of Interest

### 1. Definitions

In this Invitation:

**Council** means Colac Otway Shire Council.

**Community use** means a use which has the primary purpose of serving the social, cultural and/or recreational needs of the general community.

**Contract of Sale of Real estate** means a contract that reflects the Expression of interest and transfers the property to the Proponent.

**Invitation** means this invitation for Expressions of Interest.

**Land / Property** means the land as described in the attached plans in Schedule 2.

**Outgoings** including, but not limited to Council Rates, levies, and any other expense resulting from ownership of the property.

**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 has resolved to transfer the property at 69 McLachlan Street Apollo Bay without consideration pursuant to the conditions set out in the *Local Government Act 2020* Section 116, to a relevant entity that can facilitate future and ongoing community use of the property.

Council is seeking Expressions of Interest from relevant entities that wish to take ownership of the property at 69 McLachlan Street Apollo Bay.

#### 2.2 Purpose

Council's purpose in undertaking this Invitation is:

- 2.2.1 To provide sufficient details to enable each Proponent to assess the opportunity and prepare an informed proposal; and
- 2.2.2 To enable Council to identify a proposal that would provide the highest level of community benefit; and
- 2.2.3 To ensure the property remains available for ongoing community use.

#### 2.3 Background and Key Information

- 2.3.1 The property located at 69 McLachlan Street Apollo Bay was previously used as a kindergarten. The property is zoned NRZ1 (Neighbourhood Residential Zone) and



is covered by a Design and Development Overlay – Schedule 7 of the Colac Otway Planning Scheme.

- 2.3.2 The subject building on the property has been identified as containing asbestos.
- 2.3.3 Interested parties should make their own enquiries and satisfy themselves as to the suitability of the property.
- 2.3.4 The successful Proponent will be required to execute a Contract for Sale of Real Estate that will transfer the ownership of the property to the entity's structure detailed in the submission.
- 2.3.5 The successful Proponent will be responsible for all costs associated with the transfer of the property.
- 2.3.6 The successful Proponent will be required to pay all outgoings in connection with the property including all rates and charges. Once the property has been transferred, all future costs associated with the property including, but not limited to, maintenance, development, outgoings, and rates and charges, etc., will be the responsibility of the successful Proponent.
- 2.3.7 To align with Council's objectives, Proponents will be required to detail the entity capable of completing a transfer of land that meets the requirements in accordance with the *Local Government Act 2020* as below.

*Local Government Act 2020 – SECT 116 Transfer, exchange or lease of land without consideration:*

- (1) *A Council's powers to transfer, exchange or lease any land include the power to do so with or without consideration to:*
  - (a) *the Crown; or*
  - (b) *a Minister; or*
  - (c) *any public body; or*
  - (d) *the trustees appointed under any Act to be held on trust for public or municipal purposes; or*
  - (e) *a public hospital within the meaning of the Health Services Act 1988 or other hospital carried on by an association or society otherwise than for profit or gain to the members of the association or society.*
- 2.3.8 The successful Proponent will be required to demonstrate a "winding up proposal" that provides detail of the property asset disposal, in the event that the Proponent's entity structure is wound up, or a decision made to not continue with the operation of the community asset.
- 2.3.9 The Proponent acknowledges that Council:
  - (a) makes no commitment to any future related asset costs.
  - (b) will not provide any buy back assurance.
- 2.3.10 Any transfer of the property does not infer Planning or Building permit approval and any proposal must comply with all planning requirements as set out in the Colac Otway Planning Scheme.



### **3. The Expression of Interest Process**

#### **3.1 Timetable**

This Invitation is issued on 16 February 2024 and all Proposals must be submitted by 2:00pm (Australian Eastern Standard Time) on Friday 22 March 2024.

#### **3.2 Inspection**

It is recommended that prospective Proponents inspect the property with a nominated Council Officer prior to the closing date. All queries regarding inspections should be directed to:

The Property Officer  
Property, Procurement and Contracts Department  
Colac Otway Shire Council  
PO Box 283  
COLAC VIC 3250  
Telephone: 03 5232 9400  
Email: [procurement@colacotway.vic.gov.au](mailto:procurement@colacotway.vic.gov.au)

#### **3.3 Expression of Interest – Registration Form**

Each Proponent must submit a Proposal in the form attached in Schedule 1 of this Invitation. Additional information may be attached, if required.

#### **3.4 Proposals**

Each Proposal must include the following:

- 3.4.1 A completed, signed and dated Registration Form.
- 3.4.2 Any other information requested in Schedule 1.

#### **3.5 Procedure for Lodgement**

- 3.5.1 All Proposals must be completed in accordance with clause 4.1 and Schedule 1. Proposals may be lodged electronically at [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au)

- Then select **Jobs and Tenders**
- Select **Tenders and Expressions of Interest**
- Select **Here**
- This takes you to **eProcure**.
- Either select **Register** or **view and download document**

Please contact **eProcure** on 1800 377 628 if you are experiencing any difficulties.

[Note: Proposals can be uploaded to the **eProcure** tender portal in PDF document format. Submission files should be placed in a .zip format where convenient].



3.5.2 Proposals are to be received by Council by 2:00pm on the closing date.

3.5.3 Proposals that are late or which are not submitted in accordance with clause 3.5.1 above **may not be considered** by Council.

### **3.6 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 their Proposal once that Proposal has been lodged.

### **3.7 More than one Proposal**

Proponents may submit more than one Proposal in response to this Invitation.

### **3.8 Non-conforming Proposals**

Council may consider Proposals which do not conform to this Invitation.

## **4. Evaluation Process**

### **4.1 Mandatory Requirements**

4.1.1 The Proponent must demonstrate that they are an entity that meets the requirements of s116 of the *Local Government Act 2020*, as detailed in clause 2.3.7

4.1.2 The Proponent must demonstrate a commitment to ensure the property remains available for ongoing community use.

### **4.2 Evaluation Criteria**

In assessing each Proposal received, Council will use the following evaluation criteria (not listed in any order of importance).

The Proponent must provide the following detail:

- a) Purpose of entity.
- b) Governance structure.
- c) Proposed use of the site for ongoing community purposes.
- d) Understanding of what would happen to the property, and proceeds of sale, if the entity was wound up or ceased to exist.

4.3 On completion of assessment of Proposals, Council may decide to:

- Appoint a Proponent or Proponents
- Negotiate with any/or several of the Proponents; or
- Terminate this Invitation.

4.4 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.

4.5 The Proponent acknowledges that Council is not bound to accept any Proposal and may terminate the Expression of Interest process at any time.

4.6 The submission of a Proposal does not give rise to any licence, or in any way concerning, the Expression of Interest process, or any aspect of the Expression of Interest process. Council expressly disclaims any intention enter a Contract.



**5. Costs and Expenses**

Proponents will be responsible for all costs associated with making and submitting their Proposal in response to this Invitation.

Until a Proponent's offer is accepted, neither the Proponent, nor Council, may disclose the terms of any Proposal, unless agreed in writing by both parties.

**6. Canvassing**

The Proponent, its employees and consultants, must not approach, or request any other person to approach, any Councillor, employee, officer or consultant of Council:

- To solicit support for its Proposal; or
- Otherwise seek to influence the outcome of this Invitation.

The Proponent will direct all communications during this Expression of Interest process to Council's nominated representative, in writing via the eProcure Portal.

If the Proponent breaches this clause, and or the Public Statement clause 8 Council may, in its sole discretion, disqualify the Proponent from participating in this Expression of Interest process.

**7. Conflicts of Interest**

Proponents must declare to Council any direct or indirect conflict of interest of:

- The Proponent.
- Any agent acting for the Proponent; and
- Any other consultant acting for the Proponent, in respect of Council or this Expression of Interest process.

**8. Public Statements**

A Proponent must not make any public statement, including any media releases, in relation to this Expression of Interest process and must refer all enquiries from the media to Council until a licence agreement is signed.

**9. Disclaimer**

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.

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.

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 Invitation.



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.

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.

## **10. Further Information**

- 10.1** All requests for further information regarding this Invitation should be directed to:

The Property Officer  
Property, Procurement and Contracts Department  
Colac Otway Shire Council  
PO Box 283  
COLAC VIC 3250  
Telephone: 03 5232 9400  
Email: [procurement@colacotway.vic.gov.au](mailto:procurement@colacotway.vic.gov.au)

- 10.2** 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.
- 10.3** 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 who submitted the question or request for further information or clarification.
- 10.4** Council, in its absolute discretion, reserves the right not to respond to questions or requests for further information or clarification.
- 10.5** 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:
- 10.5.1 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.
- 10.5.2 Requests for clarification will be presented in writing to the Proponent's nominated contact person via the email address stated in Schedule 1;
- 10.5.3 Proponents may be invited to an interview to provide responses to requests for clarification; and
- 10.5.4 Responses to a request for clarification must not change a Proposal and any response attempting to change a Proposal will be withheld from consideration.

## **11. Schedules**

Schedule 1 – Expression of Interest Registration

Schedule 2 – Map

Schedule 3 - Statement in accordance with Sale of Land Act 1962 SEC 32 Vendors Statement



**Schedule 1 - Expression of Interest Registration Form****PROPOSERS MUST COMPLETE THE FOLLOWING DETAILS:**

1. **Name:** .....
2. **Registered Office:** .....  
.....
3. **Postal Address:** .....  
.....
4. **Nominated  
Contact Person:** .....
5. **Telephone:** .....
6. **Facsimile:** .....
7. **Email Address:** .....

**CHECKLIST FOR MANDATORY AND OTHER INFORMATION:**

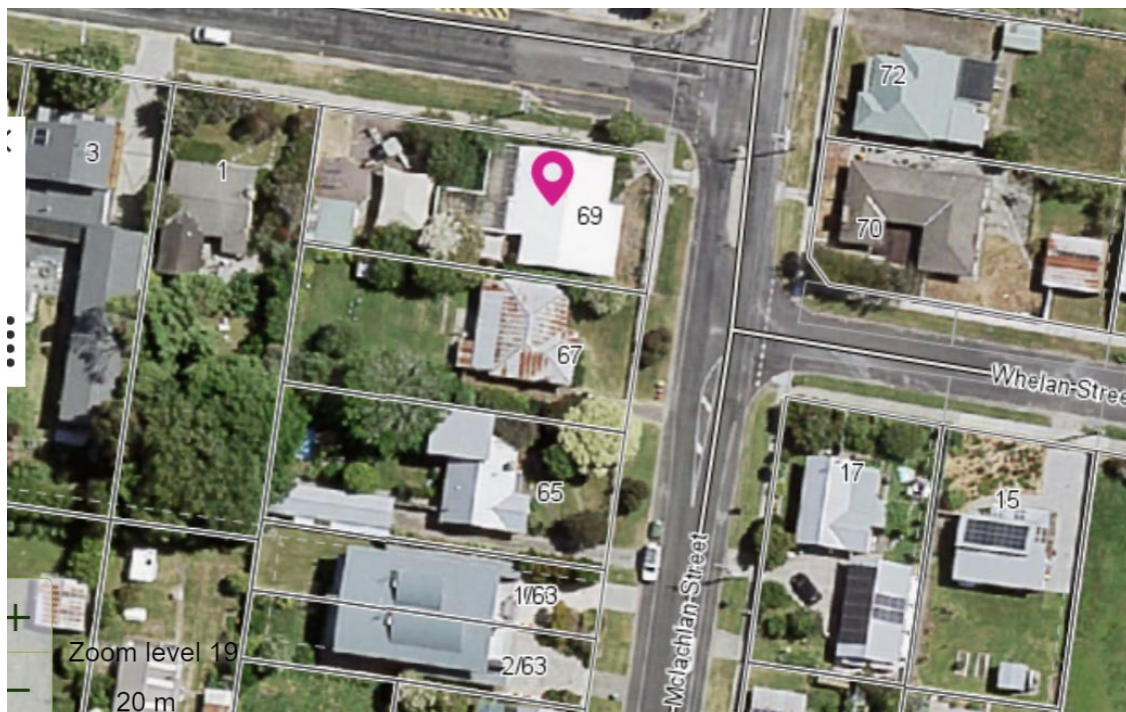
<b>ITEM TO BE SUPPLIED</b>	<b>ATTACHED (please tick)</b>
Evidence that the Proponent meets the requirements of the <i>Local Government Act 2020</i> – SECT 116	
Purpose of entity	
Governance structure of proposed entity	
Commitment and ability to ensure ongoing community use	
Understanding of what would happen to the property, and proceeds of sale, if the entity was wound up or ceased to exist	
Proposed use of the site for ongoing community purposes	



---

**Schedule 2 - Map**

**Figure 1 – Aerial image**






Schedule 3 - Statement in accordance with Sale of Land Act 1962 SEC 32 Vendors Statement

# Vendor Statement

The vendor makes this statement in respect of the land in accordance with section 32 of the *Sale of Land Act 1962*.  
This statement must be signed by the vendor and given to the purchaser before the purchaser signs the contract.  
The vendor may sign by electronic signature.  
The purchaser acknowledges being given this statement signed by the vendor with the attached documents before the purchaser signed any contract.

Land	69 McLachlan Street, Apollo Bay 3233	
Vendor's name	Colac Otway Shire Council	Date 13/2/24
Vendor's signature		
Purchaser's name		Date / /
Purchaser's signature		
Purchaser's name		Date / /
Purchaser's signature		



## 1 FINANCIAL MATTERS

### 1.1 Particulars of any Rates, Taxes, Charges or Other Similar Outgoings (and any interest on them)

- (a) Are contained in the attached certificate/s.

### 1.2 Particulars of any Charge (whether registered or not) imposed by or under any Act to secure an amount due under that Act, including the amount owing under the charge

	To	
--	----	--

Other particulars (including dates and times of payments):

### 1.3 Terms Contract

This section 1.3 only applies if this vendor statement is in respect of a terms contract where the purchaser is obliged to make 2 or more payments (other than a deposit or final payment) to the vendor after the execution of the contract and before the purchaser is entitled to a conveyance or transfer of the land.

Not Applicable

### 1.4 Sale Subject to Mortgage

This section 1.4 only applies if this vendor statement is in respect of a contract which provides that any mortgage (whether registered or unregistered), is NOT to be discharged before the purchaser becomes entitled to possession or receipts of rents and profits.

Not Applicable

## 2 INSURANCE

### 2.1 Damage and Destruction

This section 2.1 only applies if this vendor statement is in respect of a contract which does NOT provide for the land to remain at the risk of the vendor until the purchaser becomes entitled to possession or receipt of rents and profits.

Not Applicable.

### 2.2 Owner Builder

This section 2.2 only applies where there is a residence on the land that was constructed by an owner-builder within the preceding 6 years and section 137B of the *Building Act* 1993 applies to the residence.

Not Applicable.

## 3 LAND USE

### 3.1 Easements, Covenants or Other Similar Restrictions

- (a) A description of any easement, covenant or other similar restriction affecting the land (whether registered or unregistered): -

- (b) Particulars of any existing failure to comply with that easement, covenant or other similar restriction are:

To the best of the vendor's knowledge, there is no existing failure to comply with the terms of any easement, covenant or other similar restriction.

### 3.2. Road Access

There is NO access to the property by road if the square box is marked with an 'X'

☐

### 3.3. Designated Bushfire Prone Area

The land is in a designated bushfire prone area under section 192A of the *Building Act* 1993 if the square box is marked with an 'X'

☐



**3.4. Planning Scheme**

Attached is a certificate with the required specified information.

**4 NOTICES****4.1. Notice, Order, Declaration, Report or Recommendation**

Particulars of any notice, order, declaration, report or recommendation of a public authority or government department or approved proposal directly and currently affecting the land, being a notice, order, declaration, report, recommendation or approved proposal of which the vendor might reasonably be expected to have knowledge:

Not Applicable.

**4.2. Agricultural Chemicals**

There are NO notices, property management plans, reports or orders in respect of the land issued by a government department or public authority in relation to livestock disease or contamination by agricultural chemicals affecting the ongoing use of the land for agricultural purposes. However, if this is not the case, the details of any such notices, property management plans, reports or orders, are as follows:

Not Applicable.

**4.3. Compulsory Acquisition**

The particulars of any notices of intention to acquire that have been served under section 6 of the *Land Acquisition and Compensation Act 1986* are as follows:

Not Applicable.

**5 BUILDING PERMITS**

Particulars of any building permit issued under the *Building Act 1993* in the preceding 7 years (required only where there is a residence on the land):

Not Applicable.

**6 OWNERS CORPORATION**

This section 6 only applies if the land is affected by an owners corporation within the meaning of the *Owners Corporations Act 2006*.

Not Applicable.

**7 GROWTH AREAS INFRASTRUCTURE CONTRIBUTION ("GAIC")**

Not Applicable.

**8 SERVICES**

The services which are marked with an 'X' in the accompanying square box are NOT connected to the land:

Electricity supply <input type="checkbox"/>	Gas supply <input checked="" type="checkbox"/>	Water supply <input type="checkbox"/>	Sewerage <input type="checkbox"/>	Telephone services <input checked="" type="checkbox"/>
---	--	---------------------------------------	-----------------------------------	--

**9 TITLE**

Attached are copies of the following documents:

**9.1 (a) Registered Title**

A Register Search Statement and the document, or part of a document, referred to as the 'diagram location' in that statement which identifies the land and its location.

**10 SUBDIVISION****10.1. Unregistered Subdivision**

This section 10.1 only applies if the land is subject to a subdivision which is not registered.



Not Applicable.

#### 10.2. Staged Subdivision

This section 10.2 only applies if the land is part of a staged subdivision within the meaning of section 37 of the *Subdivision Act 1988*.

Not Applicable.

#### 10.3. Further Plan of Subdivision

This section 10.3 only applies if the land is subject to a subdivision in respect of which a further plan within the meaning of the *Subdivision Act 1988* is proposed.

Not Applicable.

### 11 DISCLOSURE OF ENERGY INFORMATION

*(Disclosure of this information is not required under section 32 of the Sale of Land Act 1962 but may be included in this vendor statement for convenience.)*

Details of any energy efficiency information required to be disclosed regarding a disclosure affected building or disclosure area affected area of a building as defined by the *Building Energy Efficiency Disclosure Act 2010* (Cth)

- (a) to be a building or part of a building used or capable of being used as an office for administrative, clerical, professional or similar based activities including any support facilities; and
- (b) which has a net lettable area of at least 1000m<sup>2</sup>; (but does not include a building under a strata title system or if an occupancy permit was issued less than 2 years before the relevant date):

Not Applicable.

### 12 DUE DILIGENCE CHECKLIST

*(The Sale of Land Act 1962 provides that the vendor or the vendor's licensed estate agent must make a prescribed due diligence checklist available to purchasers before offering land for sale that is vacant residential land or land on which there is a residence. The due diligence checklist is NOT required to be provided with, or attached to, this vendor statement but the checklist may be attached as a matter of convenience.)*

- ☐ Vacant Residential Land or Land with a Residence
- ☒ Attach Due Diligence Checklist (this will be attached if ticked)

### 13 ATTACHMENTS

*(Any certificates, documents and other attachments may be annexed to this section 13)*

*(Additional information may be added to this section 13 where there is insufficient space in any of the earlier sections)*

*(Attached is an "Additional Vendor Statement" if section 1.3 (Terms Contract) or section 1.4 (Sale Subject to Mortgage) applies)*

--





Copyright State of Victoria. No part of this publication may be reproduced except as permitted by the Copyright Act 1969 (Cth), to comply with a statutory requirement or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA REGD TM System. None of the State of Victoria, its agents or contractors, accepts responsibility for any subsequent publication or reproduction of the information.

The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

**REGISTER SEARCH STATEMENT (Title Search) Transfer of  
Land Act 1958**

Page 1 of 1

VOLUME 07792 FOLIO 029

Security no : 124112107462R  
Produced 24/01/2024 02:18 PM

**LAND DESCRIPTION**

Lot 1 on Plan of Subdivision 020996.  
PARENT TITLE Volume 03628 Folio 577  
Created by instrument 2473890 21/02/1952

**REGISTERED PROPRIETOR**

Estate Fee Simple  
Sole Proprietor  
COLAC OTWAY SHIRE COUNCIL of 2-6 RAE STREET COLAC VIC 3250  
AS105940M 18/04/2019

**ENCUMBRANCES, CAVEATS AND NOTICES**

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

**DIAGRAM LOCATION**

SEE LP020996 FOR FURTHER DETAILS AND BOUNDARIES

**ACTIVITY IN THE LAST 125 DAYS**

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 69 MCLACHLAN STREET APOLLO BAY VIC 3233

**ADMINISTRATIVE NOTICES**

NIL

eCT Control 09858G COLAC OTWAY SHIRE COUNCIL  
Effective from 03/05/2019

DOCUMENT END





## Imaged Document Cover Sheet

The document following this cover sheet is an imaged document supplied by LANDATA®, Secure Electronic Registries Victoria.

Document Type	<b>Plan</b>
Document Identification	<b>LP020996</b>
Number of Pages (excluding this cover sheet)	<b>3</b>
Document Assembled	<b>24/01/2024 14:18</b>

### Copyright and disclaimer notice:

© State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968 (Cth) and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. None of the State of Victoria, LANDATA®, Secure Electronic Registries Victoria Pty Ltd (ABN 86 627 986 396) as trustee for the Secure Electronic Registries Victoria Trust (ABN 83 206 746 897) accept responsibility for any subsequent release, publication or reproduction of the information.

The document is invalid if this cover sheet is removed or altered.



PLAN OF SUBDIVISION  
CROWN ALLOTMENTS 17A, 17B, 17C, 17D & 17E  
**PARISH OF KRAMBRUK**  
COUNTY OF POLWARTH

VOL. 3628 FOL. 573  
VOL. 3628 FOL. 574  
VOL. 3628 FOL. 575  
VOL. 3628 FOL. 576  
VOL. 3628 FOL. 577

Measurements are in Feet & Inches  
Conversion Factor  
FEET x 0.3048 = METRES

STREET NAME AMENDED  
FROM: HOBSON STREET  
TO: GALLIPOLI PARADE  
VIDE: GAZ. 1962 P. 4085  
DATE 15. 3. 1963

LP 20996

EDITION 2

PLAN MAY BE LODGED  
16-3-1951

2 SHEETS  
SHEET 1

**ENCUMBRANCES**

AS TO THE LAND MARKED E-2  
THE CARRIAGEWAY EASEMENT  
CREATED IN INSTRUMENT  
No 2114182

**NOTATIONS**

REFERENCE MARKS ARE GALV. IRON PIPES 12"x 1/4"  
E-2 Post and Wire Fence

DEPTH LIMITATION: 50 FEET

**COLOUR CODE**

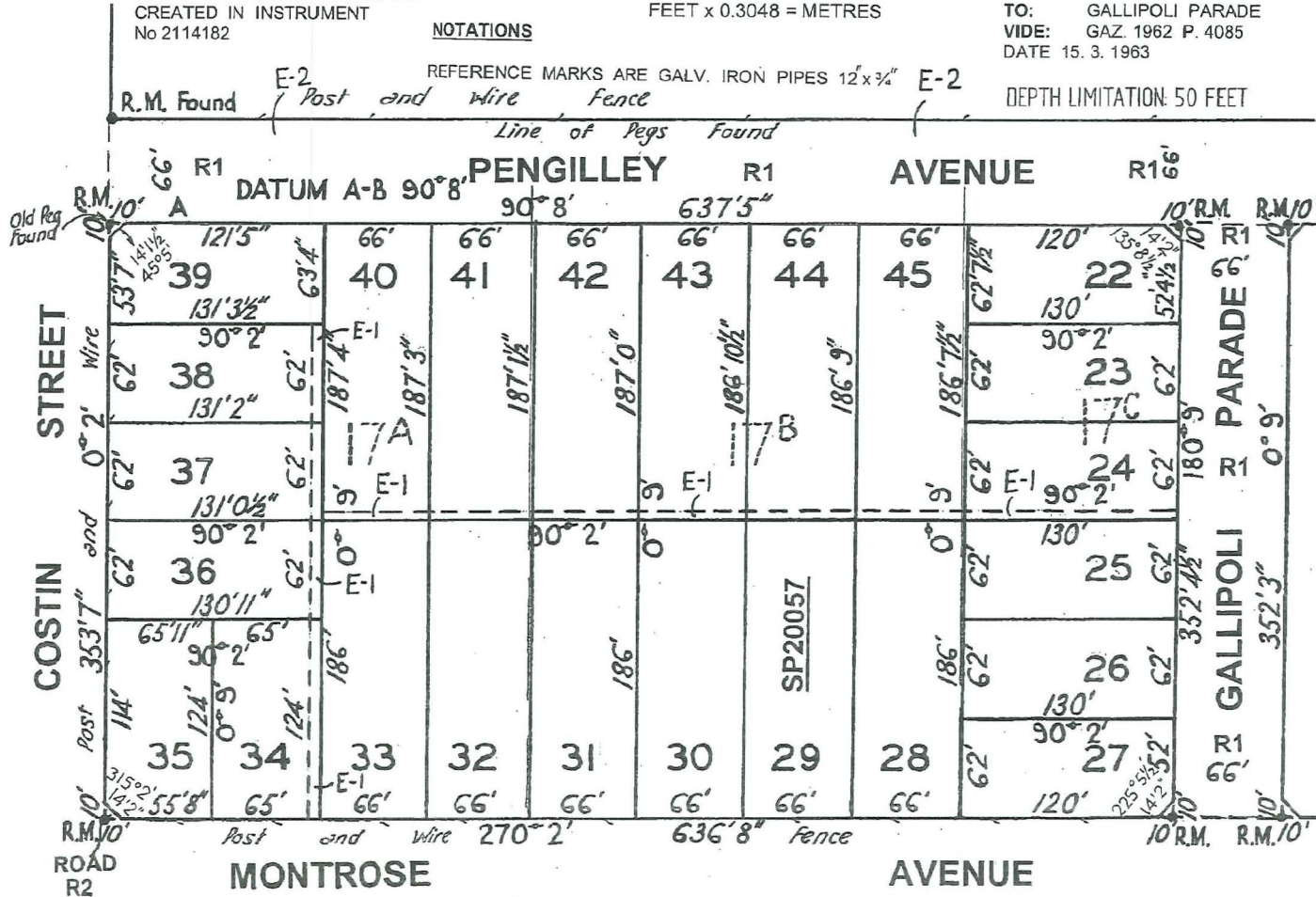
E-1 = BLUE  
R1, R2, R3 & E-2 = BROWN

**APPROPRIATIONS**

THE LAND COLOURED BLUE  
IS APPROPRIATED OR SET APART  
FOR EASEMENTS OF DRAINAGE  
AND IS 6 FEET WIDE

THE LAND COLOURED BROWN IS  
APPROPRIATED OR SET APART  
FOR EASEMENTS OF WAY &  
DRAINAGE

SEE SHEET 2





2 SHEETS  
SHEET 2





# MODIFICATION TABLE

RECORD OF ALL ADDITIONS OR CHANGES TO THE PLAN

PLAN NUMBER

LP 20996

AFFECTED LAND/PARCEL	LAND/PARCEL IDENTIFIER CREATED	MODIFICATION	DEALING NUMBER	DATE	EDITION NUMBER	ASSISTANT REGISTRAR OF TITLES
ROAD R1	E-2	CREATION OF EASEMENT	INSTRUMENT No. 2114182		2	A.D.



**LAND INFORMATION CERTIFICATE**

(Issued pursuant to Section 229 Local Government Act 1989)

**CERTIFICATE NO:** 16308**DATE ISSUED:** 22/01/2024**YOUR REF NO:****Colac Otway**  
SHIREABN: 32 430 819 755  
PO Box 283, Colac VIC 3250  
Phone: 03 5232 9400  
Email: [info@colacotway.vic.gov.au](mailto:info@colacotway.vic.gov.au)**RATING YEAR 1 JULY 2023 TO 30 JUNE 2024****PROPERTY DETAILS**

<b>PROPERTY NO:</b>	18543		
<b>LOCATION:</b>	69 McLachlan Street APOLLO BAY 3233		
<b>PROPERTY DESCRIPTION:</b>	Lot: 1 LP: 20996 V/F: 7792/029		
<b>PARISH:</b>	Krambruk	<b>LAND AREA:</b>	0.0811 HA
<b>AVPC CODE:</b>	720.5 - Child Welfare and Pre-School		

**VALUATION DETAILS**

<b>SITE VALUE:</b>	\$660,000
<b>CAPITAL IMPROVED VALUE:</b>	\$865,000
<b>NET ANNUAL VALUE:</b>	\$43,250
<b>VALUATION DATE:</b>	01/01/2023
<b>OPERATIONAL DATE:</b>	01/07/2023

**RATE CHARGES AND OTHER MONIES****See reverse for more information**

Rates declared to by Council on 28 June 2023

<b>RATES</b>	
FSPL - Public Benefit	\$49.31
Public Benefit Fire Fixed Charge	\$254.00
<b>Current Year Rates and Charges:</b>	<b>\$303.31</b>
<b>ADJUSTMENTS</b>	
Rate Arrears to and interest brought forward from 2022/2023	\$0.00
Interest on arrears from 1/07/2023	\$0.00
Less Pensioner Rebates:	\$0.00
Less Payments:	\$0.00
Other Adjustments:	\$0.00
<b>Rates Balance Outstanding:</b>	<b>\$303.31</b>
<b>PROPERTY DEBTS</b>	
<b>SPECIAL RATES AND CHARGES</b>	
nil	
Other Debtor Amounts	
<b>TOTAL RATES, CHARGES AND OTHER MONIES OUTSTANDING</b>	<b>\$303.31</b>



**FURTHER INFORMATION:****Property Currently NOT Rated**

The purchaser is advised the subject property is currently not rateable as it is Exempt from Rates and Charges under Sec 154 (2) of the Local Government Act 1989. Once the property has been sold however, it will become rateable and rates will be raised against the property

**IMPORTANT INFORMATION****WHAT THIS CERTIFICATE PROVIDES**

This Certificate provides information regarding valuations, rates, charges, other moneys owing and any orders and notices made under the Local Government (Miscellaneous) Act 1958, Local Government Act 1989 or under a local law or by-law of the Council on property prescribed above for the year ending 30<sup>th</sup> June 2024.

This certificate does **not** provide information regarding the following matters that is available from the Council Departments or relevant authorities as indicated:-

Planning Zones, Flood Levels, Landfill or Landslips	available from Landata at <a href="http://www.landata.vic.gov.au">www.landata.vic.gov.au</a>
Purpose for which property may be used	available from Council's Planning Department
Building works approved, Permits Issued	available from Council's Building Department
Health Department Orders issued	available from Council's Health Department
Water & Waste functions	available from the Relevant Water Authority
Service Easements	available from authorities or title search

Please note a fee may be applicable for this information

**CURRENCY OF CERTIFICATE**

Information provided in this certificate is correct at the date of issue. Applicants should confirm details provided in the certificate with Council's Rates Department prior to settlement date.

I certify that as at 22/01/2024 the information given in this certificate is a true and correct disclosure of the rates and other monies and interest payable to the COLAC OTWAY SHIRE as required under the Local Government Act 1989.

Fee Payable \$28.90

**YOUR REF NO:**

APPLICANT: Colac Otway Shire Council  
PO Box 283  
COLAC VIC 3250

*Jen Featherstone*

Jen Featherstone  
**AUTHORISED OFFICER**

**BPay Details for Rates Payments:**

Biller Code: 22400

Biller Reference: 0000 1854 37



## PLANNING PROPERTY REPORT



From [www.planning.vic.gov.au](http://www.planning.vic.gov.au) at 05 February 2024 05:01 PM

### PROPERTY DETAILS

Address: **69 MCLACHLAN STREET APOLLO BAY 3233**  
 Lot and Plan Number: **Lot 1 LP20996**  
 Standard Parcel Identifier (SPI): **1\LP20996**  
 Local Government Area (Council): **COLAC OTWAY**  
 Council Property Number: **18543**  
 Planning Scheme: **Colac Otway**  
 Directory Reference: **Vicroads 519 N4**

[www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au)

[Planning Scheme - Colac Otway](#)

### UTILITIES

Rural Water Corporation: **Southern Rural Water**  
 Urban Water Corporation: **Barwon Water**  
 Melbourne Water: **Outside drainage boundary**  
 Power Distributor: **POWERCOR**

### STATE ELECTORATES

Legislative Council: **WESTERN VICTORIA**  
 Legislative Assembly: **POLWARTH**

### OTHER

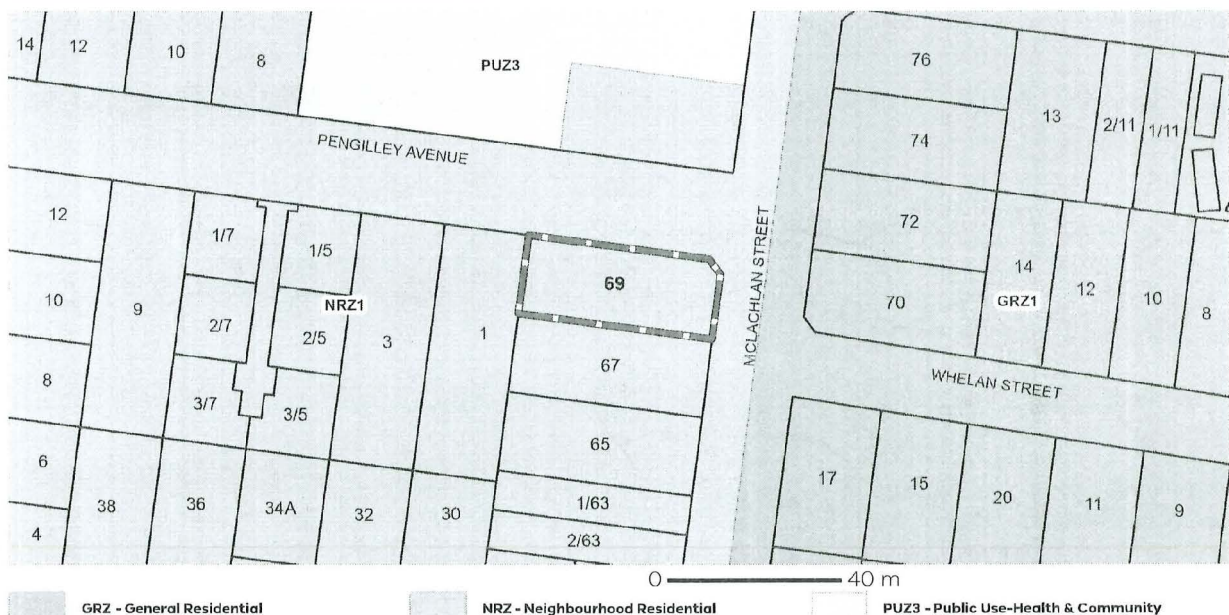
Registered Aboriginal Party: **Eastern Maar Aboriginal Corporation**

[View location in VicPlan](#)

### Planning Zones

NEIGHBOURHOOD RESIDENTIAL ZONE (NRZ)

NEIGHBOURHOOD RESIDENTIAL ZONE - SCHEDULE 1 (NRZ1)



Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

Copyright © - State Government of Victoria

**Disclaimer:** This content is provided for information purposes only. No claim is made as to the accuracy or authenticity of the content. The Victorian Government does not accept any liability to any person for the information provided.  
 Read the full disclaimer at <https://www.delwp.vic.gov.au/disclaimer>

Notwithstanding this disclaimer, a vendor may rely on the information in this report for the purpose of a statement that land is in a bushfire prone area as required by section 32C (b) of the Sale of Land 1962 (Vic).

PLANNING PROPERTY REPORT: 69 MCLACHLAN STREET APOLLO BAY 3233

Page 1 of 3



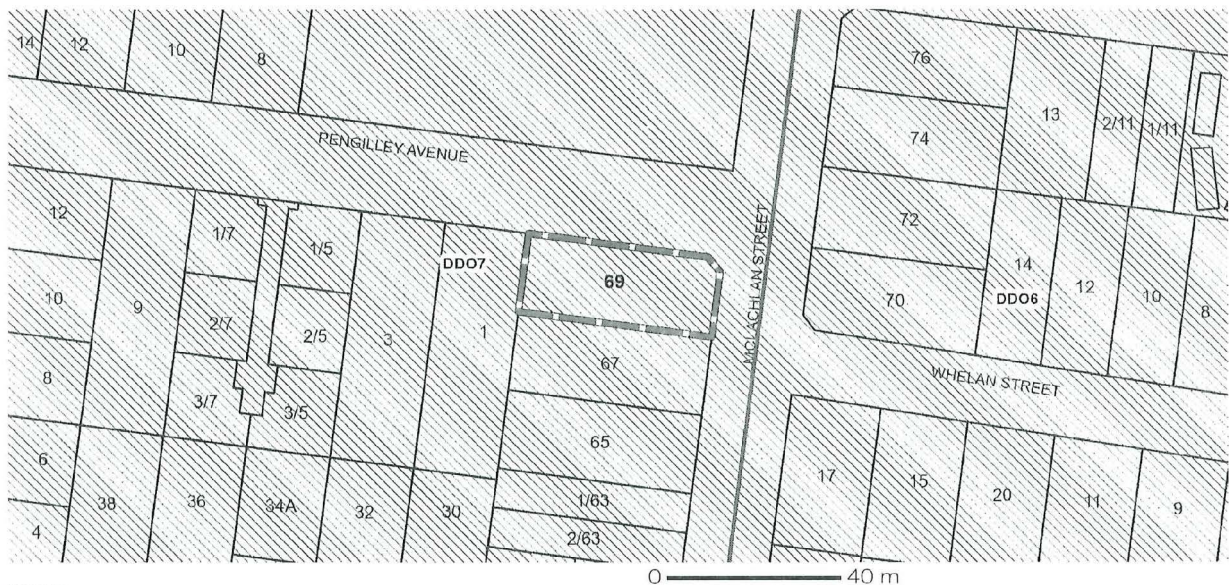
## PLANNING PROPERTY REPORT



### Planning Overlay

DESIGN AND DEVELOPMENT OVERLAY (DDO)

DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 7 (DDO7)



 DDO - Design and Development Overlay

Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

### Further Planning Information

Planning scheme data last updated on 7 December 2023.

A **planning scheme** sets out policies and requirements for the use, development and protection of land. This report provides information about the zone and overlay provisions that apply to the selected land. Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting <https://www.planning.vic.gov.au>

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the **Planning and Environment Act 1987**. It does not include information about exhibited planning scheme amendments, or zonings that may affect the land. To obtain a Planning Certificate go to Titles and Property Certificates at Landata - <https://www.landata.vic.gov.au>

For details of surrounding properties, use this service to get the Reports for properties of interest.

To view planning zones, overlay and heritage information in an interactive format visit <https://mapshare.maps.vic.gov.au/vicplan>

For other information about planning in Victoria visit <https://www.planning.vic.gov.au>

Copyright © - State Government of Victoria

**Disclaimer:** This content is provided for information purposes only. No claim is made as to the accuracy or authenticity of the content. The Victorian Government does not accept any liability to any person for the information provided. Read the full disclaimer at <https://www.dclw.vic.gov.au/disclaimer>

Notwithstanding this disclaimer, a vendor may rely on the information in this report for the purpose of a statement that land is in a bushfire prone area as required by section 32C (b) of the Sale of Land 1962 (Vic).

PLANNING PROPERTY REPORT: 69 MCLACHLAN STREET APOLLO BAY 3233

Page 2 of 3



## PLANNING PROPERTY REPORT



Environment,  
Land, Water  
and Planning

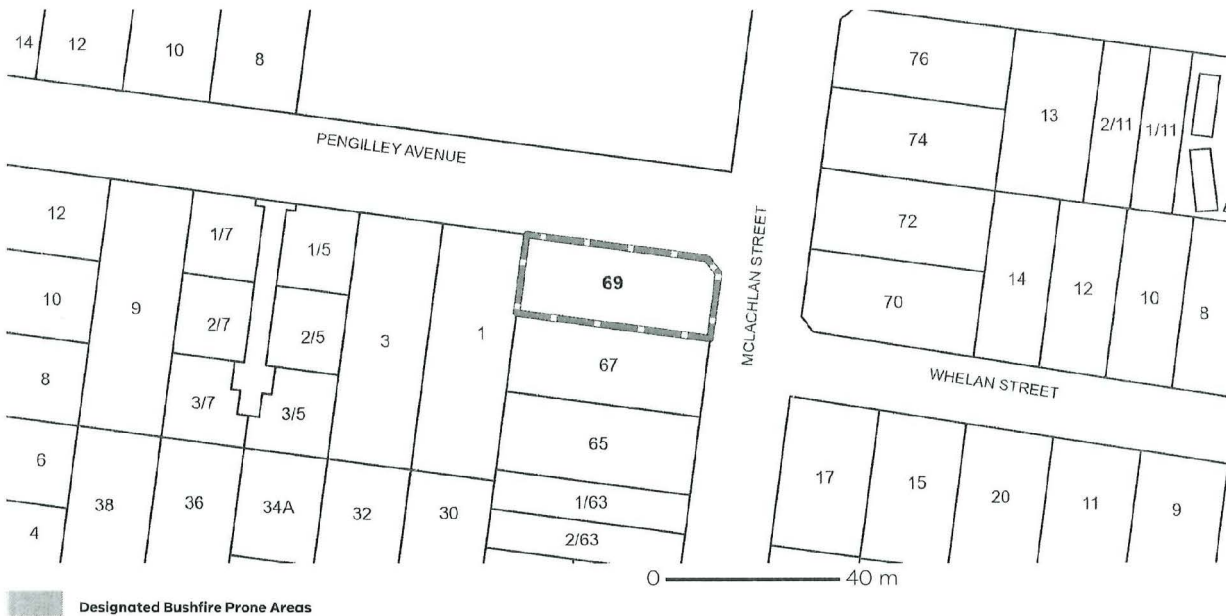
### Designated Bushfire Prone Areas

**This property is not in a designated bushfire prone area.**

**No special bushfire construction requirements apply. Planning provisions may apply.**

Where part of the property is mapped as BPA, if no part of the building envelope or footprint falls within the BPA area, the BPA construction requirements do not apply.

Note: the relevant building surveyor determines the need for compliance with the bushfire construction requirements.



Designated BPA are determined by the Minister for Planning following a detailed review process. The Building Regulations 2018, through adoption of the Building Code of Australia, apply bushfire protection standards for building works in designated BPA.

Designated BPA maps can be viewed on VicPlan at <https://mapshare.vic.gov.au/vicplan/> or at the relevant local council.

Create a BPA definition plan in [VicPlan](#) to measure the BPA.

Information for lot owners building in the BPA is available at <https://www.planning.vic.gov.au>.

Further information about the building control system and building in bushfire prone areas can be found on the Victorian Building Authority website <https://www.vba.vic.gov.au>. Copies of the Building Act and Building Regulations are available from <http://www.legislation.vic.gov.au>. For Planning Scheme Provisions in bushfire areas visit <https://www.planning.vic.gov.au>.

### Native Vegetation

Native plants that are indigenous to the region and important for biodiversity might be present on this property. This could include trees, shrubs, herbs, grasses or aquatic plants. There are a range of regulations that may apply including need to obtain a planning permit under Clause 52.17 of the local planning scheme. For more information see [Native Vegetation \(Clause 52.17\)](#) with local variations in [Native Vegetation \(Clause 52.17\) Schedule](#).

To help identify native vegetation on this property and the application of Clause 52.17 please visit the Native Vegetation Information Management system <https://nvim.delwp.vic.gov.au/> and [Native vegetation \(environment.vic.gov.au\)](#) or please contact your relevant council.

You can find out more about the natural values on your property through NatureKit [NatureKit \(environment.vic.gov.au\)](#)

Copyright © - State Government of Victoria

**Disclaimer:** This content is provided for information purposes only. No claim is made as to the accuracy or authenticity of the content. The Victorian Government does not accept any liability to any person for the information provided. Read the full disclaimer at <https://www.delwp.vic.gov.au/disclaimer>

Notwithstanding this disclaimer, a vendor may rely on the information in this report for the purpose of a statement that land is in a bushfire prone area as required by section 32C (b) of the Sale of Land 1962 (Vic).

PLANNING PROPERTY REPORT: 69 MCLACHLAN STREET APOLLO BAY 3233

Page 3 of 3





BARWON REGION WATER CORPORATION

ENQUIRIES 1300 656007

## Information Statement Part A

In accordance with Section 158 of the Water Act 1989  
(Should be Read in Conjunction with Part B)

INSTALLATION NUMBER: 20119177 APPLICATION NUMBER: 458649 DATE: 24/01/2024  
PROPERTY ADDRESS: 69 MCLACHLAN ST, APOLLO BAY, VIC 3233  
YOUR REFERENCE: 62024  
OWNER: COLAC OTWAY SHIRE  
COMMENTS: Comments

The following service charges are applicable for the abovenamed property for the period 01/01/2024 to 31/03/2024. These charges are itemised separately to allow a pro-rata adjustment, and will not appear as due and payable below if they have already been paid.

	Value	GST	Price
Sewerage Service Charge	93.73	0.00	93.73
Water Service Charge	35.81	0.00	35.81
Total Service Charge	\$ 129.54	0.00	129.54

Barwon Region Water Corporation hereby certifies that the following Charges and Interest are due and payable to it in respect of the abovenamed property.

### Charges Due & Payable

	Value	GST	Price
Sewerage Service Charge	93.73	0.00	93.73
Water Service Charge	35.81	0.00	35.81
<b>TOTAL DUE</b>	<b>\$ 129.54</b>	<b>0.00</b>	<b>129.54</b>

### Important Information

Account Not Yet Issued For Service And Volume Charges.

The water meter for this property was last read on 04/12/2023. In order to ensure accurate water volume charges are able to be adjusted at the time of settlement, you will need to make application for a special meter reading. This can be requested via [Property enquiry application](#) or by visiting the Properties and development section of our website. You should allow 5 working days for this to be completed and the certificate to be sent to you.

The information statement will also provide details of other charges, including any unpaid amounts. In order to ensure this is accurate close to the time of settlement, you can request an Information Statement update by going to [Information statement update](#) or by visiting Properties and development – Information statement update page on our website or by calling 1300 656 007.

In accordance with Section 275 of the Water Act 1989, a person who becomes the owner of a property must pay to Barwon Water at the time the person becomes the owner of the property, any amount that is due to Barwon Water as a charge on that property.

To effect a change of ownership, details of the sale are required by Notice of Disposition or Acquisition to Barwon Water, P.O. Box 659, Geelong Vic 3220.

\* PLEASE NOTE: Verbal confirmation will not be given after 24/03/2024. Barwon Water will not be held responsible for information provided verbally. For settlement purposes another certificate should be obtained after 24/03/2024 and a fee will be payable.

If the property to be purchased is vacant land, any proposed building will attract connection fees and/or contribution fees. To find out more detail on these please contact Barwon Water on 1300 656 007.

Manager Customer Centre

Arundell Murray & Ryan C/- InfoTrack (LEAP) C/- LANDATA  
Two Melbourne Quarter, Level 13, 697 Collins Street Docklands



Bill Code: 585224  
Ref Code: 6043 9023 2011 9177 9



## ***Information Statement Part B***

*In accordance with Section 158 of the Water Act 1989  
(Should be Read in Conjunction with Part A)*

24-01-2024

Arundell Murray & Ryan C/- InfoTrack (LEAP) C/- LANDATA  
Two Melbourne Quarter, Level 13, 697 Collins Street  
Docklands

Property: 69 MCLACHLAN STREET APOLLO BAY 3233

I refer to your application received at this office on 24/01/2024. I wish to advise encumbrances which may not be shown on Certificate of Title presently exist in respect of the above property, and are set out below.

Encumbrances: A sewer main vested in Barwon Water is laid as per attached copy of plan.

The plan shows the location of sewers vested in Barwon Water. This information has been obtained from plans kept by Barwon Water for its own purposes. The plans may show the position of such underground water and sewerage services and other structures and equipment relative to fences, buildings, levels, and the like as these existed at the time such plant was installed. The plans have not necessarily been amended to take account of any subsequent change in any matter. Barwon Water does not warrant or hold out that the plans show more than the presence or absence of the services and will accept no liability arising from use of the information shown on the plans.

No Notices served in respect of the property at present remain outstanding, relative to the connection of water supply and/or sewerage services.

It should be noted the erection of any building, wall, bridge, fence, or other structure over, under, or within one metre laterally of any sewer vested in Barwon Water is prohibited by the Water Act 1989, unless the written consent of Barwon Water is first obtained.

Should you have any inquiries, please contact Barwon Water on 1300 656 007.

**Our Ref:** EC458649

**Your Ref:** 62024

**Agent Ref:** 71595824-023-0

Yours faithfully,

Manager Customer Centre



## *Information Statement Part B*

*In accordance with Section 158 of the Water Act 1989  
(Should be Read in Conjunction with Part A)*

24-01-2024

Arundell Murray & Ryan C/- InfoTrack (LEAP) C/- LANDATA  
Two Melbourne Quarter, Level 13, 697 Collins Street  
Docklands

Property: 69 MCLACHLAN STREET APOLLO BAY 3233

I refer to your application received at this office on 24/01/2024. I wish to advise encumbrances which may not be shown on Certificate of Title presently exist in respect of the above property, and are set out below.

Encumbrances: A sewer main vested in Barwon Water is laid as per attached copy of plan.

The plan shows the location of sewers vested in Barwon Water. This information has been obtained from plans kept by Barwon Water for its own purposes. The plans may show the position of such underground water and sewerage services and other structures and equipment relative to fences, buildings, levels, and the like as these existed at the time such plant was installed. The plans have not necessarily been amended to take account of any subsequent change in any matter. Barwon Water does not warrant or hold out that the plans show more than the presence or absence of the services and will accept no liability arising from use of the information shown on the plans.

No Notices served in respect of the property at present remain outstanding, relative to the connection of water supply and/or sewerage services.

It should be noted the erection of any building, wall, bridge, fence, or other structure over, under, or within one metre laterally of any sewer vested in Barwon Water is prohibited by the Water Act 1989, unless the written consent of Barwon Water is first obtained.

Should you have any inquiries, please contact Barwon Water on 1300 656 007.

Our Ref: EC458649

Your Ref: 62024

Agent Ref: 71595824-023-0

Yours faithfully,

Manager Customer Centre



 Barwon Water

69 MCLACHLAN ST APOLLO BAY

Scale: 1:500

Created: 24/01/2024

DISCLAIMER: Barwon Water does not provide any warranty, express or implied, as to the accuracy, completeness, currency or reliability of plans provided. Furthermore, Barwon Water does not provide a warranty that the scale of the plans is accurate, or that they are suitable for a specific purpose. These plans are intended for general information only. Barwon Water is not responsible and does not accept liability for any loss, expense or damage (direct or indirect) which has arisen from reliance on any plans provided by Barwon Water. It is the responsibility of users of the plans to ensure the accuracy of the plans by independent means and to take care when undertaking works that have the potential to damage Barwon Water assets.

Legend

Gravity Sewer \_\_\_\_\_

Pressure Sewer 

Portable Water \_\_\_\_\_

Recycled Water [Recycled Water](#)



# PLANNING CERTIFICATE

Official certificate issued under Section 199 Planning & Environment Act 1987  
and the Planning and Environment Regulations 2005

## CERTIFICATE REFERENCE NUMBER

997145

## APPLICANT'S NAME & ADDRESS

ARUNDELL MURRAY & RYAN C/- INFOTRACK (LEAP) C/-  
LANDATA  
DOCKLANDS

## VENDOR

COLAC OTWAY SHIRE

## PURCHASER

NOT KNOWN, NOT KNOWN

## REFERENCE

62024

This certificate is issued for:

LOT 1 PLAN LP20996 ALSO KNOWN AS 69 MCLACHLAN STREET APOLLO BAY  
COLAC OTWAY SHIRE

The land is covered by the:

COLAC OTWAY PLANNING SCHEME

The Minister for Planning is the responsible authority issuing the Certificate.

The land:

- is included in a NEIGHBOURHOOD RESIDENTIAL ZONE - SCHEDULE 1
- is within a DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 7

A detailed definition of the applicable Planning Scheme is available at :  
(<http://planningschemes.dpcd.vic.gov.au/schemes/colacotway>)

Historic buildings and land protected under the Heritage Act 1995 are recorded in the Victorian  
Heritage Register at:  
<http://vhd.heritage.vic.gov.au/>

24 January 2024  
Sonya Kilkenny  
Minister for Planning

Additional site-specific controls may apply.  
The Planning Scheme Ordinance should be  
checked carefully.  
The above information includes all  
amendments to planning scheme maps  
placed on public exhibition up to the date  
of issue of this certificate and which are  
still the subject of active consideration

Copies of Planning Schemes and  
Amendments can be inspected at the  
relevant municipal offices.

LANDATA®  
T: (03) 9102 0402  
E: [landata.enquiries@servictoria.com.au](mailto:landata.enquiries@servictoria.com.au)



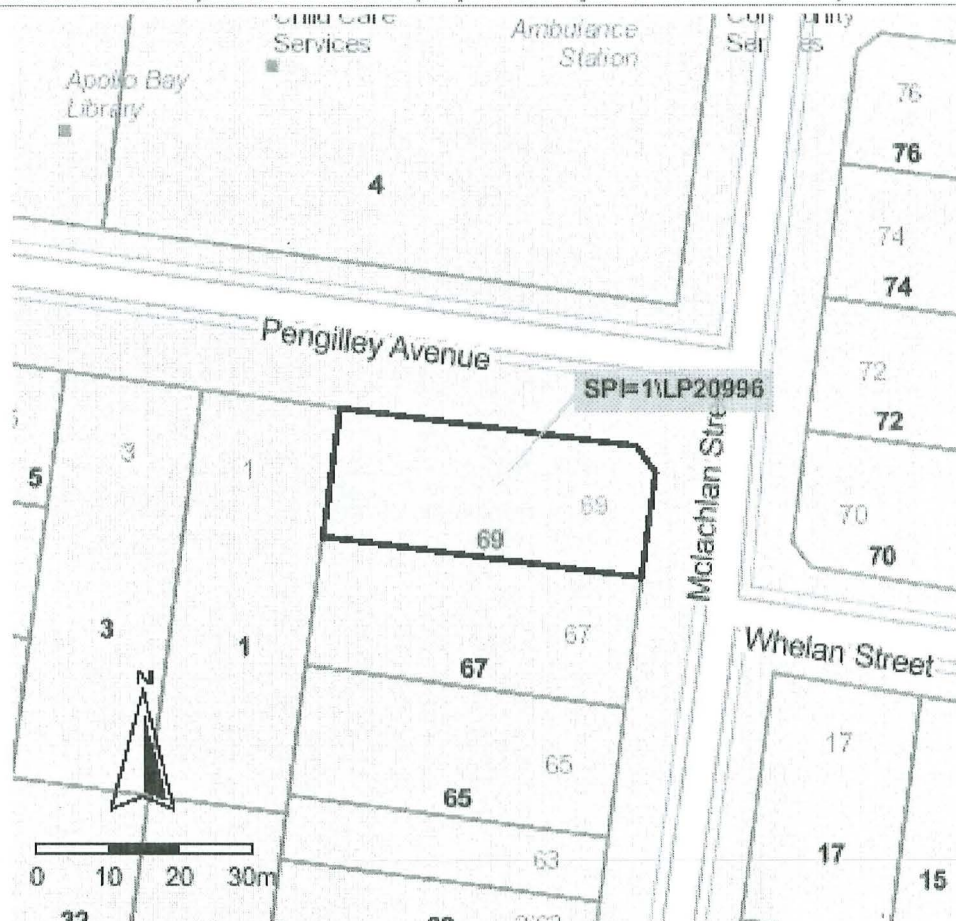


The attached certificate is issued by the Minister for Planning of the State of Victoria and is protected by statute.

The document has been issued based on the property information you provided. You should check the map below - it highlights the property identified from your information.

If this property is different to the one expected, you can phone (03) 9102 0402 or email [landata.enquiries@servictoria.com.au](mailto:landata.enquiries@servictoria.com.au)

Please note: The map is for reference purposes only and does not form part of the certificate.



Copyright © State Government of Victoria. Service provided by [maps.land.vic.gov.au](http://maps.land.vic.gov.au)

#### Choose the authoritative Planning Certificate

##### Why rely on anything less?

As part of your section 32 statement, the authoritative Planning Certificate provides you and / or your customer with the statutory protection of the State of Victoria. Order online before 4pm to receive your authoritative Planning Certificate the same day, in most cases within the hour. Next business day delivery, if further information is required from you.

#### Privacy Statement

The information obtained from the applicant and used to produce this certificate was collected solely for the purpose of producing this certificate. The personal information on the certificate has been provided by the applicant and has not been verified by LANDATA®. The property information on the certificate has been verified by LANDATA®. The zoning information on the certificate is protected by statute. The information on the certificate will be retained by LANDATA® for auditing purposes and will not be released to any third party except as required by law.





## CLIENT AUTHORISATION

Version 6

When this form is signed, the Representative is authorised to act for the Client in a Conveyancing Transaction(s)

**Privacy Collection Statement:** The information in this form is collected under statutory authority and used for the purpose of maintaining publicly searchable registers and indexes and for the other purposes set out in clause 4.1 of this form.Representative Reference: SM:ARP:240012

CLIENT DETAILS	CLIENT 1	CLIENT 2
NAME	Colac Otway Shire Council	
ACN/ARBN	ACN	
ADDRESS	2 Rae Street, Colac, VIC 3250	



  

TRANSACTION DETAILS	AUTHORITY TYPE	
	<input checked="" type="checkbox"/> SPECIFIC AUTHORITY <small>(set out conveyancing transaction details below)</small>	<input type="checkbox"/> STANDING AUTHORITY <small>ends on revocation or expiration date: / /            (tick relevant conveyancing transaction(s) below)</small>

	CONVEYANCING TRANSACTION(S) 1	CONVEYANCING TRANSACTION(S) 2
PROPERTY ADDRESS	69 McLachlan Street, Apollo Bay, Victoria 3233	
LAND TITLE REFERENCE(S) <small>(and/or property description)</small>	Volume 07792 Folio 029	
CONVEYANCING TRANSACTION(S)	<input checked="" type="checkbox"/> TRANSFER <input type="checkbox"/> MORTGAGE <input type="checkbox"/> CAVEAT <input type="checkbox"/> PRIORITY NOTICE <input type="checkbox"/> DISCHARGE/RELEASE OF MORTGAGE <input type="checkbox"/> WITHDRAWAL OF CAVEAT <input type="checkbox"/> OTHER (set out below or attach details)	<input type="checkbox"/> TRANSFER <input type="checkbox"/> MORTGAGE <input type="checkbox"/> CAVEAT <input type="checkbox"/> PRIORITY NOTICE <input type="checkbox"/> DISCHARGE/RELEASE OF MORTGAGE <input type="checkbox"/> WITHDRAWAL OF CAVEAT <input type="checkbox"/> OTHER (set out below or attach details)
ADDITIONAL INSTRUCTIONS		

	CLIENT 1 / CLIENT AGENT 1	CLIENT 2 / CLIENT AGENT 2
CLIENT AUTHORISATION AND SIGNING	<b>I CERTIFY that:</b> (a) I am the Client or Client Agent; and (b) I have the legal authority to instruct the Representative in relation to the Conveyancing Transaction(s); and (c) if I am acting as a Client Agent that I have no notice of the revocation of my authority to act on behalf of the Client.	
	<b>I AUTHORISE</b> the Representative to act on my behalf, or where I am a Client Agent to act on behalf of the Client, in accordance with the terms of this Client Authorisation and any Participation Rules and any Prescribed Requirement to:	
	(a) sign documents on my behalf as required for the Conveyancing Transaction(s); and (b) submit or authorise submission of documents for lodgment with the relevant Land Registry; and (c) authorise any financial settlement involved in the Conveyancing Transaction(s); and (d) do anything else necessary to complete the Conveyancing Transaction(s).	
	 DATE 13/2/24 CLIENT/CLIENT AGENT NAME CAPACITY CEO Colac Otway Shire	 DATE / / CLIENT/CLIENT AGENT NAME CAPACITY
	If applicable AUSTRALIAN CONSULAR OFFICE WITNESS or IDENTITY AGENT (if not a Representative Agent) NAME DATE	If applicable AUSTRALIAN CONSULAR OFFICE WITNESS or IDENTITY AGENT (if not a Representative Agent) NAME DATE

	REPRESENTATIVE	REPRESENTATIVE AGENT (if applicable)
REPRESENTATIVE DETAILS AND SIGNING	NAME	Anthony Prytz, Prytz Law Pty Ltd trading as Arundell Murray and
	ACN/ARBN	ACN 657 286 765
	ADDRESS	1 Bromfield Street, COLAC VIC 3250
	<b>I/We CERTIFY</b> that reasonable steps have been taken to ensure that this Client Authorisation was signed by each of the persons named above as Client or Client Agent. SIGNATURE OF REPRESENTATIVE OR REPRESENTATIVE AGENT IF APPLICABLE:	
	DATE: / / SIGNATORY NAME: Sophie Millar CAPACITY:	DATE: / / SIGNATORY NAME: CAPACITY:



# Disclosure Statement & Costs Agreement

PURSUANT TO DIVISION 3 & 4 OF PART 4.3 OF THE LEGAL  
PROFESSION UNIFORM LAW

<b>Law Practice:</b>	ARUNDELL, MURRAY & RYAN
<b>Client:</b>	Colac Otway Shire Council
<b>Matter:</b>	Sale of 69 McLachlan Street, Apollo Bay Vic 3233

**The Disclosure Statement and the Costs Agreement are to be read together and form the Agreement in this matter.**

## PART A – DISCLOSURE STATEMENT

Under Division 3 of Part 4.3 of the Legal Profession Uniform Law (Vic) (“Uniform Law”), we must disclose to you the following information relating to legal costs.

### 1. The basis on which our charges will be calculated – section 174(1)(a)

#### ❖ Scale of costs or Practitioner Remuneration Order

Our charges (excluding disbursements/out of pocket expenses) will be calculated in accordance with the Practitioner Remuneration Order Scale of Costs. If you would like a copy of this scale of costs, please let us know.

This scale of costs may change from time to time as determined by Parliament, Legal Costs Committee or the Courts. We will advise you of any change as soon as practicable after a change occurs. Usually the changes to a scale of costs or Practitioner Remuneration Order occur annually at the start of a calendar year.



## Disbursements

In providing legal services to you, it may also be necessary to incur other fees, expenses and charges, including Court filing and issue fees, Barristers' fees, experts' fees, bank charges, travel expenses, stamp duty, courier fees, long distance telephone charges, photocopying fees and company and other search fees.

These fees, expenses and other charges we incur on your behalf are referred to as disbursements.

We will charge you at cost for any disbursements we incur on your behalf. You must pay reasonable disbursements, including GST (Goods and Services Tax), incurred by us on your behalf either on demand or at the conclusion of this matter.

We may also request that you provide us with payment in advance of us incurring a disbursement on your behalf. These funds will be held in our trust account until payment of the disbursement is required.

If there are disbursements to be incurred that are unusual, we will seek your instructions before incurring the expense.

## 2. Our estimated total legal costs – section 174(1)(a)

❖ We estimate that total legal costs, including our charges and disbursements, for this matter will be about

\$ 1700.00 plus GST.

This estimate is made up as follows:

Our charges:	\$ <u>1500.00</u>
Disbursements:	\$ <u>200.00</u>
TOTAL:	\$ <u>1700.00</u>

This estimate of total legal costs is NOT BINDING on us, as the work required may change, but is our best advice at this point in time. The estimate is based on our current understanding of the present circumstances of this matter. If the scope of this matter or your instructions to us change in a way that results in a significant change to anything we have previously disclosed, including this estimate, we will revise the estimate as soon as practicable.

## Recovery of costs from another party in litigious matters

If your matter is a litigious matter, and if you are successful, it is likely that the Court will order \_\_\_\_\_ to pay some of your legal costs. These costs are usually calculated



by applying the relevant Court scale of costs applicable to your matter.

If the Court orders \_\_\_\_\_ to pay your costs, we estimate that you will recover between \_\_\_\_\_ of your total legal costs.

An order for costs in your favour does not affect your liability to pay all our charges and disbursements. The costs you may recover from another party are unlikely to cover the whole of the legal costs that you must pay us. If you cannot recover legal costs from the other party (if for example the party goes into liquidation or becomes bankrupt), you will still be liable for your total legal costs.

### **Your liability for the costs of another party in litigious matters**

If your matter is a litigious matter, and if you are unsuccessful, it is likely that the Court will order you to pay some of \_\_\_\_\_ legal costs. These costs are usually calculated by applying the relevant Court scale of costs applicable to your matter. We estimate that this amount could range between \_\_\_\_\_ of your total legal costs.

You will still be responsible for payment of our legal costs. Please note that your liability for the costs of another party, if ordered by the Court, applies regardless of whether you entered into a Costs Agreement with us.

### **3. Your rights – section 174(2)**

- You have a right to negotiate a Costs Agreement with us. You may want to seek independent legal advice before agreeing to the legal costs we propose to charge in this matter.
- You have a right to negotiate the billing method with us.
- You have a right to receive a Bill of Costs from us.
- You have a right to request an itemised Bill of Costs within 30 days after receiving a bill that is not itemised, or is only partially itemised, from us.
- You have a right to be notified of any significant change to the basis on which legal costs will be calculated or any significant change to the estimate of total legal costs.
- You have the right to seek the assistance of the designated local regulatory authority (Victorian Legal Services Commissioner) in the event of a dispute about legal costs.



#### **4. Our accounts**

We will send you a bill at the end of this matter.

We may ask you to pay an amount in advance to cover expenses or on account of our charges.

Our bill is payable when you receive it.

If you do not pay our bill, we may be entitled to exercise a common law right known as a 'solicitors lien'. The lien allows us to retain your documents until our bill is paid.

#### **5. Interest on unpaid accounts – section 195(1)**

If a bill remains unpaid 30 days after we gave it to you, we may charge you interest at a rate not exceeding the Cash Rate Target, as fixed by the Reserve Bank of Australia, plus 2 per cent, at the date the bill is issued.

#### **6. Your right to request a written report on legal costs – section 190(1)**

You have a right to request a written report of the legal costs incurred to date or since our last bill (if any), and we must provide such a report within a reasonable period and without charge.

#### **7. If you have a concern about our legal costs – section 174(3)**

If you have any concerns about our legal costs, please do not hesitate to contact \_\_\_\_\_ on 03 5231 5399. This is because it is important to us that, in consenting to the proposed course of action for the conduct of your matter (in particular the proposed costs), you are informed and understand the issues involved.

#### **8. Your documents**

Your documents may be destroyed after seven years from the date of our final bill unless you write to us requesting retention for a longer period. At the end of the matter, and provided our invoices are paid in full, we will release your file and your documents as you direct.

#### **9. Jurisdiction**

The Uniform Law as applied in Victoria is applicable to legal costs in this matter.

#### **10. Engagement of another lawyer or law practice – section 175**

In providing legal services for you, it may be necessary to engage another law practice (including Barristers) to provide specialist advice or services.

We will consult you about the terms of these engagements before incurring the expense. We will provide you with a statement setting out the rates and estimated costs of any other law practice we



propose to engage as soon as the retained law practice provides this information to us.

## PART B – COSTS AGREEMENT

Division 4 of Part 4.3 of the Uniform Law allows a law practice and you (the client) to agree on how the law practice's charges are to be calculated and paid. It is called a "Costs Agreement" and it may be enforced in the same way as any other contract.

This document is an offer to enter into a Costs Agreement in accordance with the information contained in the Disclosure Statement (Part A) given to you in compliance with Division 3 of Part 4.3 of the Uniform Law.

If you accept these terms, the Disclosure Statement and this document will make up the complete Agreement between us for this matter.

You may accept the Agreement by writing to us indicating your acceptance, by returning a signed copy of this document as provided in the Acknowledgement at the end of this document or by continuing to give us instructions in this matter.

### 1. The basis on which our charges will be calculated

Our charges will be calculated in accordance with the Practitioner Remuneration Order Scale of Costs detailed in the Disclosure Statement (Part A) that forms part of this Agreement with you.

### 2. Payment of our charges

A final Bill of Costs will be given to you at the conclusion of the matter. Our accounts are immediately due and payable.

If a bill remains unpaid 30 days after you receive it, we may charge you interest at a rate not exceeding the Cash Rate Target, as fixed by the Reserve Bank of Australia, plus 2 per cent, at the date the bill is issued.

If you do not pay our bill, we may be entitled to exercise a common law right known as a 'solicitor's lien'. The lien allows us to retain your documents until our bill is paid.

### 3. Payment of disbursements

We will charge you at cost for any disbursements we incur on your behalf. You must pay disbursements, including GST (Goods and Services Tax), incurred by us on your behalf either on demand or at the conclusion of this matter.

We may also request that you provide us with payment in advance of us incurring a disbursement on your behalf. These funds will be held in our trust account until payment of the disbursement is required.



#### **4. Trust money**

If we receive money into our trust account on your behalf, you authorise us to draw on that money to pay any amount due from you to us in accordance with the provisions of the Uniform Law and the *Legal Profession Uniform General Rules 2015* relating to the withdrawal of trust money for legal costs. A trust statement will be forwarded to you upon completion of the matter.

#### **5. Bills**

We may give bills to you in any way specified in Rule 73 of the Legal Profession Uniform General Rules 2015. For the purposes of Rule 73, you consent to receiving bills:

- by fax to the number specified by you;
- by email address or mobile phone number to the address or number specified by you; or
- by any other means of electronic transmission agreed to by you and us.

#### **6. Your obligations**

We require you to, and you agree to:

- provide full and honest instructions relevant to your matter and any material change in your circumstances that might impact on your matter while we continue to act for you;
- co-operate in the matter and do all that we reasonably request of you in a timely manner;
- accept and follow our reasonable legal advice; and
- provide funds in advance in accordance with this Agreement or some later arrangement.

If you fail to comply with any of these conditions, we have the option to terminate this Agreement by advising you of termination in writing.

#### **7. If we cease to act for you or you stop using this law practice**

Circumstances may arise (such as a conflict of interest) that make it impossible for us to continue to act for you. We may also cease acting for you if you breach your obligations as set out in above.

We will notify you immediately if any of the above matters arise.

If we cease to act for you:

- we will take steps to remove our name from the Court record in any Court proceedings;
- you will receive a final account which will include all outstanding legal costs;
- you must pay our legal costs up until the date we cease to act; and
- we may retain your file and keep your documents until we are paid, subject to any other statutory requirements.

If we cease to act for you during the course of this matter and before there is an outcome, then all legal costs incurred up to the date of the termination will be charged.



You may end our engagement by written notice at any time. If this occurs, then all legal costs incurred up to the date of the termination will be charged but without any uplift fee being applied. Depending on circumstances, we may be entitled to exercise our right to a solicitor's lien by retaining documents relating to any matters we are conducting on your behalf.

## 8. Seeking independent legal advice

You are advised to seek independent legal advice prior to signing this Agreement or otherwise agreeing to the terms of Part A or Part B of this Agreement.

## 9. Acknowledgment

~~I~~We, Colac Otway Shire Council ACKNOWLEDGE that ~~I~~We have:

- read and understood the Disclosure Statement (Part A) pursuant to Division 3 of Part 4.3 of the Uniform Law; and
- read, understood and approved this Agreement (Parts A & B); and
- been advised of my right to get independent legal advice before entering into this Agreement; and
- agreed that I may sign and return this Agreement in any of the following ways:
  - (i) sign the Agreement and return it to the law practice by hand, post, electronically or other method;
  - (ii) reply electronically to the law practice stating that I agree to the terms and acknowledgements set out in the Agreement received and for the email which contains my printed name or signature to be my signature in the Agreement;
  - (iii) type my name into the Agreement and confirm by email to the law practice that it should stand as my signature in the Agreement; or
  - (iv) any other method in writing that would identify me as the client and my intention that I wish for my signature to be noted as being applied in the Agreement.

**Signed by client:**

COLAC OTWAY SHIRE COUNCIL



**Print Name:**

Anne Howard.

**Dated:** 13 / 2 / 2024



**Liability limited by a scheme approved under Professional Standards Legislation.**



Item: 9.9

## Purchase of Offsets for Council's Greenhouse Gas Emissions - 2021-22 and 2022-23

<b>OFFICER</b>	Dora Novak
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	Nil

### 1. PURPOSE

To seek a decision from Council on the purchase of carbon offsets for the 2021-22 and 2022-23 financial years to achieve Council's commitment to net zero carbon emissions as per the Environmental Sustainability Strategy and Climate Change Action Plan adopted in October 2023.

### 2. EXECUTIVE SUMMARY

The Colac Otway Shire has shown leadership in climate change adaptation and mitigation for many years. It established a Carbon Neutral Target in 2010 and achieved this target in 2022 by reducing its emissions by 73% compared to its 2010 baseline and purchased carbon offsets for the remaining 2020-21 residual emissions.

Council's adopted Environmental Sustainability Strategy (ESS) states its preference for prioritising greenhouse gas reduction in the first instance whilst also needing to purchase offsets for residual emissions in the short term to maintain net zero emissions.

This report recommends the purchase of offsets for the 2021-22 and 2022-23 financial years that would achieve this outcome within the available budget, with a focus on nature (vegetation) based offsets consistent with the adopted Strategy. The balance of unexpended offset funds could be used as a contribution towards the Bluewater Electrification project if its grant application is successful.



### 3. RECOMMENDATION

**That Council:**

- 1. Notes its commitment in the Council Plan and Environmental Sustainability Strategy 2023-33 to achieving Net Zero corporate greenhouse gas emissions relating to its Scope 1 and 2 activities.**
- 2. Notes that the Council Plan states that it will “maintain Council’s net zero carbon emissions and reduce dependence on carbon offsets through implementation of emission reduction projects” and this has been reflected in its adopted Environmental Sustainability Strategy and Climate Change Action Plan.**
- 3. Notes that it engaged with the community about emission reduction and offset purchases through the development of the Environmental Sustainability Strategy and Climate Change Action Plan and these strategic documents both express a preference for nature-based carbon offsets which have a focus on local offsets where practical.**
- 4. Notes that Council achieved the target of Net Zero emissions in the 2020-21 year by purchasing carbon offsets.**
- 5. Notes it resolved at its meeting on 26 April 2023 to defer the purchase of offsets for the 2021-22 and 2022-23 financial years until further community engagement had been undertaken on this issue with the exhibition of the draft Environmental Sustainability Strategy.**
- 6. Meets its commitment in the Council Plan and Environmental Sustainability Strategy to maintaining net zero greenhouse gas emissions for Council’s operations by approving the purchase of nature based offsets from Greenfleet equivalent to its annual residual emissions for the 2021-22 and 2022-23 financial years, at an estimated cost of \$61,668.**
- 7. Approves that until the outcome of its grant application for Bluewater Electrification Project is known or it resolves otherwise, it shall continue to:**
  - a. Adopt the approach in point 6 to guide the purchase of offsets.**
  - b. Reallocate unexpended offset funding to the Bluewater Electrification project to be held in the Strategic Projects Reserve which will reduce the amount of funding required from the unallocated proceeds from the sale of 36-52 Bruce Street Colac.**

### 4. KEY INFORMATION

In 2010 Council endorsed its first Environment Strategy (2010-2018). One of the most significant targets of the Strategy was for Council to become carbon neutral by 2016. This target was later amended to 2020, to maximise emissions reductions through implementation of energy efficiency initiatives and clean renewable energy generation. The following are key points to note:

- Council met its 2020 Carbon Neutral Target in the 2020-21 fiscal year, the first rural council to do so, showing leadership in environmental sustainability and responding to the challenges of climate change.
- Council made a resolution at the 27 July 2022 Council meeting to purchase carbon offsets to achieve Scope 1 and 2 Net Zero Greenhouse Gas Emissions (GHG) for 2020-21, achieving its carbon neutral target.
- Meeting Council’s 2020 Carbon Neutral Target was the culmination of 10 years of energy efficiency, renewable energy and emissions reduction work and investment of approximately \$1.5



million (which includes \$500,000 grants). This investment has now been fully recouped through ongoing savings (approx. \$250,000 per year), which have resulted from the upgrades.

- Current residual greenhouse gas emissions that require the purchasing of carbon offsets to maintain Council's Corporate Net Zero Emissions Target will continue to be reduced by future emissions reduction projects focusing on Council's gas and transport fuel usage over the next 10 years, however this will require time, funding, and technological advances.
- It is important to note that for the near future it is not feasible to eliminate all residual emissions without investing in offsets.

Council will continue to reduce its residual emissions further in the future through the electrification of its light and heavy fleet and the exploration of alternatives to natural gas, however these upgrades will take time and will require additional investment to implement. Accordingly, to achieve carbon neutrality or net zero emissions Council needs to invest in an ongoing carbon offsetting program.

Council made a resolution on 26 April 2023 concerning the purchase of carbon offsets for 2021-2022 and beyond as follows:

***"That Council:***

- 1. Notes that public consultation on the Environment Strategy and Climate Action Plan will be taking place later this calendar year.***
- 2. Resolves to defer payment for emissions offsets and the emissions audit associated with offset payments pending the consultation on the Environment Strategy and Climate Action Plan.***
- 3. Requests that as part of that consultation process the community is invited to comment on whether funds used to pay for offsets would be better used to help fund projects to reduce Council's emissions.***
- 4. Resolves that the funds budgeted in 2022-23 for offsets relating to residual emissions in 2021-22 are to be retained pending a subsequent resolution on this issue after the consultation on the Environment Strategy and Climate Action Plan process is completed.***
- 5. Confirms that no payment for offsets and an external emissions audit can occur unless authorised by a subsequent Council resolution."***

As part of the development of Council's new Environmental Sustainability Strategy (ESS) and Climate Change Action Plan (CCAP), Council consulted about and discussed in detail the acquisition of carbon offsets to meet its ongoing corporate Net Zero Emissions Target (Scope 1 and 2) which was reaffirmed and endorsed as part of the formally adopted ESS and CCAP at Council's meeting on 25 October 2023.

Council also affirmed its preference for nature-based, revegetation focused on local offsets (where practical) to maximise the benefits of offsetting beyond carbon emissions.

This report outlines the offset program recommended by officers for the purchase of carbon offsets for the 2021-22 and 2022-23 financial years.



### Offsetting options investigated

The following offset options have been investigated as they align to the adopted Strategy of sourcing nature based offsets:

Offsets Provider	Website	Offset cost per tonne CO <sub>2</sub> -e	Projected cost of offsets for 2021-22 & 2022-23
Carbon Offsets Australia	<a href="https://carbonoffsets.online/">carbonoffsets.online/</a>	\$43.95	\$150,573
Carbon Neutral	<a href="https://carbonneutral.com.au">carbonneutral.com.au</a>	\$37.40	\$128,132
Carbon Positive	<a href="https://carbonpositiveaustralia.org.au">carbonpositiveaustralia.org.au</a>	\$28.00	\$95,928
Greenfleet	<a href="https://www.greenfleet.com.au">www.greenfleet.com.au</a>	\$18.00	\$61,668

Of the options listed above, Greenfleet offers value for money and revegetation will be predominantly Victorian based. Other options in the above table would be largely interstate.

### Greenfleet Offsets

Greenfleet is the recommended offsetting program for Council to pursue. The following is a table outlining the cost per year over the two years for offsetting of Council's emissions using Greenfleet, this being the cheapest of the options investigated and meeting the criteria in the ESS of being nature-based offsets.

Financial Year	Carbon Emissions (CO <sub>2</sub> -e)	Greenfleet Offsets (\$18 per tonne CO <sub>2</sub> -e)
2021-22	1707	\$30,726
2022-23	1719	\$30,942
<b>TOTAL</b>	<b>3426</b>	<b>\$61,668</b>

Greenfleet is a 25-year-old not-for-profit organisation and Australia's first carbon offset provider. Greenfleet plants native biodiverse forests in Australia and New Zealand to restore critical ecosystems and capture carbon emissions. Greenfleet forests are legally protected, absorb carbon from the atmosphere, address critical deforestation and biodiversity loss, reduce soil erosion, improve water quality, and restore habitat for wildlife.

Since 1997 Greenfleet has planted over 10.5 million trees and revegetated 10,347 hectares, creating more than 550 biodiverse forests in Australia and New Zealand, which are protected for up to 100 years and have offset more than 4.4 million tonnes of CO<sub>2</sub>-e. Greenfleet works with over 600 organisations, many who have been offsetting their annual carbon emissions for over 10 years. Partners include Telstra, University of Melbourne, Bendigo Bank, Taronga Zoo, and Sydney Opera House. To date Greenfleet has delivered more than forty reforestation projects in Victoria which includes plantings within Colac Otway Shire as part of the Great Ocean Road Restoration Project in 2016.

Greenfleet forests are legally protected on-title for up to 100 years from land clearing, harvesting and house construction, even if the land is sold. Each planting is monitored regularly during the establishment phase to check the health and growth rate of the trees and look for signs of emerging



forest complexity, such as forest birdlife. Greenfleet also uses aerial photography (including drones and satellite imagery) to track the development of their forests. Established Australian native forests are resilient and can survive dry periods, fire, and pests. If natural disasters such as fire, floods, and drought, or browsing by animals such as rabbits or deer damage the trees planted, Greenfleet will replace them or replant in another area.

Local landowners can work with Greenfleet to revegetate their land with native trees that will improve biodiversity and help deliver climate action. The following are some of the benefits to landowners working with Greenfleet:

- Improves the environmental value of the land.
- Enhances soil and water quality by reducing erosion and salinity in the soil.
- Protects biodiversity and creates habitat for native wildlife, including endangered species.
- Provides shade, windbreaks, and shelterbelts for livestock.

#### Potential Electrification of the Bluewater Leisure Centre

Council resolved at its unscheduled meeting on 10 April 2024 to submit an application to the Federal Government for grant funding to fully electrify the Bluewater Leisure Centre. The project would replace all use of gas in the facility, which currently contributes 22% of Council's remaining carbon emissions. The Council contribution required for the project if successful would be \$1,342,955. Council resolved to fund this contribution with \$842,955 cash and a loan of up to \$500,000.

The resolution also referred to the potential for Council to redirect funding currently held for purchase of carbon offsets towards the Council cash contribution, and that this would be determined when Council forms a position on purchasing offsets at this meeting. The resolution was as follows:

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

- 1. Notes the Community Energy Upgrades Fund provides funding on a \$1:\$1 basis towards projects that decarbonise local government facilities.***
- 2. Notes that the transition away from natural gas at all Council facilities, including the Bluewater Leisure Centre, is an action in Council's Climate Change Action Plan adopted by Council in October 2023.***
- 3. Notes that the estimate of the Council contribution required for the project application is \$1,342,955.***
- 4. Notes that \$75,000 is currently allocated for the purchase of carbon offsets to achieve carbon neutrality for the financial years 2021-22 and 2022-23, and that a decision on whether Council will purchase carbon offsets using these funds will be made at a future Council meeting.***
- 5. Determines to submit an application to Round 1 of the Community Energy Upgrades Fund for the Bluewater Leisure Centre Electrification Project (being Option 5 of the Bluewater Leisure Centre Heat Pump Concept Report which will achieve full electrification of the centre).***
- 6. Determines that its contribution to the project, subject to a successful grant application to the Community Energy Upgrades Fund and the project proceeding, is to be sourced as follows:***



- a. *Council cash of \$842,955 as follows:*
  - i. *Reallocation of some or all funds allocated to purchase carbon offsets, if Council resolves at a future meeting not to proceed with the planned purchase of carbon offsets; and*
  - ii. *The balance of council cash is to come from the net proceeds from the sale of Bruce Street Colac currently held in the Strategic Projects Reserve.*
- b. *A principal and interest loan for the remaining funds required, up to \$500,000 and subject to the following:*
  - i. *Borrowings can only be used for the specific purpose of funding the Bluewater Leisure Centre Electrification Project.*
  - ii. *The maximum term is ten years.*
  - iii. *That there be no balloon payment at any point throughout the life of the loan.*
  - iv. *The amount being for no more than the funding gap between external sources and Council's contribution as per point 6a).*
  - v. *The loan should not be entered into until the stage in the project where council is establishing contract obligations that exceed council's available cash in point 6a).*
7. *Notes the following in relation to the loan referenced in point 6b):*
  - a. *The process for entering a loan will comply with council's procurement policy, borrowing policy and financial delegations at that time.*
  - b. *This resolution does not preclude Council from borrowing a lesser amount than \$500,000 or for a shorter term than 10 years.*
  - c. *The planned borrowings and anticipated debt servicing, shall be incorporated into council's draft budget 2024-25 to provide further transparency and enable community feedback through the exhibition period.*
8. *Acknowledges that if the funds available for carbon offsets are used for this project then Council is unable to claim carbon neutrality for the 2021-22 and 2023-23 financial years.*
9. *Authorises the Chief Executive Officer to submit an application for the Bluewater Leisure Centre Electrification project to Round 1 of the Community Energy Upgrades Fund.*
10. *Authorises the Chief Executive Officer to enter into a funding agreement for the Bluewater Leisure Centre Electrification project should the application to Round 1 of the Community Energy Upgrades Fund be successful.*
11. *Notes that all figures above in Council's decision are exclusive of GST."*



Council will need to balance the benefits of the potential to contribute some or all of the offset funding towards a significant emissions reduction project with a short-term outcome that Council will not be offsetting any residual emissions from its operations. If Council decides to redirect offset funding to this project (as explained in options at the end of this report) it would mean that Council could not claim net zero emissions for the 2021-22 and 2022-23 financial years, a position which is inconsistent with commitments made in the recently adopted ESS and CCAP.

## 5. CONSIDERATIONS

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

The purchase of Greenfleet offsets as recommended would provide more local environmental benefits than the purchase of offsets for abatement taken internationally, consistent with Council's adopted ESS and CCAP.

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

The recommendation aligns with and complements the Council Plan and environmental sustainability targets outlined in Council's Environmental Sustainability Strategy 2023-2033 and Climate Change Action Plan 2023-2033. There are reputational risks to Council if it does not comply with its environmental legislative obligations or undertake actions within its remit to combat climate change and meet community expectations.

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

Acquiring carbon offsets for Council's annual residual carbon emissions that cannot be eliminated demonstrates Council's commitment to maintain net zero greenhouse gas emissions for Council's operations (Scope 1 & 2) outlined in Council's ESS and CCAP.

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

Extensive community engagement was undertaken during the development of Council's ESS and CCAP and submissions generally supported the targets and commitments to maintain net zero greenhouse gas emissions for Council's operations (Scope 1 & 2).

### **Public Transparency** (s58 LGA 2020)

This report transparently outlines the considerations for Council's decision to purchase carbon offsets for the 2021-22 and 2022-23 years.

### **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 2 - Valuing the Natural and Built Environment

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

Objective 2: We operate sustainably with a reduced carbon footprint

Theme 4 – Strong Leadership and Management

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

Acquiring carbon offsets for Council's residual greenhouse gas emissions strongly aligns with the objectives and targets of Council's ESS and CCAP, as noted in the report above.



### **Financial Management** (*s101 Local Government Act 2020*)

There is \$75,000 in the budget for the cost of purchasing offsets over these two years, comprising \$40,000 allocated in the 2023-24 budget and \$35,000 carried forward from the 2022-23 budget for this purpose. Purchasing Greenfleet offsets as described above will be within the allocated budget.

### **Service Performance** (*s106 Local Government Act 2020*)

The purchase of offsets is undertaken within the operational resources of the Environment Unit.

### **Risk Assessment**

There is reputational risk to Council if it does not undertake actions consistent with its adopted position in the ESS and CAP concerning achievement of a net zero carbon emissions target.

### **Communication/Implementation**

Council's decision on purchasing offsets will be communicated to the public.

### **Human Rights Charter**

No Impact.

### **Officer General or Material Interest**

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

### **Options**

#### Option 1 – Approve the purchase of Greenfleet offsets for 2021-22 and 2022-23 and future years

This option is recommended by officers as it will demonstrate Council's commitment to maintain Net Zero greenhouse gas emissions for Council's operations (Scope 1 & 2) outlined in Council's ESS and CCAP in accordance with Council's affirmed preference for nature-based, revegetation focused local offsets.

The recommended approach would as far as practicable maximise the benefits of offsetting Council's carbon emissions and is within the available budget, and would leave \$13,332 of Council funds remaining for contribution to the Bluewater Electrification project in the event the grant application is successful.

#### Option 2 – Purchase lowest cost carbon offsets to maintain net zero status whilst maximising funds directed to Bluewater Electrification

This option is not recommended by officers as it inconsistent with Council's preference for nature-based, revegetation focused local offsets.

If this option is adopted, Council will purchase overseas based carbon offsets which represent the lowest cost available which is expected to cost in the order of \$20,000 (for the two financial years) leaving approximately \$55,000 for the Bluewater electrification.

#### Option 3 – Determine not to purchase offsets for its carbon emissions and instead direct these funds towards the Council cash contribution for its grant application to electrify the Bluewater Leisure Centre

This option is not recommended by officers as this will mean Council does not meet the commitment to net zero emissions that has been clearly articulated in Council's Plan and strategies.



If this option is adopted, Council can redirect the full \$75,000 it has retained from previous financial years for offset purchase to the Bluewater Electrification project.



Item: 9.10

## Quarterly Budget Report (December 2023), for noting

<b>OFFICER</b>	Xavier Flanagan
<b>GENERAL MANAGER</b>	Andrew Tenni
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	1. Quarterly Budget Report 31 December 2023 [9.10.1 - 8 pages]

### 1. PURPOSE

To provide the Quarterly Performance Report for the period 1 October to 31 December 2023.

### 2. EXECUTIVE SUMMARY

This report presents the Monthly Finance Report in the format required for presentation of the Quarterly Budget Report for the six months ending 31 December 2023 to Council in the Quarterly Performance Report, in accordance with S97 LGA 2020.

S97 LGA 2020 requires the Chief Executive Officer to ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public that includes a comparison of the actual and budgeted results to date, and as explanation of any material variations. Explanation of budget and/or project performance variances to budget must provide information to Council and the public about allocation of financial resources to achieve Council Plan and Budget outcomes.

### 3. RECOMMENDATION

***That Council notes the Quarterly Performance Report for the second quarter 2022-23, for the period 1 October to 31 December 2023.***



## 4. KEY INFORMATION

This report includes Analysis of year-to-date results compared to the 2023-24 adopted budget, including:

- Financial Statements:
  - Comprehensive Income Statement
  - Balance Sheet
  - Cash Flow Statement
  - Capital Work Statement.

Council's total comprehensive result (actual) for the six months ended 31 December 2023 is a surplus of \$16.57 million.

The year-to-date operating surplus is \$10.46 million unfavourable to the budgeted operating surplus for the same period, driven by timing variances, such as:

- Operating grants revenue (\$3.48) million not yet received,
- Capital grants (\$9.88) million not yet received,
- Additional Employee costs of (\$588,000) mainly in Aged Care Management Administration (\$243,000), Risk & Insurance Operations (\$189,000), and IT Services Operations (\$101,000)
- Lower than budgeted spend in Materials and services of \$2.07 million seen in consultants \$816,000, Insurances \$441,000, Contractors \$385,000, and Utilities \$261,000
- Greater amount of user fees \$737,000 received for the first six months than expected, mainly in aged care services \$650,000.

Further details of these results are provided in Attachment 1

### Operational Projects

Further details of the operational projects are provided in Attachment 2

### Capital Works Program

Further details of the operational projects are provided in Attachment 2

## 5. CONSIDERATIONS

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

A number of relevant governance principles under section 9 of the Local Government Act 2020 apply to this report, specifically:

- Council decisions are to be made and actions taken in accordance with the relevant law:
  - I. The Chief Executive Officer must ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public that includes a comparison of the actual and budgeted results to date, and an explanation of any material variations. The quarterly report must also include a statement by the Chief Executive Officer as to whether a revised budget is, or may be, required (S97 LGA 2020).



- Priority is to be given to achieving the best outcomes for the municipal community, including future generations:
  - I. Explanation of budget and/or project performance variances to budget that provides information to Council and the public about allocation of financial resources to achieve Council Plan and Budget outcomes.
- Innovation and continuous improvement is to be pursued:
  - I. Continuous development of financial reporting information and systems to enable more useful information for Council decision making.
- The ongoing financial viability of the Council is to be ensured:
  - I. Regular monitoring of permanent and timing variances to Budget by the Executive Management Team and quarterly monitoring of Budget performance by the Audit and Risk Committee and Council to enable mitigation of identified financial risks.
- The transparency of Council decisions, actions and information is to be ensured:
  - I. Presentation of the quarterly performance report, including budget statements, provides the community with relevant information about Council's progress against key plans and adopted budget.

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

Section 97 of the LGA 2020 requires quarterly statements to be presented to Council, comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date. (S97 LGA 2020).

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

Not applicable.

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

Comprehensive community consultation and engagement was undertaken during the development of the Council Plan 2021-2025 and 2022-23 Budget

#### **Public Transparency (s58 LGA 2020)**

Council information on Council Plan progress, capital works and major initiatives performance and budget performance is scheduled to be reported quarterly to an open Council meeting. Full year budget forecasts are updated regularly to transparently show the impact on Council's financial position of all material permanent variances forecast compared to the adopted Budget with explanations.

#### **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 4 – Strong Leadership and Management

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

Objective 2: We are a financially robust organisation



## **Financial Management** (s101 *Local Government Act 2020*)

The financial and budgetary implications are disclosed in the attached report and show the anticipated financial impacts on Council's financial position. This information aims to:

- (a) Explain the financial operations and performance compared to the adopted budget for the financial year and forecast Council's financial position to 30 June 2024.
- (b) Assist Council to effectively manage its revenue, expenses, assets, liabilities, investments, and financial transactions in accordance with a Council's financial policies and strategic plans.
- (c) Assist Council to monitor and mitigate any financial risks identified during the financial year.

## **Service Performance** (s106 *Local Government Act 2020*)

Not applicable.

## **Risk Assessment**

Council needs to continue to closely monitor and manage its financial sustainability and performance in light of the current economic conditions. Inflation in Australia is the highest it has been for decades and Council, like all sectors, faces a tight labour market and capacity constraints. These financial pressures are generally outside Council's control and influence and will continue to represent a significant financial risk throughout the year

## **Communication/Implementation**

The quarterly Budget Report to 30 September 2023, including the Capital Works and Major Initiatives Performance Report, will be presented to the Audit and Risk Committee on 6 December 2023, in accordance with the Committee's functions and responsibilities under S54 LGA 2020. This report has been presented to a Councillor Briefing on 6 December 2023 as part of the Quarterly Budget Report.

## **Human Rights Charter**

No impact.

## **Officer General or Material Interest**

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

## **Options**

Option 1 – Note the Quarterly Budget Report 2023-24 for the second quarter 2023-24, for the period October to December 2023

This option is recommended by officers as this report meets Council's statutory requirement for the Chief Executive Officer to ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public (S97 LGA 2020).

Option 2 – Do not note the Quarterly Budget Report 2023-24 for the second quarter 2023-24, for the period October to December 2023

This option is not recommended by officers as it would be inconsistent with the intent of the reporting requirements in the LGA 2020



## Quarterly Budget Report for the quarter ending 31 December 2023

### Executive Summary

The year-to-date (YTD) financial performance for the quarter ending December 2023 is unfavourable as compared to the adopted budget 2023-24 for the same period.

After taking the 2022-23 actual financial results into consideration (including the carry forward balances relating to incomplete works for projects funded in 2022-23), the following summary is provided in relation to the 2023-24 forecast financial results.

Council's total comprehensive result (**actual**) for the six months ended 31 December 2023 is a surplus of \$16.57 million.

The year-to-date operating surplus is \$10.44 million unfavourable to the budgeted operating surplus for the same period, this is a reflection of the following variances:

- Operating grants revenue **(\$3.48) million** not yet received,
- Capital grants **(\$9.88) million** not yet received,
- Additional Employee costs of **(\$588,000)** mainly in Aged Care Management Administration (\$105,000), and Corporate Services (\$341,000).
- Lower than budgeted spend in Materials and services of **\$2.07 million** seen in Consultants \$816,000, Insurances \$441,000, Contractors \$385,000, and Utilities \$261,000
- Greater amount of user fees **\$737,000** received for the first six months than expected, mainly in aged care services \$650,000.

### Cash Position

The Annual Budget has a cash balance of \$24.44 million at end of financial year.

The YTD cash balance is \$25.76 million comprising an opening balance of \$34.07 million at 1 July 2023 and year to date net cash outflows of \$8.31 million.

The forecast year end cash balance is \$28.76 million, being \$4.32 million greater than the Annual Budget. This position is driven by the opening cash balance at 1st July 2022, being \$14.35 million higher than budget.

### Capital Performance

The 2023-24 Annual Budget is \$30.04 million, comprising of \$9.71 million of Capital Works projects and \$23.33 million carried forward from the 2022-23 financial year.

YTD Capital Works actual expenditure is \$2.44 million against a budget of \$20.03 million. This is a variance of \$17.56 million, driven mainly by Roads \$7.26 million and Other Infrastructure \$6.11 million.

Further detail of these results are provided in the following report.



## OPERATING RESULT

Colac Otway Shire Council  
Comprehensive Income Statement  
For the period ended 31 December 2023

	Year-To-Date				Full Year			
	Actual \$'000	Budget \$'000	Variance \$'000	Variance %	Budget \$'000	Forecast \$'000	Variance \$'000	Variance %
<b>Revenue</b>								
Rates and charges	35,206	35,290	(84)	(0%)	35,365	35,365	-	0%
Statutory fees and fines	577	442	135	31%	917	917	-	0%
User fees	4,047	3,309	738	22%	6,745	6,745	-	0%
Other income	638	154	484	314%	333	374	41	12%
Net gain/(loss) on disposal of property, infrastructure, plant and equipment	-	-	-		-	-	-	
Share of net profits/(loss) of associates and joint ventures	-	(50)	50	(100%)	(100)	(100)	-	0%
Total own-sourced revenue	40,468	39,145	1,323	3%	43,260	43,301	41	0%
Grants - operating	2,836	6,320	(3,484)	(55%)	11,734	12,731	997	8%
Grants - capital	3,829	13,710	(9,881)	(72%)	4,389	21,535	17,146	391%
Contributions - monetary	74	119	(45)	(38%)	67	217	150	224%
Total grants and contributions	6,739	20,149	(13,410)	(67%)	16,190	34,483	18,293	113%
<b>Total revenue</b>	<b>47,207</b>	<b>59,294</b>	<b>(12,087)</b>	<b>(20%)</b>	<b>59,450</b>	<b>77,784</b>	<b>18,334</b>	<b>31%</b>
<b>Expenses</b>								
Employee costs	12,723	12,135	(588)	(5%)	24,271	24,271	-	0%
Materials and services	9,794	11,867	2,073	17%	20,527	22,563	(2,036)	(10%)
Depreciation and amortisation	7,246	7,246	-	0%	14,493	14,493	-	0%
Amortisation - right of use assets	51	51	-	0%	101	101	-	0%
Bad and doubtful debts	2	-	(2)		20	20	-	0%
Borrowing costs	-	-	-		-	-	-	
Finance costs - leases	9	6	(3)	(50%)	12	12	-	0%
Other expenses	810	982	172	18%	1,457	1,545	(88)	(6%)
<b>Total expenses</b>	<b>30,635</b>	<b>32,287</b>	<b>1,652</b>	<b>5%</b>	<b>60,881</b>	<b>63,005</b>	<b>(2,124)</b>	<b>(3%)</b>
<b>Surplus for the year</b>	<b>16,572</b>	<b>27,007</b>	<b>(10,435)</b>	<b>(39%)</b>	<b>(1,431)</b>	<b>14,779</b>	<b>16,210</b>	<b>(1133%)</b>

\*The above table does not include project carry forwards in Budget columns.

Council's total comprehensive result (**actual**) for the quarter ended 31 December 2023 is surplus of \$16.57 million.

Council's adopted operating budget for the full year accounts for a net loss or deficit of (\$1.43) million.

The full year **forecast** reflects carry forward allocations for grant funding, including unspent funds received in a prior year for approved projects not completed at 30 June 2023. These funds were set aside in Council's working capital at 30 June 2023 and are forecast to be spent in 2023-24.

Further information is provided below:

## Income

### **Rates and charges**

Rates and charges forecast no change to the adopted budget.

### **User fees**

Greater amount of user fees \$737,000 received for the first six months than expected, mainly in aged care services \$650,000.

### **Grants - operating**



Operating grants budgeted income not yet received as at end of December resulting in an unfavourable position of (\$3.48) million YTD. This unfavourable position is driven mostly by; Federal Assistance Grants (FAGs) (\$4.20) million and Port of Apollo Bay (\$440,000), off-set by favourable results seen in Home Care \$460,000, Deans Creek Precinct Structure Plan \$246,000, and Forrest MTB Revitalisation \$116,000.

#### ***Grants – capital***

Capital grants budgeted income not yet received (\$9.88) million, includes Local Roads Community Infrastructure (LRCI) and Roads to Recovery (R2R).

#### ***Other Income***

The result in 'Other income', being \$484,000 favourable to Budget YTD, is driven in the most part by \$380,000 of Interest earned YTD.

### **Expenses**

#### ***Employee costs***

The unfavourable variance of (\$588,000) to YTD budget is driven in the most part by the upfront payment of WorkCover (being \$341,000 of the YTD variance). WorkCover premium increased year on year, \$616,200 was paid in August 2023 being \$70,000 above full year budgeted premium. 2023-24 Budget assumed quarterly payments, however a full year payment was made in August 2023 as a discount was offered in doing so. This variance is also made up of \$105,000 above budget spend seen in Home Care, driven by additional funding, mentioned in 'Grants – Operating' above.

#### ***Material and Services***

The favourable variance of \$2.07 million to YTD budget is driven in the most part by material underspend in;

- Consultants \$816,000
- Insurance \$414,000
- Contractors \$385,000
- Utilities \$261,000
- Training Costs \$169,000

Offset by YTD overspend in;

- Subscriptions and memberships (\$200,000), and
- Legal Costs (\$157,000)

#### ***Other expenses***

The favourable variance of \$172,000 to YTD budget is driven in the most part by a net underspend in Community Grants (that are yet to be paid) \$122,000, and Elected Members Allowances of \$45,000.



**BALANCE SHEET****Colac Otway Shire Council****Balance Sheet****As at 31 December 2023**

	Dec 2023	Full Year		
	Actual	Budget	Forecast	Variance
	\$'000	\$'000	\$'000	\$'000
<b>Assets</b>				
<b>Current assets</b>				
Cash and cash equivalents	25,761	25,335	29,640	4,305
Trade and other receivables	33,084	1,607	1,607	-
Inventories	213	191	191	-
Non-current assets held for sale	570	570	570	-
Prepayments	-	-	-	-
Other assets	405	242	242	-
<b>Total current assets</b>	<b>60,033</b>	<b>27,945</b>	<b>32,250</b>	<b>4,305</b>
<b>Non-current assets</b>				
Right of use assets	2,932	2,959	5,917	2,958
Property, infrastructure, plant and equipment	484,903	442,566	467,148	24,582
Investments in associates, joint arrangements and subsidiaries	147	147	147	-
<b>Total non-current assets</b>	<b>487,982</b>	<b>445,672</b>	<b>473,212</b>	<b>27,540</b>
<b>Total assets</b>	<b>548,015</b>	<b>473,617</b>	<b>505,462</b>	<b>31,845</b>
<b>Liabilities</b>				
<b>Current liabilities</b>				
Trade and other payables	10,187	5,055	5,055	-
Trust funds and deposits	1,034	1,600	2,170	(570)
Lease liabilities	8	6	6	-
Provisions	4,335	4,226	4,226	-
<b>Total current liabilities</b>	<b>15,564</b>	<b>10,887</b>	<b>11,457</b>	<b>(570)</b>
<b>Non-current liabilities</b>				
Lease liabilities	10	9	9	-
Provisions	4,857	4,881	4,881	-
<b>Total non-current liabilities</b>	<b>4,867</b>	<b>4,890</b>	<b>4,890</b>	<b>-</b>
<b>Total liabilities</b>	<b>20,431</b>	<b>15,777</b>	<b>16,347</b>	<b>(570)</b>
<b>Net assets</b>	<b>527,584</b>	<b>457,840</b>	<b>489,115</b>	<b>31,275</b>
<b>Equity</b>				
Accumulated Surplus	163,849	147,480	178,755	(31,275)
Reserves	363,735	310,360	310,360	-
<b>Total Equity</b>	<b>527,584</b>	<b>457,840</b>	<b>489,115</b>	<b>31,275</b>



## STATEMENT OF CASH FLOWS

**Colac Otway Shire Council**  
**Statement of Cash Flows**  
**For the period ended 31 December 2023**

	Dec 2023	Full Year		
	Actual \$'000	Budget \$'000	Forecast \$'000	Variance \$'000
<b>Cash flows from operating activities</b>				
Rates and charges	6,212	35,624	37,830	2,206
Statutory fees and fines	577	924	917	(7)
User fees	4,047	6,794	6,745	(49)
Grants - operating	(5,165)	11,820	4,812	(7,009)
Grants - capital	3,829	4,421	21,535	17,114
Contributions - monetary	74	67	217	150
Trust funds and deposits received/(paid)	(87)	-	1,049	1,049
Other receipts	794	336	612	276
Payments for Employees	(12,723)	(24,271)	(24,355)	(84)
Payments for materials and services (Incl GST)	(2,607)	(19,768)	(20,073)	(305)
Other payments	(810)	(1,403)	(1,545)	(142)
<b>Net cash provided by/(used in) operating activities</b>	<b>(5,859)</b>	<b>14,544</b>	<b>27,743</b>	<b>13,199</b>
<b>Cash flows from investing activities</b>				
Payments for property, infrastructure, plant and equipment	(2,441)	(9,708)	(33,038)	(23,330)
Proceeds from sale of property, infrastructure, plant and equipment	-	(100)	-	100
<b>Net cash provided by/(used in) investing activities</b>	<b>(2,441)</b>	<b>(9,808)</b>	<b>(33,038)</b>	<b>(23,230)</b>
<b>Cash flows from financing activities</b>				
Finance costs	-	-	-	-
Proceeds from borrowings	0	-	0	-
Repayment of borrowings	-	-	-	-
Interest paid - lease liability	(9)	(12)	(12)	-
Repayment of lease liabilities	1	(3)	(2)	1
<b>Net cash provided by/(used in) financing activities</b>	<b>(8)</b>	<b>(15)</b>	<b>(14)</b>	<b>1</b>
Net increase (decrease) in cash and cash equivalents	(8,308)	4,721	(5,309)	(10,030)
Cash and cash equivalents at the beginning of the period	34,069	19,717	34,069	14,352
<b>Cash and cash equivalents at the end of the period</b>	<b>25,761</b>	<b>24,438</b>	<b>28,760</b>	<b>4,322</b>

**Cash balance**

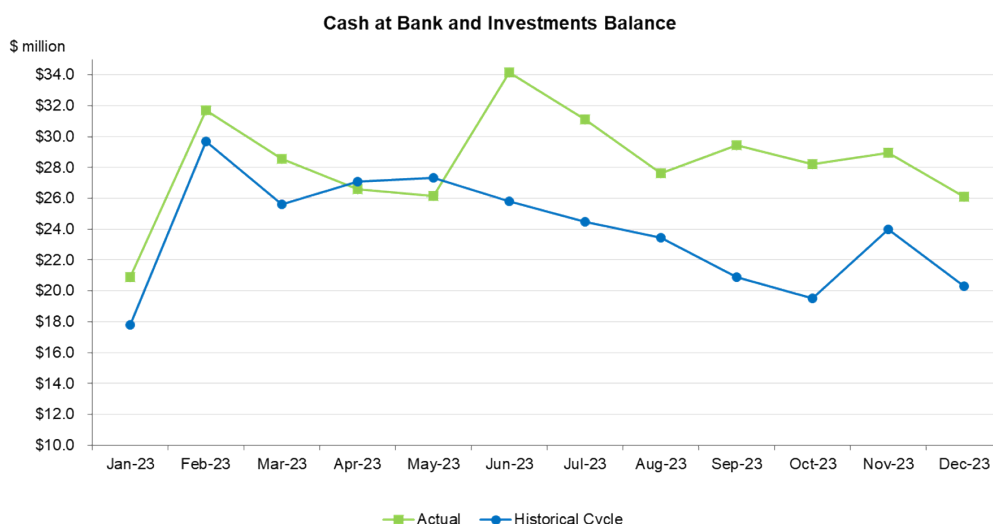
The current actual cash balance is \$25.76 million as at 31 December 2023.

The net increase in the forecasted cash flows from operating activities at end of year is \$14.54 million. Net decrease from the investing activities is forecasted to be \$9.81 million during the year.

Graph 2 below shows how the Council's cash balance has trended to 31 December 2023. The graph portrays:

- Historical Cycle – which is an estimation derived from 2022-23 actual cash balances that are expected to be achieved at the end of each month.
- The Actual – this is the actual balance at the end of each month from Jan'22 to Dec'23.



**Graph 2: Cash balance performance**

Every opportunity is taken to invest surplus cash to maximise investment returns in accordance with Council's investment policy. Investment income (term deposits) received for the six months to 31 December 2023 was \$379,000 which has already exceeded the income budget for the year. Investment income is subject to availability of cash flow and has been steadily increasing as a result of successive interest rates rises announced by the Reserve Bank.

Our investments were within the investment and risk rating limits set-out in the investment policy.

#### **Local Authorities Superannuation Fund - Defined Benefits**

Local government councils have a potential financial exposure to the Local Authorities Superannuation Fund – the Defined Benefits Plan. Under the Australian Prudential Regulation Standards (SPS160) the Defined Benefits funds must meet strict funding requirements. This funding requirement is measured by the Vested Benefits Index (VBI), which shows as a percentage of the ratio of investments held by the fund compared to the estimated benefits payable by the fund at the same time. The latest available Vested Benefits Index for the Vision Super Defined Benefits fund is listed in the table below:



Date	Vested Benefits Index
June 2019	107.10%
September 2019	107.30%
December 2019	107.70%
March 2020	102.10%
June 2020	104.60%
September 2020	104.50%
December 2020	109.60%
March 2021	111.50%
June 2021	109.70%
September 2021	109.90%
December 2021	111.20%
March 2022	108.50%
June 2022	102.20%
September 2022	101.50%
December 2022	101.70%
March 2023	104.20%
June 2023	104.10%
September 2023	TBA
December 2023	TBA

If the VBI falls below the nominated amount in any quarter, then the Australian Prudential Regulation Authority may require that the fund must make a funding call to its members. Any funding call made must return the fund to a VBI position of over the nominated amount within 3 years.

A VBI must generally be kept above the nominated shortfall threshold of 97% when a full actuarial investigation is conducted every three years and interim actuarial investigations are conducted for each intervening year.

At the time of preparing this report there was no information available regarding the final VBI estimations as at 30 September 2023, or 31 December 2023.

At 30 June 2023, the updated VBI for the sub-plan increase to 104.10%, which presents an increase of 0.1% from prior quarter. The VBI is primarily impacted by:

- The level of investment returns which impacts the asset pool supporting the defined benefit liabilities of the sub-plan; and
- The level of active member salary increases advised to Vision Super and pension increases in line with the CPI, which impacts the defined benefit liabilities of the sub-plan.



**CAPITAL WORKS****Colac Otway Shire Council  
Statement of Capital Expenditure as at 31 December 2023**

	Dec YTD		Full Year	
	Actual YTD \$	Budget YTD \$	Adopted Budget \$'000	Programme Allocation \$'000
<b>Property</b>				
Land	-	-	-	-
Building	89	1,534	1,126	3,161
<b>Total Property</b>	<b>89</b>	<b>1,534</b>	<b>1,126</b>	<b>3,161</b>
<b>Plant and Equipment</b>				
Plant, machinery and equipment	195	1,193	800	2,387
Fixtures, fittings and furniture	-	-	-	-
Computers and telecommunications	106	218	310	436
<b>Total Plant and Equipment</b>	<b>301</b>	<b>1,411</b>	<b>1,110</b>	<b>2,823</b>
<b>Infrastructure</b>				
Roads	1,238	8,496	4,479	11,808
Bridges	-	138	244	276
Footpaths and cycleways	36	559	40	1,366
Drainage	107	1,110	320	1,521
Other infrastructure	669	6,777	2,388	12,084
<b>Total Infrastructure</b>	<b>2,051</b>	<b>17,082</b>	<b>7,471</b>	<b>27,055</b>
<b>Total</b>	<b>2,441</b>	<b>20,027</b>	<b>9,708</b>	<b>33,038</b>

The Capital Works program has a variance of \$17.59 million against the year to date budget for the first six months to 31 December 2023.

The current programme allocation to the Capital Works program is higher than the adopted Budget due to projects carried forward from 2022-23.



Item: 9.4

## Aged and Disability Services Review

<b>OFFICER</b>	Lauren Hester
<b>GENERAL MANAGER</b>	Andrew Tenni
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	Nil

### 1. PURPOSE

To present the Final documents in relation to the independent Best Value Review undertaken into Council's Aged and Disability Services by Lake Advisory Pty Ltd.

### 2. EXECUTIVE SUMMARY

In May 2023 Council approved the undertaking of an independent Best Value Review of its Aged and Disability Services, in response to the Commonwealth Government's aged care services reforms.

### 3. RECOMMENDATION

*That Council:*

- 1. Notes that the Best Value Review of Aged and Disability Services has been conducted in accordance with the project plan it endorsed on 3 May 2024, although the review has taken longer than anticipated to ensure maximum information is available and incorporated into the final reports.*
- 2. Thanks, the OPASS team and the clients for their support and input throughout the period of the review.*
- 3. Receives the relevant reports prepared by Lake Advisory (as per Confidential Attachments 1 and 2).*
- 4. Receives the Quality Audit Report prepared by the Aged Care Quality and Safety Commission in March 2024 (per Confidential Attachment 3).*



5. *Notes that it will be presented with a report at its meeting scheduled for 22 May 2024 to enable Council to consider its future direction regarding the provision of Aged and Disability Services.*

## 4. KEY INFORMATION

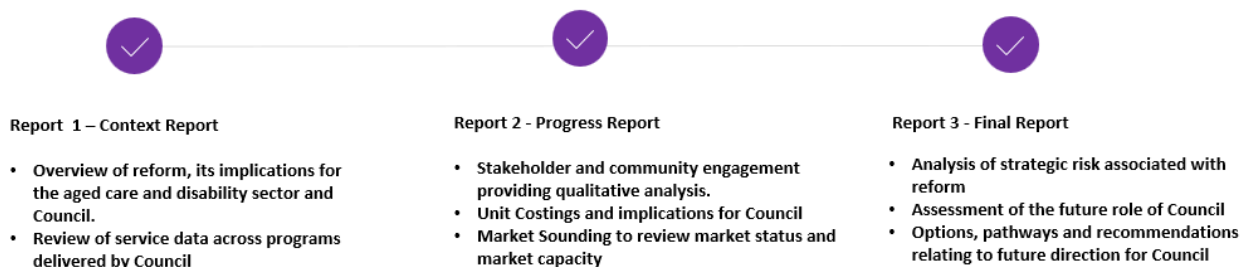
In May 2023 Council approved the undertaking of an independent Best Value Review of its Aged and Disability Services, in response to the Commonwealth Government's aged care services reforms.

In July 2023, the Council engaged Lake Advisory to undertake the Aged and Disability Services Review (the Review) to provide Council with strategic insights and actionable pathways to navigate the reforms effectively.

In September 2023, Lake Advisory presented Councillors with the first progress report from the Review, setting out the context of the reforms and outlining an overview of existing services within Colac Otway, with a particular focus on those services delivered by Council.

In December 2023, Lake Advisory presented Councillors with a second progress report that summarised the results of a range of stakeholder engagement activities – including with clients, staff, and broader community members – as well as the results of market scanning activities and an initial review of Council financial information.

A final report in the Review, to be read together with these previous reports, has been provided by Lake Advisory.



The Final Report seeks to:

- Inform the Council on the scope and timing of the Commonwealth Government's aged care policy reforms and the potential for these changes to recast the Council's future role in aged and disability service provision.
- Enable the Council to decide its future role in aged and disability service provision and confidently and effectively prepare for its future role in aged and disability services.

Lake Advisory have provided two documents in relation to the Final Report:

- An Executive Report – providing a summary of observations and recommendations
- A Detailed Report – providing detail supporting observations and recommendations

The report identifies three possible options for Council's future role in Aged and Disability services. This report presents a summary of these three options based on the evidence provided by the review.



### **Option 1: Deliver Streamlines Services**

Streamline existing services to focus on delivering Home Care Packages (HCP's) and withdraw from the delivery of Commonwealth Home Support Program (CHSP).

### **Option 2: Maintain Current Services**

Continue to deliver HCP and CHSP services whilst preparing for the future transition to the new Support at Home program.

### **Option 3: Strategic Exit**

Gradual withdrawal from all services and facilitate transition to alternative providers.

### **Audit of Council's Aged Care services**

The Aged Care Quality and Safety Commission conducted an external Audit of Council's Aged Care services at the end of February 2024. The audit was conducted to assess the quality of care and services provided by Council against the Aged Care Quality Standards.

The eight Quality Standards are in place to ensure that the care provided is safe, high quality and meets the needs and preferences of consumers. The standards are assessed as Met or Not Met. The audit demonstrates that Council will need to consider further investment and business improvements if it remains in these services and therefore adds to information available when Council considers its future direction. A detailed Continuous Improvement Plan has been developed and submitted to the Commission.

The audit report is provided to Councillors as further information relating to the current state of Council's services and therefore, assisting the assessment of each of the options outlined by Lake Advisory.

## **5. CONSIDERATIONS**

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

Council does have wide reaching legislative obligations that underpin all services and programs. The 'overarching principles' detailed in s9 of the *Local Government Act 2020* are particularly relevant to Council in planning its response to the Commonwealth Government's aged care policy reforms.

- Best outcomes for the municipal community, including future generations economic, social, and environmental sustainability (including climate change risk)
- Community to be engaged in strategic planning
- Collaboration with Councils and statutory authorities to be pursued
- Ongoing financial viability to be ensured
- Regional state and national plans to be considered.

The Council Plan 2021-25 includes a range of specific priorities designed to improve the health and wellbeing of Colac Otway Shire residents and communities.



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

Council's involvement in the provision of Commonwealth Government funded aged services is completely voluntary and not bound to any legislative obligation. Council's service and legal responsibilities stem from its funding agreements and quality care standards and accountability requirements of Commonwealth and State Governments.

In assessing local government's role in aged and disability services, it is important to consider Council's legislative obligations under the State Public Health and Wellbeing Act 2008. The 'function of Council', defined in s24 of this Act, is to *'seek to protect, improve and promote public health and wellbeing within the municipal district by (a) creating an environment which supports the health of members of the local community and strengthens the capacity of the community and individuals to achieve better health'*.

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

Not applicable.

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

A Community Engagement Plan was produced and implemented to guide Best Value Review engagement.

The Community Engagement Plan provided a number of opportunities for the community, including clients and families that receive aged and disability services as well as the broader community, to seek information and provide views and comments regarding the current and future provision of aged and disability services. Engagement enabled via multiple avenues including hardcopy and online surveys, in person group forums and one-on-one discussions.

### **Public Transparency (s58 LGA 2020)**

This report is presented to a public meeting of Council.

### **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 4 – Strong Leadership and Management

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

Theme 3: Healthy and inclusive community

All people have the opportunity to achieve and thrive in our Shire. 3.1.3: Provide services to enable lifelong health and wellbeing from early to senior years

### **Financial Management (s101 Local Government Act 2020)**

The proposed Best Value Review of Council's aged and disability services has budget implications for the 2024-25 financial year and future years.

### **Service Performance (s106 Local Government Act 2020)**

Evaluating service performance is a part of the Best Value Review of Council's aged and disability services. The Review provides Council with (1) an understanding of the Commonwealth Government aged care reforms, (2) an assessment of Council's current service provision and the impact of the Commonwealth Government reforms on Council's aged and disability services (3) an evaluation of possible future service provision options and pathways and (4) a recommended future role for Council in aged and disability services.



## **Risk Assessment**

The proposed Best Value Review is a risk management strategy in that it presents critical information to enable Council to determine its future role in aged and disability service provision, in light of the imminent Commonwealth Government policy and program changes.

The Commonwealth Government aged care policy and program reforms present a significant risk to all Victorian Councils. As previously stated, the aged and disability service system in Victoria is unique in Australia. Over the past 40 years, the State Government and (since 2016) the Commonwealth Government have commissioned Colac Otway Shire Council to provide in-home aged care services under the following arrangements:

- A formal service agreement with an agreed timeframe.
- A known funding formula and agreed set number of hours of service.
- Funding provided as block payments made in advance of service provision.
- Local Government participating in a Commonwealth Government managed accreditation program.
- These arrangements have provided a high level of certainty and predictability for Victorian Councils.

The new 'Support at Home' program will operate on the following arrangements:

- A market model where consumers will have right of choice over service provider and be able to move provider without notice.
- Set unit costing for each service (only indicative figures available at this time) with payments made in arrears on proof of service and receipt of invoicing.
- Higher standards of clinical governance and accreditation.
- Expectation that future providers will be capable of delivering a suite of services.
- No capacity for providers to subsidise services given National Competition Policy.

The new 'Support at Home' program will introduce a high level of uncertainty for Victorian Councils.

The other important key risk centres on Council's relationship and communication with primary stakeholders, specifically:

- clients receiving community care services and their families
- staff involved in providing community care services and the Australian Services Union, including meeting Council's Enterprise Agreement.
- Commonwealth and State Governments, given current service agreements.

A risk assessment has been completed and reviewed by senior management. A formal briefing of Council's Audit and Risk Committee on this matter is scheduled for 17 May 2023 and the ARC Chair will be advised.

There will be no disruption to Council's community care services during the proposed review.

## **Communication/Implementation**

Given the particular impacts on clients receiving aged and disability services and the staff delivering aged and disability services, steps have been taken to ensure all clients and all staff have received letters to advise that, in light of the Commonwealth Government aged care reforms, Council will consider a report to undertake a Best Value Review of Council's aged and disability services. Council Agenda Unscheduled Council Meeting - 17 May 2023 12 officers will communicate Council's decision on the proposed aged and disability services review to the following key stakeholders:



- People receiving services via letter and general information including 'Answers to Frequently Asked Questions'
- Staff delivering services via letter and meetings and general information including 'Answers to Frequently Asked Questions'
- Australian Services Union via letter
- General public via media releases and through Council's usual media channels
- Commonwealth Government via email and direct contact
- State Government via email and direct contact
- Other service providers via email and direct contact

### **Human Rights Charter**

No impact.

### **Officer General or Material Interest**

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

### **Options**

Option 1 – Council undertakes a Best Value Review of its aged and disability services to enable Council to determine its future role in managing aged and disability services.

This option is recommended by officers. The Commonwealth Government is implementing its new aged care reform program, including the new 'Support at Home' service. These changes present opportunities and significant risks for Victorian Councils providing aged and disability services. A Best Value Review of Council's aged and disability services will enable Council to fully understand the impact of the Commonwealth Government aged care reforms and determine its future role in managing aged and disability services.

Option 2 – Council delays undertaking a Best Value Review of its aged and disability services.

This option is not recommended by officers as timing is critical given the commencement of the new Commonwealth Government 'Support at Home' program and associated changes to funding, accountability and reporting requirements. This timing allows Council to assess its current service provision, evaluate future options and pathways and either adapt its current service provision and/or discontinue some or all services and transition services to another provider (the appointment of another provider is determined solely by the Commonwealth Government).

Option 3 – Council does not approve the undertaking of a Best Value Review of its aged and disability services.

This option is not recommended by officers. This option will limit Council's understanding of (1) the impact of the Commonwealth Government reforms on Council's aged and disability services; (2) the range of possible aged and disability service options and pathways and (3) how best to position Council's future role in aged and disability services.

This option will still trigger the need for Council officers to progress a limited assessment of Council's aged and disability services against the Commonwealth Government aged care reforms.



Item: 9.12

## Award of Contract 2414 - Queen and Wilson Streets Intersection - Raised Pedestrian Platforms

<b>OFFICER</b>	Jubin Sharma
<b>GENERAL MANAGER</b>	Doug McNeill
<b>DIVISION</b>	Infrastructure and Operations
<b>ATTACHMENTS</b>	Nil

### 1. PURPOSE

To approve and award Contract 2414 for construction of raised pedestrian platforms at the Queen and Wilson Streets Intersection.

### 2. EXECUTIVE SUMMARY

Contract 2414 is for the construction of four raised pedestrian platforms at the intersection of Queen and Wilson Streets, Colac. The works will include construction of four (4) concrete islands, line marking and signage, as well as necessary footpath and pram crossing renewal works to connect the new raised pedestrian crossings with the existing footpath network. The works include a combination of new infrastructure and renewal of existing assets.

Council has received external funding via the Federal Blackspot Program to the value of \$315,289. To award the contract and complete the necessary safety improvements, Council will need to allocate an additional budget of \$80,000. A proposal to allocate these funds (and allow award of the contract) is included in the report in this agenda for Project Adjustments and Transfers.

A request for tender for Contract 2414 was advertised in the Colac Herald and via eProcure on 9 February 2024 and the submission period closed on 6 March 2024.

Tenders are assessed against the selection criteria and a recommendation is made on the basis of this assessment. The Tender Evaluation Report is [provided to Council as a confidential attachment and tenderers are referred to by numbering that reflects the order of opening the tenders.



### 3. RECOMMENDATION

***That Council:***

- 1. Awards Contract 2414 – Queen and Wilson Streets Intersection – Raised Pedestrian Platforms to Tenderer 3 (as per the confidential attachment to this report) for the lump sum price of \$313,250 excluding GST.***
- 2. Authorises the Chief Executive Officer to execute the contract documents on behalf of the Council.***
- 3. Authorises the Chief Executive Officer to perform all roles of the principal.***
- 4. Appoints the General Manager Community and Economy to the role of Superintendent for the contract, including managing variations in accordance with the contract conditions.***
- 5. Notes that the unsuccessful tenderers will be advised of the outcome of the tender process after which the successful tenderer and contract price will be listed on Council's website.***

### 4. KEY INFORMATION

Council received funding of \$315,289 from the Federal Government's Blackspot Program for safety improvements to the Queen and Wilson Streets Intersection.

The funded project will provide a safe crossing environment for pedestrians, cyclists, and drivers at an extremely busy intersection on a main thoroughfare in Colac. Queen Street is an important north-south connector/collector road in Colac with a 60km speed limit. Wilson Street is an important east-west connector/collector road which also has a 60km speed limit. The roundabout is heavily used including by large vehicles accessing the industrial areas in Colac East.

In addition to the four raised pedestrian platforms, works will also include the construction of four concrete islands, line marking and signage, as well as necessary footpath and pram crossing renewal works to connect the new raised pedestrian crossings with the existing footpath network. The works include a combination of new infrastructure and renewal of existing assets.

A request for tender for Contract 2414 was advertised in the Colac Herald and via eProcure on 9 February 2024. At the close of the submission period on 6 March 2024, Council had received submissions for assessment against the selection criteria.

All submissions received would result in expenditure that exceeds the funding provided by the Federal Government Blackspot Program (i.e. once design, project management and contingency is taken into account). The recommended tenderer's submission, which is also the lowest priced submission (\$313,250 excluding GST), was of a satisfactory quality and demonstrated availability of suitable resources and previous experience in similar projects. Should Council determine to allocate further funds to the project as recommended in the Project Adjustments and Transfer report, the contract can be awarded.



## 5. CONSIDERATIONS

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

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

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

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

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

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

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

Local residents in the area will be informed of the upcoming works and any traffic management requirements associated with the project.

### **Public Transparency (s58 LGA 2020)**

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

### **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 1 - Strong and Resilient Community

Objective 3: Key infrastructure investment supports our economy and liveability

Theme 4 – Strong Leadership and Management

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

### **Financial Management (s101 Local Government Act 2020)**

This project is identified within the 2023-24 Capital Works Program and is funded via the Federal Government's Blackspot Program (\$315,289). A budget adjustment was considered by Council in a prior report within this Agenda to allocate additional funds from the Road Safety Device Program (\$50,000) and from the Unallocated Renewal Funds (\$30,000) to provide the full funds required to complete the project. The approval of the budget adjustment would take the total project budget from \$315,289 to \$395,289.

### **Service Performance (s106 Local Government Act 2020)**

Not applicable.

### **Risk Assessment**

The project outcomes have been designed to improve safety and therefore reduce risk of injury to pedestrians at this intersection



Traffic restrictions will be in place for the duration of the works, and impacts will be managed by the contractor which has confirmed access will be maintained for local residents, local businesses, and emergency services.

### **Communication/Implementation**

Preliminary notification letters will be issued to local residents and businesses on Queen and Wilson Street intersection advising them of the proposed upcoming works. Further communications to residents and businesses as well as bus lines, emergency services, and Department of Transport and Planning will be issued upon contract execution and once the contractor's work schedule is agreed. Notifications will also be released on local media to inform the broader community.

### **Human Rights Charter**

No Impact.

### **Officer General or Material Interest**

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

### **Options**

#### Option 1 – Adopt the recommendation to award Contract 2414 to the preferred contractor.

This option is recommended as Tenderer 3 has submitted the lowest priced submission and has the capability and experience to undertake the necessary works following a comprehensive tender evaluation process that considered a range of criteria. The additional \$80,000 required for the project can be sourced through the Unallocated Renewal Funds.

#### Option 2 – Not award the contract.

This option is not recommended as it will delay the commencement of these necessary works, resulting in a service level that is below the community's expectations for this busy intersection. The Federal Government has allocated significant funds to undertake the project and the return of these funds would result in a lost opportunity for traffic improvement works funded by other parties.



Item: 9.13

## Future commitment to G21 Geelong Region Alliance

<b>OFFICER</b>	Louise Harvey
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	Nil

### 1. PURPOSE

To confirm Council's commitment to the G21 Geelong Region Alliance (G21), including endorsement of Council's financial contribution for 2024-2025.

### 2. EXECUTIVE SUMMARY

Colac Otway Shire Council has been a member of G21 since the alliance was formed more than 20 years ago. Council's participation in, and financial contribution to, G21 is governed by a four-year MOU that expires on 30 June 2024.

In April 2023 the City of Greater Geelong advised that it was giving twelve months' notice that it would withdraw its membership with G21 citing financial challenges. The G21 Board undertook an internal strategic review of the operating model of the alliance and developed options for its future on the premise that it needed a lower-cost operating model. The G21 Chair and Deputy Chair have discussed these options with Colac Otway Shire Councillors on 20 March 2024 (refer to Confidential Attachment 1).

In March 2024 the City of Greater Geelong resolved to renew its membership of G21 for another three years albeit with a financial contribution considerably lower than its previous commitment. The G21 Board will prepare a new Memorandum of Understanding when it receives advice from the other four member Councils regarding their future intentions and this report provide Council with the opportunity to consider this matter.



### 3. RECOMMENDATION

***That Council:***

- 1. Notes that the G21 Geelong Region Alliance has reviewed its operating model with the aim of ensuring that the communities and businesses across the region can continue to receive the range of key benefits achieved through the strategic alliance for over 20 years, with a reduced financial contribution required from member Councils.***
- 2. Confirms its continued membership of G21 for a three-year period commencing 1 July 2024, with a contribution of \$28,412 (exc. GST) in 2024-25 and indexation in subsequent years that is no greater than the annual rate cap determined by the Minister for Local Government.***
- 3. Notes that members, including member Councils, may decide to provide additional funding:***
  - a. For larger projects or initiatives, enabling these allocations will be requested on a case-by-case basis so the investment can be assessed against expected outcomes; and/or***
  - b. Through sponsorship arrangements such as for the Annual Forum; and/or***
  - c. Through a supplementary funding agreement with G21 Geelong Region Alliance or other arrangement.***
- 4. Notes there is a \$47,000 allocation to G21 Geelong Region Alliance included in the draft 2024-2025 Budget (based on historic funding levels) and that the final Budget 2024-25 presented for adoption in June 2024 will include the final amount determined by Council through point 2 above.***
- 5. Authorises the Chief Executive Officer to sign a new Memorandum of Understanding with G21 Geelong Region Alliance consistent with this decision on the condition that the annual financial commitment is no greater than the amount in point 2.***

### 4. KEY INFORMATION

Membership of G21 is a key component of Council's regional planning and advocacy approach. G21 is highly regarded by state and federal governments and has a proven track record in achieving benefits for the wider Geelong region.

The regional alliance amplifies the voices of Councils, and other member organisations, enabling the region to present a stronger case, and reach more decision makers, when advocating to other levels of government. It also creates a strong network and relationships that supports regional planning for land use, economic development, infrastructure planning and social planning.

Colac Otway Shire Council is a long-standing member of G21 and an active participant in its projects and programs. Council's funding contributions to G21 have historically been based on a payment



scaled to the population of each municipality. Since the introduction of the rate cap an additional annual increase of 2.5% has applied to the contributions made by Councils. Council has included \$47,000 in its draft Budget 2024-25 to G21 which is based on the pro-rata calculation included in the current four-year MOU, due to conclude 30 June 2024.

G21 has modelled various options to account for the reduced contribution by the City of Greater Geelong, including an equivalent reduction to the pro-rata amount paid by the other members. This model is the basis of this recommendation.

Depending on the model applied, Council's contribution would range from \$28k to \$47k or withdraw from the alliance. In addition to modified funding arrangements with member Councils, G21 has also undertaken a rigorous review of its revenue and expenses and found efficiencies and altered operations that identify considerable savings. Even with these efficiencies and reductions, a shortfall in G21's annual operating budget is still anticipated.

## 5. CONSIDERATIONS

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

Council's ongoing commitment to the G21 Geelong Region Alliance enables it to support a range of economic, social, and environmental outcomes across the municipal district at a lower cost and more effectively than Council could achieve without partnering.

Much of G21's work aims to improve the sustainability of communities in the region, and includes focus areas such as housing, transport, economy, and environment. Many of these things can only be properly achieved in a regional context and Council's regional partnerships are critical for this reason.

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

The role of Councils as an advocate for their communities is covered in several sections of the Local Government Act 2020.

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

Much of G21's advocacy aims to improve the sustainability of communities in the region, and includes a "Healthy Country" is a key pillar in the G21 Region Plan, Councillors and officers from Colac Otway Shire Council participate in the Sustainability pillar to guide and contribute to the work done by G21 in this area.

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

G21 undertook a major engagement process to inform its G21 Region Plan 2050. More than 1,000 people contributed their ideas during a six-week engagement phase between July and August 2023. Strong support for G21 was expressed by members and other stakeholders when there was uncertainty about its future following the City of Greater Geelong's announcement it was intending to not renew membership.

### **Public Transparency** (s58 LGA 2020)

This report is to be considered at a report that is open to the public.



## **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 3 – Healthy and Inclusive Community

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

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

Theme 4 – Strong Leadership and Management

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

## **Financial Management** (s101 *Local Government Act 2020*)

Council has included \$47,000 for G21 membership in the draft 2024-2025 Budget. It is recommended to retain the full budgeted amount to provide capacity to contribute to G21 led priority projects and programs.

## **Service Performance** (s106 *Local Government Act 2020*)

Not applicable.

## **Risk Assessment**

If Council doesn't renew its membership the Colac Otway Shire community would be at risk of missing out on the benefits of whole-of-region advocacy at state and federal level.

## **Communication/Implementation**

The Chief executive Officer will write to the G21 Chair to inform them of Council's decision and if membership is renewed it will be formalised through a new Memorandum of Understanding.

## **Human Rights Charter**

No Impact.

## **Officer General or Material Interest**

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

## **Options**

### Option 1 – Renews its G21 Geelong Region Alliance membership at the recommended amount

This option is recommended by officers as provides Council with the opportunity to continue to receive the many benefits of a regional partnership at a lower cost.

The G21 alliance offers a strong value-for-money proposition for Colac Otway Shire Council to achieve many strategic objectives for its community.

### Option 2 – Renews its G21 Geelong Region Alliance membership at the current amount

This option is not recommended by officers.

The G21 review of operating model has recognised that all Councils face financial challenges and found an opportunity for Councils to maintain this strategic partnership at a reduced cost. Savings and important to Council and should be taken up where possible, albeit Council could choose to put the balance of funds (approx. \$13k) aside to invest in strategic projects and partnerships when needed.



Option 3 – Not renews its G21 Geelong Region Alliance membership

This option is not recommended by officers as G21 has built a reputation as a credible and effective advocate for the region and has a proven record in securing funding, policy reform and access to decision makers on behalf of its members.

Council cannot achieve its strategic objectives for its community without partnerships. While it does have other valuable partnerships and memberships, these are often with groups that have different communities of interest, but these are not able to fully replicate or replace what the G21 alliance provides.



## Appointment of Independent Member - CEO Employment Matters Committee

<b>OFFICER</b>	Kendrea Pope
<b>GENERAL MANAGER</b>	Lenny Jenner
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	Nil

### 1. PURPOSE

To advise council on the selection and appointment of an Independent Chair to the Colac Otway Chief Executive Officer Employment Matters Committee.

### 2. EXECUTIVE SUMMARY

Council resolved at its 28 February 2024 meeting to adopt a new CEO Employment and Remuneration Policy and Employment Matters Advisory Committee Terms of Reference. These documents provide the foundation for the reconstitution of the Employment Matters Committee which is charged with overseeing all CEO employment related matters under the guidance of an Independent Chair. This report is the next step in implementing the intent of the Policy and Terms of Reference and will enable the advisory committee to recommence its work before the commencement of the next CEO performance cycle.

Council sought applicants via an expression of interest published on its website and via LinkedIn. Council received a small number of applications from highly credentialed applicants. All shortlisted applicants as outlined in the confidential attachment at A were interviewed on 9 April 2024 and a final interview was conducted on 17 April 2024. Reference checks were completed on 17 April 2024 and confirmed the preferred applicants' suitability.



### 3. RECOMMENDATION

***That Council:***

- 1. Thanks Peter R Brown for his previous service on the committee as an independent member.***
- 2. Thanks all applicants for their interest in the role;***
- 3. Appoints the preferred applicant at paragraph 2.1 and terms outlined at 2.2 (as contained in the confidential attachment) to the position of Independent Chair of the CEO Employment Matters Committee for an initial term of three years; and***
- 4. Makes this appointment public on Council's website.***

### 4. KEY INFORMATION

The shortlisted applicants all demonstrated significant local government experience and were highly credentialed. The position of Chair is newly created and will support Council's ongoing adherence to the intentions and obligations outlined in its newly adopted Policy and Terms of Reference continuous improvement in its practice.

### 5. CONSIDERATIONS

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

This appointment under the newly adopted Terms of Reference will support Council in ensuring its actions are taken in a manner consistent with the Local Government Act's overarching governance principles including that Council decisions are to be made and actions taken in accordance with the relevant law, innovation and continuous improvement is to be pursued and the transparency of Council decisions, actions and information is to be ensured.

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

This appointment is consistent with newly adopted Council policies relating to the employment of the CEO which have been developed with reference to best practice examples in the sector and recent reports issued by integrity agencies.

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

Not applicable

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

Not applicable

#### **Public Transparency (s58 LGA 2020)**

The recent policies adopted by Council are public and govern the manner in which the employment life cycle of the CEO will be managed.



**Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 4 – Strong Leadership and Management

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

**Financial Management** (s101 *Local Government Act 2020*)

The Local Government Act requires the appointment of an independent member to the CEO committee. Council has previously resolved to make this a Chairing role. This is a remunerated position attracting a meeting and preparation fee under terms outlined in the confidential attachment at 2.2. The funding is available from the Council's operating budget.

**Service Performance** (s106 *Local Government Act 2020*)

Not applicable

**Risk Assessment**

The selection process conducted involved two rounds of interviews and referee checks.

**Communication/Implementation**

Not applicable

**Human Rights Charter**

Not applicable

**Officer General or Material Interest**

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



Item: 9.15

## Appointment of Councillor representative - Geelong City Deal Community Reference Groups for Apollo Bay Harbour and Kennett River projects

<b>OFFICER</b>	Louise Harvey
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. Letter - Geelong City Deal GCD - Apollo Bay Harbour and Kennett River projects Community Reference Group - Councillor Nomination [9.15.1 - 3 pages]</li><li>2. Appointment of Councillor representative - Geelong City Deal Community Reference Groups for Apollo B [9.15.2 - 5 pages]</li></ol>

### 1. PURPOSE

To appoint a Councillor representative to the Geelong City Deal (GCD) - Apollo Bay Harbour and Kennett River projects Community Reference Groups (CRG).

### 2. EXECUTIVE SUMMARY

The Great Ocean Road Coast and Parks Authority (GORCAPA) are in the process of establishing CRG's for the following Geelong City Deal Projects:

- Apollo Bay Harbour Redevelopment
- Improvements to Tourism Infrastructure at Kennett River

GORCAPA has invited Council to appoint Councillor(s) to participate as an 'observer,' within the two separate Community Reference Groups. Noting the invitation is for one Councillor per CRG. The Terms of Reference document is attached for information.



### 3. RECOMMENDATION

**That Council:**

1. ***Notes the Great Ocean Road Coast and Parks Authority's invitation to appoint a councillor to the Community Reference Groups for each of the two Geelong City Deal projects taking place in Colac Otway Shire, to the role of Observer (non-member).***
2. ***Appoints Cr ..... to the Geelong City Deal - Apollo Bay Harbour Redevelopment Community Reference Group.***
3. ***Appoints Cr ..... to the Geelong City Deal - Improvements to Tourism Infrastructure at Kennett River Community Reference Group.***

### 4. KEY INFORMATION

In June 2023 GORCAPA took over the delivery of the Improvements to Tourism and Infrastructure at Kennett River and the Apollo Bay Harbour Redevelopment from Council.

The CRG's will play an important role in assisting GORCAPA to ensure the plans, and designs balances community inputs with a best practice coastal infrastructure response that is guided by all relevant legislation, including the *Marine and Coastal Act (2018)*, and *Great Ocean Road and Environs Protection Act (2020)*.

The CRG's objectives are to:

- a) a) Foster meaningful engagement – between group members, within member's networks, with the Project Team, and the wider community - to achieve project outcomes.
- b) Inform the Authority and its consultants of community values, local conditions, priorities, concerns and preferred outcomes.
- c) Assist with the sharing of information and resolving community concerns associated with the project; and where possible, mitigate and minimise local impacts.

### 5. CONSIDERATIONS

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

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

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

Not applicable.

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

Not applicable.



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

Not applicable.

**Public Transparency** (s58 LGA 2020)

The appointment of Councillors to the CRGs occurs at a Council meeting that is open to the public.

**Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 1 - Strong and Resilient Community

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

Objective 3: Key infrastructure investment supports our economy and liveability

Objective 4: Colac Otway Shire is a destination to visit

<<Describe how the proposal fits with current plans or strategies. If none delete this line>>

**Financial Management** (s101 Local Government Act 2020)

Not applicable.

**Service Performance** (s106 Local Government Act 2020)

Not applicable.

**Risk Assessment**

Not applicable.

**Communication/Implementation**

Following the 24 April 2024 Council meeting, officers will advise GORCAPA of the Council representatives.

**Human Rights Charter**

No impact.

**Officer General or Material Interest**

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





**GREAT OCEAN ROAD**  
COAST & PARKS AUTHORITY

22 March 2024

Cr Margaret White

Mayor, Colac Otway Shire,

[councillor.white@colacotway.vic.gov.au](mailto:councillor.white@colacotway.vic.gov.au)

cc Anne Howard Chief Executive Officer

[ea-executiveoffice@colacotway.vic.gov.au](mailto:ea-executiveoffice@colacotway.vic.gov.au)

**Subject: Geelong City Deal (GCD) - Apollo Bay Harbour and Kennett River projects, Community Reference Groups – Councillor nomination**

Dear Mayor White,

As communicated at our recent briefing of Council on the Geelong City Deal – Apollo Bay Harbour we are in the process of establishing Community Reference Groups for the following Great Ocean Road Geelong City Deal projects:

- Apollo Bay Harbour Redevelopment
- Improvements to Tourism Infrastructure at Kennett River

The Great Ocean Road Coast and Parks Authority Board recently deliberated on strategies to better grasp the dynamics and complexities of the highly anticipated City Deal projects alongside the community's aspirations and concerns. In a proactive move, they opted to designate a Board representative to participate in the GCD Community Reference Groups as an 'observer'.

The purpose of the Community Reference Group (CRG) is to play an important role in assisting the Authority to ensure the plans, and designs balances community inputs with a best practice coastal infrastructure response that is guided by all relevant legislation, including the *Marine and Coastal Act (2018)*, and *Great Ocean Road and Environs Protection Act (2020)*.

The CRG's objectives are to:

P.O. Box 53, Torquay VIC 3228  
P: 1300 736 533  
E: [info@greatoceanroadauthority.vic.gov.au](mailto:info@greatoceanroadauthority.vic.gov.au)

[www.greatoceanroadauthority.vic.gov.au](http://www.greatoceanroadauthority.vic.gov.au)





a) Foster meaningful engagement – between group members, within member’s networks, with the Project Team, and the wider community - to achieve project outcomes.

b) Inform the Authority and its consultants of community values, local conditions, priorities, concerns and preferred outcomes.

c) Assist with the sharing of information and resolving community concerns associated with the project; and where possible, mitigate and minimise local impacts.

As requested at the briefing we write to formally seek a nominated person(s) from your Councillor group to participate as an ‘observer’, within the two separate Community Reference Groups currently being established for the City Deal projects within the Shire. Noting there is to be one Councillor per CRG.

The CRG process enables us to demonstrate our desire to collaborate locally, facilitating informed evidence-based decisions, promoting transparency, and ensuring strong community representation on issues that matter.

We warmly extend an invitation for a Councillor representative to join us alongside our work with the community through the decision-making journey for the two projects, fostering active involvement throughout the process rather than solely receiving outcomes at its conclusion.

Please find attached an example of Terms of Reference for your information and the expected rhythm of the CRG touch points. A confirmed schedule will be provided in early April, the majority of meetings will be in person, however there may be some that are held online.

<b>Touch Points</b>	<b>Meeting</b>	<b>Apollo Bay Harbour</b>	<b>Kennett River</b>
1	<b>Initial meet and greet</b>	May 2024	April 2024
2	<b>CRG Induction:</b> Site information, project information and legislative environment	May 2024	April 2024
3	<b>Community Engagement:</b> Community values for Precinct / Site	June/July 2024	April 2024
4	<b>Feedback</b> on Issues and Ops paper	July 2024	April / May 2024
5.	<b>Workshop:</b> Preliminary draft precinct / implementation plan options	August 2024	May 2024
6	<b>Workshop:</b> Preparation of Draft precinct / implementation plan for broad community engagement	September 2024	May/June 2024
7	<b>Community engagement:</b> Draft Masterplan	November 2024	June 2024
8	<b>Meeting:</b> review community feedback	November 2024	July 2024
9	<b>Meeting:</b> Final Plan presentation	December 2024	July 2024



Please contact Cath Olive via email [cath.olive@greatoceanroadauthority.vic.gov.au](mailto:cath.olive@greatoceanroadauthority.vic.gov.au) with your nominated Councillor(s) and the most appropriate way to contact them.

We look forward to hearing from you.

Regards,



Libby Mears  
Chair  
Great Ocean Road Coast and Parks Authority



Jodie Sizer  
Chief Executive Officer  
Great Ocean Road Coast and Parks Authority



# Terms of Reference

## POINT GREY REDEVELOPMENT – LORNE, COMMUNITY REFERENCE GROUP

February 2024

Building upon the successes of the former Community Co-design Group (CCDG) for the Point Grey Redevelopment in Lorne, a Community Reference Group (CRG) has been formed with an expanded objective to take a precinct-wide view for the project.

Six community members join four representatives from the Lorne Aquatic and Angling Club and the previous CCDG, to inform next steps and provide community leadership and advocacy for the project.

The CRG will play a vital role in the redevelopment's success by providing input into the revised Precinct Masterplan and offering feedback on draft documents at key stages of the project.

The group's focus will be on balancing community aspirations with best practices in coastal infrastructure, guided by relevant legislation, including the *Marine and Coastal Act (2018)* and the *Great Ocean Road and Environs Protection Act (2020)*.

### 1. Purpose, objectives, project outcomes

The **purpose** of the Community Reference Group (CRG) is to play an important role in assisting the Authority to ensure the revised Precinct Masterplan and building concept(s) balances community inputs with a best practice coastal infrastructure response that is guided by all relevant legislation, including the *Marine and Coastal Act (2018)*, and *Great Ocean Road and Environs Protection Act (2020)*.

The CRG's **objectives** are to:

- a) Foster meaningful engagement – between group members, within member's networks, with the Project Team, and the wider community - to achieve project outcomes.
- b) Inform the Authority and its consultants of community values, local conditions, priorities, concerns and preferred outcomes.
- c) Assist with the sharing of information and resolving community concerns associated with the project; and where possible, mitigate and minimise local impacts.

**Project outcomes** seek to:

Redevelop Point Grey to create a unique experience for local residents and visitors, which will benefit the local economy and the Lorne and Surf Coast Shire community.

The total project budget is \$12.59 million, consisting of \$10.14 million Geelong City Deal funding, \$2 million from the Authority, and \$450,000 from the Lorne Aquatic and Angling Club.

The redevelopment will provide new and improved facilities onsite, including;

- a new Lorne Aquatic and Angling Club



- improved connectivity between the water's edge and the public space with upgraded walking paths within the project area.
- recognition of cultural heritage
- space for casual hospitality offerings, including options for coffee, takeaway and al fresco seating.

## **2. CRG Membership Charter**

The Point Grey Community Reference Group (CRG) is a dedicated voluntary advisory group, committed to providing support, advice and feedback to help inform decision-making for the Point Grey Redevelopment.

Our commitment is to approach all discussions with an open mind, giving due consideration to the merits of the information presented.

We acknowledge the significance of relying on the project's community and cultural history, environmental data, and technical information to make well-informed decisions that will shape the future of the Point Grey Redevelopment.

Inclusivity is paramount, and we will actively seek the input of the community, ensuring their views and aspirations are not only acknowledged but genuinely heard. We understand the value of diverse perspectives and are dedicated to creating an environment where community input is an integral part of our decision-making process.

In the spirit of collaboration, we pledge to maintain a respectful atmosphere during discussions. Personal considerations will not overshadow the goal of collectively advancing the Point Grey Redevelopment project.

Together, we embark on this journey, committed to the principles of openness, fairness, and community engagement, as we work collaboratively to deliver the Point Grey Redevelopment.

## **3. Roles & Responsibilities**

Working within the project negotiables, the CRG will assist and support the planning, design and delivery of the Point Grey Redevelopment project. Members will:

- a) Collaborate with Authority staff and project consultants and advise of specific concerns or questions being raised in the local community.
- b) Attend and actively participate in all meetings and workshops.
- c) Review design documentation, provide feedback and recommendations, through a community lens, at various stages throughout the design phase.
- d) Provide timely and constructive feedback to the Authority on matters that may significantly affect the project deliverables. Suggest solutions if appropriate.
- e) Discuss any other matters pertaining to Point Grey requiring local stakeholder or community input.



f) Support engagement with the broader community and key community groups to ensure that aspirations are heard and considered in the revised Precinct Masterplan and proposed building design(s). Should members choose to participate in Authority-led broader community engagement activities, the Authority will request a volunteer working with children check.

g) Members will be required to engage within their groups and the wider community to provide feedback on draft plans and designs. Raise awareness with the community of the project and the parameters that need to be considered and addressed in the Masterplan layout and any proposed buildings.

h) Advise stakeholders and the local community of Point Grey project works and progress as we reach detailed design and construction stages.

i) Project management, delivery responsibilities and decision making are the responsibility of the Authority.

#### **4. Confidentiality**

All materials provided for discussion and consideration are confidential and must be respected by members. Unless explicitly permitted, no materials will be shared with any third persons or the broader community.

#### **5. Membership and appointments**

Membership of the CRG is voluntary. Members cannot be professionally engaged to be involved with the Project or the CRG in any capacity, or paid to attend meetings, as this constitutes a conflict of interest (perceived or actual).

Members of the CRG will include:

a) Chair – project owner, Cath Olive, Director Infrastructure and Planning.

b) Project team representatives from the Authority, and its consultants.

c) Board member ‘observer’. The Authority’s Board are keenly aware of the importance of the Geelong City Deal projects. As such, a nominated Board member may attend CRG meetings, as an observer only (non-member). For Point Grey, Libby Mears, Board Chair, will attend the CRG meetings.

d) Councillor ‘observer’. Local Councils are also keenly aware of the importance of the Geelong City Deal projects and similarly, a nominated Councillor is invited to join as an observer only (non-member).

e) Four community members who have been on the project journey so far representing the Lorne Aquatic and Angling Club and the previous Community Co-Design Group members – as elected by those groups.

f) Six new community members representative of key community groups and the wider Lorne community – appointed by the Authority.

The Chair may from time to time invite other relevant parties to speak on relevant projects or issues, clarify particular matters or hear specific feedback from the CRG. The Authority may revise the Terms



of Reference and/or Code of Conduct. The Authority will review CRG membership periodically, or where members have resigned from the CRG.

### **6. Code of Conduct**

1. Members of the CRG are expected to act in a respectful and constructive manner at all times.
2. Members are appointed to the CRG to represent their local community and/or local organisation. However, members must be independent, objective, and impartial in relation to all reference group activities.
3. Members (including observers) must, to the best of their ability:
  - a. Be part of a collaborative communication channel between the Authority, its consultants, and the community. This includes providing considered feedback in response to information shared.
  - b. Advise the Chair and/or the Authority of any concerns or issues being raised by their local community and/or organisation.
  - c. Advise the Chair and/or the Authority of any inability to attend a meeting and any intention to send a delegate in their place.
  - d. Take reasonable steps to avoid any potential, perceived or actual conflicts of interest while they are involved with the project.
  - e. Advise the Chair and/or the Authority immediately of any potential, perceived or actual conflicts of interest identified at any stage of the project.
  - f. Respect confidential or commercially sensitive information and not disseminate without express permission from the Authority. The Chair will raise this in relevant situations and members who do not wish to agree will be asked to leave the meeting for the relevant time. Sensitive information will be clearly marked as such and must not be disseminated.

In addition, members must refrain from:

- g. Identifying themselves in any forum as employees or representatives of the Authority or its consultants.
  - h. Speaking to the media on behalf of the CRG without first seeking consent from the Chair and the Authority.
  - i. Posting images on social media of information provided to the CRG without express permission from the Authority.
4. If a member of the CRG disregards or breaches this Code of Conduct, the Chair may direct them to step down.

### **7. Term of CRG and proposed meeting schedule**

The CRG was formed from in December 2023 and is tasked with working within several parameters, including budget, time, site limitations, planning and statutory consents, project negotiables and grant



funding requirements. The Authority anticipates that the Masterplan and Urban Design Framework for the Precinct will be finalised during the second half of 2024. Building design proposals ready for planning permit submission are anticipated to be ready by early 2025.

To reach this position, the following draft meeting schedule is proposed:

Timeframe	Meeting
<b>December 2023</b>	1 x introductory welcome meeting for new members to greet one another
<b>February 2024</b>	1 x CRG induction
<b>April – August 2024</b>	3 x CRG meetings/workshops + 2 x community consultation sessions (noting, these sessions may vary)
<b>September – December 2024</b>	1 x CRG meeting
<b>March – July 2025</b>	1 x Planning Permit outcome information session + 1 ‘Principal Project Requirements’ presentation and review meeting

Following the permit application submission, meetings of the CRG will be on an as-needs basis.



Item: 9.16

## Appointment of new members - Apollo Bay Senior Citizens Centre Community Asset Committee

<b>OFFICER</b>	Janine Johnstone
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	Nil

### 1. PURPOSE

To enable Council to appoint new members to the Apollo Bay Senior Citizens Centre Community Asset Committee.

### 2. EXECUTIVE SUMMARY

This report proposes appointing new members to the Apollo Bay Senior Citizens Centre Community Asset Committee.

### 3. RECOMMENDATION

***That Council appoints the following members to the Apollo Bay Senior Citizens Centre Community Asset Committee:***

- ***Jo Dunsmuir***
- ***Wayne Simmons***
- ***Ali Corke***
- ***Vicky Thursfield.***



## 4. KEY INFORMATION

Colac Otway Shire Council has 20 Community Asset Committees and has appointed committee members to manage public halls, recreation reserves and sporting facilities across the Colac Otway Shire.

For the purposes of managing the Apollo Bay Senior Citizens Centre assets in the Colac Otway Shire and to ensure compliance with section 65 of the *Local Government Act 2020*, formal appointment of the members by Council, is required.

The Apollo Bay Senior Citizens Centre Community Asset Committee has requested Council appoint the following members:

- Jo Dunsmuir
- Wayne Simmons
- Ali Corke
- Vicky Thursfield.

## 5. CONSIDERATIONS

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

The overarching governance principles relevant to this report, include:

- a) Council decisions are to be made and actions taken in accordance with the relevant law
- b) priority is to be given to achieving the best outcomes for the municipal community, including future generation
- c) innovation and continuous improvement is to be pursued
- d) the transparency of Council decisions, actions and information is to be ensured.

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

Section 65 of the Local Government Act 2020 provides:

(1) A Council may establish a Community Asset Committee and appoint as many members to the Community Asset Committee as the Council considers necessary to enable the Community Asset Committee to achieve the purpose specified in subsection (2).

(2) A Council may only establish a Community Asset Committee for the purpose of managing a community asset in the municipal district.

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

Not applicable.

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

Council officers have encouraged Community Asset Committees to continue to provide feedback about how Council can complement and better assist Committees to confidently undertake their delegated responsibilities.



**Public Transparency (s58 LGA 2020)**

Council's previous resolutions to establish Community Asset Committees and appoint Community Asset Committee members were made in an open Council meeting.

Reporting continues to be made at an open Council meeting.

**Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 4 – Strong Leadership and Management

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

**Financial Management (s101 Local Government Act 2020)**

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

**Service Performance (s106 Local Government Act 2020)**

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

**Risk Assessment**

Not applicable.

**Communication/Implementation**

Following Council's resolution, Council officers will advise the Community Asset Committee of Council's decision.

**Human Rights Charter**

No impact.

**Officer General or Material Interest**

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

**Options****Option 1 – Adopt the recommendation as presented**

This option is recommended by officers to formally appoint new Community Asset Committee members.

**Option 2 – Do not adopt the recommendation as presented**

This option is not recommended by officers as it will not enable the new members to be appointed to the Apollo Bay Senior Citizens Centre Community Asset Committee.



Item: 9.17

## Community Awards Nominations 2024

<b>OFFICER</b>	Fiona Maw
<b>GENERAL MANAGER</b>	Ian Seuren
<b>DIVISION</b>	Community and Economy
<b>ATTACHMENTS</b>	Nil

### 1. PURPOSE

The purpose of this report is for Council to consider nominations to the Colac Otway Shire Community Awards 2024.

### 2. EXECUTIVE SUMMARY

The Colac Otway Shire Community Awards celebrate the achievements and contributions made by outstanding members and groups in the community. The Community Awards Program provides residents with the opportunity to nominate individuals and groups (where relevant) that have made significant and outstanding contributions to the Colac Otway Shire. Nominations opened 7 March 2024 and closed on 7 April 2024.

The Colac Otway Shire Community Awards 2024 consist of the following three categories:

1. Citizen of the Year
2. Community Service of the Year (Individual/Organisation)
3. Young Citizen of the Year

The Colac Otway Shire Community Awards 2024 will be celebrated through a civic function during National Volunteer Week in late May 2024. This will provide an opportunity to celebrate the award winners as well as celebrate the many volunteers that contribute significantly and provide wonderful benefits to our community.



### 3. RECOMMENDATION

*That Council:*

1. *Awards the 2024 Citizen of the Year to Nominee (insert nominee number).*
2. *Awards the 2024 Community Service of the Year to Nominee (insert nominee number).*
3. *Awards the 2024 Young Citizen of the Year to Nominee (insert nominee number).*

### 4. KEY INFORMATION

A total of ten nominations were received with seven deemed eligible. The eligible nominations were distributed across the three award categories. The quality of nominations was extremely strong across the categories with significant contributions made to the community by those people and organisations nominated.

Councillors were provided with all relevant information pertaining to each of the nominations, along with an assessment template. Nominees were assessed against the four selection criteria, being:

1. The scope of impact the individual/group has made to the Colac Otway Shire community.
2. Personal, academic, and professional achievements of the nominee and how these have been used to benefit the community.
3. Degree of difficulty of the achievement(s) and/or level of sacrifice made.
4. Demonstrated leadership, innovation, and creativity.

### 5. CONSIDERATIONS

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

This report considers the overarching governance principles, specifically that priority is to be given to achieving the best outcomes for the municipal community, including future generations.

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

Not applicable.

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

Not applicable.

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

Discussed above and below.

#### **Public Transparency (s58 LGA 2020)**

Not applicable.



### **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 3 – Healthy and Inclusive Community

Objective 1: All people have the opportunity to achieve and thrive in our shire

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

### **Financial Management** (s101 *Local Government Act 2020*)

Not applicable.

### **Service Performance** (s106 *Local Government Act 2020*)

Not applicable.

### **Risk Assessment**

Not applicable.

### **Communication/Implementation**

The Colac Otway Shire Community Awards nominations opened on 7 March 2024 and closed at 11.59pm, 7 April 2024. The Community Awards were advertised on Council's website, through several social media posts and paid radio advertisements with MixxFM. Notifications were included in the Colac Herald and various newssheets in the Colac Otway Shire. Nominations were able to be made via an online form or writeable PDF accessed from Council's website. Hardcopies were also able to be collected at Council's Customer Service centres in Colac and Apollo Bay.

The Colac Otway Shire Community Awards 2024 will be celebrated through a civic function during National Volunteer Week in late May 2024. This will provide an opportunity to celebrate the award winners as well as celebrate the many volunteers that contribute significantly and provide wonderful benefits to our community.

### **Human Rights Charter**

No impact.

### **Officer General or Material Interest**

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

### **Options**

#### Option 1 – That Council determines the recipients of the 2024 Community Awards.

This option is recommended as Council's Community Awards recognise the outstanding contributions made by individuals or groups in our shire.

#### Option 2 – That Council doesn't award the 2024 Community Awards.

This option is not recommended. This would result in well-deserving community members or groups not being recognised for outstanding work in our community.



Item: 9.18

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

<b>OFFICER</b>	Janine Johnstone
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>Attachment 1 - Marked Up - S 6 Instrument of Delegation - Members of Staff [9.18.1 - 2 pages]</li><li>Attachment 2 - Unsigned - S 6 - Instrument of Delegation - Members of Staff [9.18.2 - 99 pages]</li></ol>

### 1. PURPOSE

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

### 2. EXECUTIVE SUMMARY

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

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



### 3. RECOMMENDATION

***That Council:***

- 1. In the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation (Attachment 2), delegates to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation, the powers, duties, and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.***
- 2. Authorises the Chief Executive Officer to execute the S6 Instrument of Delegation.***
- 3. Authorises the use of the common seal in accordance with Colac Otway Shire's Governance Local Law No 4 – 2020.***
- 4. Approves the S6 Instrument of Delegation to come into force immediately upon execution.***
- 5. Approves that coming into force of the S6 Instrument of Delegation, the previous S6 Instrument of Delegation from Council to members of Council staff (dated 5 October 2023) is revoked.***
- 6. Notes the duties and functions set out in the Instrument must be performed and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that may from time to time be adopted.***

### 4. KEY INFORMATION

Councils have been given many powers, duties, and functions under multiple pieces of legislation which are essential in fulfilling the wide-ranging responsibilities of Local Government. Council must regularly update its Instruments of Delegation to enable enforcement of the statutory powers and responsibilities required within legislation and confer these duties to the relevant staff.

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

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

The changes to the S6 Instrument include the insertion of Sections 125 and 149B of the Planning and Environment Act 1987:



#### S6 Instrument of Delegation - Members of Staff

##### NEW Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
703107	Planning and Environment Act 1987	s 125(1)	Power to apply to any court of competent jurisdiction or to the tribunal for an injunction restraining any person from contravening an enforcement order or an interim enforcement order.		Section 123 of the Victorian Civil and Administrative Tribunal Act 1998 applies on an application to the Tribunal.
699084	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 15(3)	Power to determine where certificate of transfer of registration is displayed		

##### CHANGED Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
703108	Planning and Environment Act 1987	s <del>148B</del> 149B	Power to apply to the Tribunal for a declaration.		

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

## 5. CONSIDERATIONS

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

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

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

Not applicable.

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

Not applicable.

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

Not applicable.

### Public Transparency (s58 LGA 2020)

Not applicable.

### Alignment to Plans and Strategies

Alignment to Council Plan 2021-2025:

Theme 4 – Strong Leadership and Management Objective 1: We commit to a program of best practice and continuous improvement.

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



**Financial Management** (*s101 Local Government Act 2020*)

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

**Service Performance** (*s106 Local Government Act 2020*)

Not applicable.

**Risk Assessment**

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

**Communication/Implementation**

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

**Human Rights Charter**

No impact.

**Officer General or Material Interest**

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

**Options**Option 1 – Adopt the updated S6 Instrument of Delegation

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

Option 2 – Not adopt the updated S6 Instrument of Delegation

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



## COLAC OTWAY SHIRE

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

### S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF

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

07 FEBRUARY 2024



Colac Otway Shire

**NEW Provisions**

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
703107	Planning and Environment Act 1987	s 125(1)	Power to apply to any court of competent jurisdiction or to the tribunal for an injunction restraining any person from contravening an enforcement order or an interim enforcement order.	CEO Manager Health Environments	Section 123 of the Victorian Civil and Administrative Tribunal Act 1998 applies on an application to the Tribunal.
703108	Planning and Environment Act 1987	s 148B	Power to apply to the Tribunal for a declaration.	CEO Manager Planning & Strategic Focus	
699084	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 15(3)	Power to determine where certificate of transfer of registration is displayed	CEO Manager Healthy Environments & Coordinator Health Protection	





COLAC OTWAY SHIRE

INSTRUMENT OF DELEGATION

S6 INSTRUMENT OF DELEGATION - MEMBERS OF  
STAFF

16 APRIL 2024



## Colac Otway Shire

**Instrument of Delegation**

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

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

Abbreviation	Position
CEH	Coordinator Environmental Health
CEM	Coordinator Emergency Management
CEO	Chief Executive Officer
CLLCS	Coordinator Local Laws
CPBA	Coordinator Planning and Building Administration
CRS	Coordinator Revenue Services
CSP	Coordinator Statutory Planning
CSPMP	Coordinator Strategic Planning and Major Projects
EHTO2	Health Protection Technical Officer
GMCE	General Manager Community and Economy
GMCS	General Manager Corporate Services
GMIO	General Manager Infrastructure and Operations
HPSO	Health Protection Support Officer
MAES	Manager Assets and Engineering
MCC	Manager Connected Communities
MFS	Manager Financial Services
MHE	Manager Healthy Environments
MPC	Manager People and Culture
MPSF	Manager Planning and Strategic Focus
MSO	Manager Services and Operations
N/A	Not Applicable
OWWO	Onsite Waste Water Officer
PBA1	Planning and Building Administrator 1
PBA2	Planning and Building Administrator 2



## Colac Otway Shire

Abbreviation	Position
PBA3	Planning and Building Administrator 3
PBA4	Planning and Building Administrator 4
PCoC	Planning Committee of Council
PRMC	Project Management Coordinator
SP	Strategic Planner
SP1	Statutory Planners 1
SP2	Statutory Planner 2
SP3	Statutory Planners 3
SP4	Statutory Planners 4
SP5	Statutory Planners 5
SP6	Statutory Planner 6
SP7	Strategic Planner 2

Positions Group	Position
All GMs	All GMs
CAO	Compliance Administration Officers
CO	Compliance Officers
CSO	Customer Services Officers
HPO	Health Protection Officers
PA	Planning Administrators
PLO	Planning Officers

## 3. declares that:

3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 24 April 2024; 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

## 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;



Colac Otway Shire

- 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.

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

\_\_\_\_\_  
Anne Howard  
Chief Executive Officer

\_\_\_\_\_  
Date



Colac Otway Shire

### **Delegation Sources**

- Cemeteries and Crematoria Act 2003
- Domestic Animals Act 1994
- Food Act 1984
- Heritage Act 2017
- Local Government Act 1989
- Planning and Environment Act 1987
- Residential Tenancies Act 1997
- Road Management Act 2004
- Cemeteries and Crematoria Regulations 2015
- Planning and Environment Regulations 2015
- Planning and Environment (Fees) Regulations 2016
- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015



Colac Otway Shire

**S6 Instrument of Delegation - Members of Staff**

<b>Cemeteries and Crematoria Act 2003</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	N/A	Where Council is a Class B cemetery trust
s 12(1)	Function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	N/A	Where Council is a Class B cemetery trust
s 12(2)	Duty to have regard to the matters set out in paragraphs (a) - (c) in exercising its functions	N/A	Where Council is a Class B cemetery trust
s 12A(1)	Function to do the activities set out in paragraphs (a) - (n)	N/A	Where Council is a Class A cemetery trust
s 12A(2)	Duty to have regard to matters set out in paragraphs (a) - (e) in exercising its functions	N/A	Where Council is a Class A cemetery trust
s 13	Duty to do anything necessary or convenient to enable it to carry out its functions	N/A	
s 14	Power to manage multiple public cemeteries as if they are one cemetery.	N/A	
s 15(4)	Duty to keep records of delegations	N/A	
s 17(1)	Power to employ any persons necessary	N/A	
s 17(2)	Power to engage any professional, technical or other assistance considered necessary	N/A	
s 17(3)	Power to determine the terms and conditions of employment or engagement	N/A	Subject to any guidelines or directions of the Secretary



## Colac Otway Shire

Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 18(3)	Duty to comply with a direction from the Secretary	N/A	
s 18B(1) & (2)	Duty to establish governance committees within 12 months of becoming a Class A cemetery trust and power to establish other governance committees from time to time	N/A	Where Council is a Class A cemetery trust
s 18C	Power to determine the membership of the governance committee	N/A	Where Council is a Class A cemetery trust
s 18D	Power to determine procedure of governance committee	N/A	Where Council is a Class A cemetery trust
s 18D(1)(a)	Duty to appoint community advisory committee for the purpose of liaising with communities	N/A	Where Council is a Class A cemetery trust
s 18D(1)(b)	Power to appoint any additional community advisory committees	N/A	Where Council is a Class A cemetery trust
s 18D(2)	Duty to establish a community advisory committee under section 18D(1)(a) within 12 months of becoming a Class A cemetery trust.	N/A	Where Council is a Class A cemetery trust
s 18D(3)	Duty to include a report on the activities of the community advisory committees in its report of operations under Part 7 of the Financial Management Act 1994	N/A	Where Council is a Class A cemetery trust
s 18F(2)	Duty to give preference to a person who is not a funeral director of a stonemason (or a similar position) when appointing a person to a community advisory committee	N/A	Where Council is a Class A cemetery trust
s 18H(1)	Duty to hold an annual meeting before 30 December in each calendar year	N/A	Where Council is a Class A cemetery trust



## Colac Otway Shire

Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 18I	Duty to publish a public notice of annual meeting in a newspaper, a reasonable time before the date of the annual meeting	N/A	Where Council is a Class A cemetery trust
s.18J	Duty to provide leadership, assistance and advice in relation to operational and governance matters relating to cemeteries (including the matters set out in s 18J(2))	N/A	Where Council is a Class A cemetery trust
s 18L(1)	Duty to employ a person as the chief executive officer (by whatever title called) of the Class A cemetery trust	N/A	Where Council is a Class A cemetery trust
s 18N(1)	Duty to prepare an annual plan for each financial year that specifies the items set out in paragraphs (a)-(d)	N/A	Where Council is a Class A cemetery trust
s 18N(3)	Duty to give a copy of the proposed annual plan to the Secretary on or before 30 September each year for the Secretary's approval	N/A	Where Council is a Class A cemetery trust
s 18N(5)	Duty to make amendments as required by the Secretary and deliver the completed plan to the Secretary within 3 months	N/A	Where Council is a Class A cemetery trust
s 18N(7)	Duty to ensure that an approved annual plan is available to members of the public on request	N/A	Where Council is a Class A cemetery trust
s 18O(1)	Duty to prepare a strategic plan and submit the plan to the Secretary for approval	N/A	Where Council is a Class A cemetery trust
s 18O(4)	Duty to advise the Secretary if the trust wishes to exercise its functions in a manner inconsistent with its approved strategic plan	N/A	Where Council is a Class A cemetery trust
s 18O(5)	Duty to ensure that an approved strategic plan is available to	N/A	Where Council is a Class A cemetery trust



## Colac Otway Shire

Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	members of the public on request		
s 18Q(1)	Duty to pay an annual levy on gross earnings as reported in the annual financial statements for the previous financial year.	N/A	Where Council is a Class A cemetery trust
s 19	Power to carry out or permit the carrying out of works	N/A	
s 20(1)	Duty to set aside areas for the interment of human remains	N/A	
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	N/A	
s 20(3)	Power to set aside areas for those things in paragraphs (a) - (e)	N/A	
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	N/A	
s 36	Power to grant licences to enter and use part of the land or building in a public cemetery in accordance with s 36	N/A	Subject to the approval of the Minister
s 37	Power to grant leases over land in a public cemetery in accordance with s 37	N/A	Subject to the Minister approving the purpose
s 40	Duty to notify Secretary of fees and charges fixed under s 39	N/A	
s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	N/A	Provided the street was constructed pursuant to the Local Government Act 1989
s 52	Duty to submit a report to the Secretary in relation to any public cemetery for which the cemetery trust is responsible for each financial year in respect of which it manages that cemetery	N/A	



Colac Otway Shire

Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	N/A	Report must contain the particulars listed in s 57(2)
s 59	Duty to keep records for each public cemetery	N/A	
s 60(1)	Duty to make information in records available to the public for historical or research purposes	N/A	
s 60(2)	Power to charge fees for providing information	N/A	
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	N/A	
s 64B(d)	Power to permit interments at a reopened cemetery	N/A	
s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	N/A	The application must include the requirements listed in s 66(2)(a)-(d)
s 69	Duty to take reasonable steps to notify of conversion to historic cemetery park	N/A	
s 70(1)	Duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	N/A	
s 70(2)	Duty to make plans of existing place of interment available to the public	N/A	
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	N/A	
s 71(2)	Power to dispose of any memorial or other structure removed	N/A	
s 72(2)	Duty to comply with request received under s 72	N/A	



Colac Otway Shire

Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 73(1)	Power to grant a right of interment	N/A	
s 73(2)	Power to impose conditions on the right of interment	N/A	
s 75	Power to grant the rights of interment set out in s 75(a) and (b)	N/A	
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	N/A	
s 77(4)	Power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	N/A	
s 80(1)	Function of receiving notification and payment of transfer of right of interment	N/A	
s 80(2)	Function of recording transfer of right of interment	N/A	
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	N/A	
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	N/A	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	N/A	
s.85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	N/A	The notice must be in writing and contain the requirements listed in s 85(2)
s 85(2)(b)	Duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	N/A	Does not apply where right of internment relates to remains of a deceased veteran.



Colac Otway Shire

Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
85(2)(c)	Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or;  remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location.	N/A	May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment
s 86	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	N/A	
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	N/A	
s 86(3)(a)	Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	N/A	
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	N/A	
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	N/A	
s 87(3)	Duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	N/A	
s 88	Function to receive applications to carry out a lift and re-position procedure at a place of interment	N/A	



Colac Otway Shire

Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 91(1)	Power to cancel a right of interment in accordance with s 91	N/A	
s 91(3)	Duty to publish notice of intention to cancel right of interment	N/A	
s 92	Power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	N/A	
s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	N/A	
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	N/A	
s 99(4)	Duty to make a decision on an application under s 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	N/A	
s 100(1)	Power to require a person to remove memorials or places of interment	N/A	
s 100(2)	Power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with s 100(1)	N/A	
s 100(3)	Power to recover costs of taking action under s 100(2)	N/A	
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	N/A	
s 102(1)	Power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	N/A	



Colac Otway Shire

Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	N/A	
s 103(1)	Power to require a person to remove a building for ceremonies	N/A	
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	N/A	
s 103(3)	Power to recover costs of taking action under s 103(2)	N/A	
s 106(1)	Power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	N/A	
s 106(2)	Power to require the holder of the right of interment to provide for an examination	N/A	
s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	N/A	
s 106(4)	Power to repair or - with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under s 106(1) is not complied with	N/A	
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	N/A	
s 107(2)	Power to repair or take down, remove and dispose any building for ceremonies if notice under s 107(1) is not complied with	N/A	
s 108	Power to recover costs and expenses	N/A	



Colac Otway Shire

Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 109(1)(a)	Power to open, examine and repair a place of interment	N/A	Where the holder of right of interment or responsible person cannot be found
s 109(1)(b)	Power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	N/A	Where the holder of right of interment or responsible person cannot be found
s 109(2)	Power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	N/A	Where the holder of right of interment or responsible person cannot be found
s 110(1)	Power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder. with consent of the Secretary	N/A	
s 110(2)	Power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	N/A	
s 110A	Power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	N/A	
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	N/A	
s 112	Power to sell and supply memorials	N/A	
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	N/A	
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	N/A	



Colac Otway Shire

Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	N/A	
s 119	Power to set terms and conditions for interment authorisations	N/A	
s 131	Function of receiving an application for cremation authorisation	N/A	
s 133(1)	Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with	N/A	Subject to s 133(2)
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	N/A	
s 146	Power to dispose of bodily remains by a method other than interment or cremation	N/A	Subject to the approval of the Secretary
s 147	Power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	N/A	
s 149	Duty to cease using method of disposal if approval revoked by the Secretary	N/A	
s 150 & 152(1)	Power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	N/A	
s 151	Function of receiving applications to inter or cremate body parts	N/A	
s 152(2)	Power to impose terms and conditions on authorisation granted under s 150	N/A	
sch 1 cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of	N/A	



## Colac Otway Shire

Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	communication		
sch 1 cl 8(8)	Power to regulate own proceedings	N/A	Subject to cl 8
sch 1A cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	N/A	Where Council is a Class A cemetery trust
sch 1A cl 8(8)	Power to regulate own proceedings	N/A	Where Council is a Class A cemetery trust Subject to cl 8

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

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	EHTO1, HPO, CEH, HPSO, EHTO2,	If s 19(1) applies



## Colac Otway Shire

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		OWWO	
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	EHTO1, HPO, CEH, EHTO2, OWWO	If s 19(1) applies  Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	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	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	Where Council is the registration authority
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	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



## Colac Otway Shire

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	Where Council is the registration authority
s 19EA(3)	Function of receiving copy of revised food safety program	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	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	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	Where Council is the registration authority
s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	Where Council is the registration authority
s 19IA(2)	Duty to give written notice to the proprietor of the premises	EHTO1, HPO,	Where Council is the registration authority



Colac Otway Shire

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		CEH, EHTO2, OWWO	Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	EHTO1, HPO, CEH, EHTO2, OWWO	Where Council is the registration authority
s 19N(2)	Function of receiving notice from the auditor	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	Where Council is the registration authority
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	EHTO1, HPO, CEH, EHTO2, OWWO	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	Where Council is the registration authority



## Colac Otway Shire

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	Where Council is the registration authority
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	Where Council is the registration authority
	Power to register or renew the registration of a food premises	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	Where Council is the registration authority  Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
s 36A	Power to accept an application for registration or notification using online portal	HPO, CEH	Where Council is the registration authority
s 36B	Duty to pay the charge for use of online portal	MHE, CEH	Where Council is the registration authority
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	Where Council is the registration authority
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	Where Council is the registration authority



## Colac Otway Shire

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38A(4)	Power to request a copy of a completed food safety program template	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	Where Council is the registration authority
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	EHTO1, HPO,	Where Council is the registration authority



## Colac Otway Shire

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		CEH, HPSO, EHTO2, OWWO	
s 38E(2)	Power to register the food premises on a conditional basis	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	Where Council is the registration authority not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	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	HPO, CEH	Where Council is the registration authority
s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	Where Council is the registration authority
s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	HPO, CEH	Where Council is the registration authority
s 39(2)	Duty to carry out an inspection of the premises during the period of	EHTO1, HPO,	



## Colac Otway Shire

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	registration before the registration of the food premises is renewed	CEH, HPSO, EHTO2, OWWO	
s 39A	Power to register, or renew the registration of a food premises despite minor defects	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	Where Council is the registration authority  Only if satisfied of matters in s 39A(2)(a)-(c)
s 39A (6)	Duty to comply with a direction of the Secretary	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	EHTO1, HPO, CEH, EHTO2, OWWO	Where Council is the registration authority
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	N/A, CEH	Where Council is the registration authority
s 40E	Duty to comply with direction of the Secretary	EHTO1, HPO,	



## Colac Otway Shire

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		CEH, HPSO, EHTO2, OWWO	
s 40F	Power to cancel registration of food premises	MHE, CEH	Where Council is the registration authority
s 43	Duty to maintain records of registration	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering or renewing registration of a component of a food business	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	Where Council is the registration authority
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	EHTO1, HPO, CEH, EHTO2, OWWO	Where Council is the registration authority
s 45AC	Power to bring proceedings	HPO, CEH	
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	EHTO1, HPO, CEH, EHTO2, OWWO	Where Council is the registration authority

Heritage Act 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations



## Colac Otway Shire

Heritage Act 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 116	Power to sub-delegate Executive Director's functions, duties or powers	N/A, GMCE	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	Power and Functions Delegated	Delegate	Conditions and Limitations
s 185L(4)	Power to declare and levy a cladding rectification charge	N/A, CEO	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	N/A, CSP, CSPMP, GMCE, MPSF	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	N/A, CSP, CSPMP, GMCE, MPSF	
s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	PLO, CPBA, CSP, CSPMP, GMCE, MPSF	
s 4I(2)	Duty to make and copy of the Victorian Planning Provisions and other documents available in accordance with public	PLO, CPBA, CSP, CSPMP,	



Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	availability requirements	GMCE, MPSF	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	N/A, MPSF	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	N/A, CPBA, CSP, CSPMP, GMCE, MPSF	
s 8A(5)	Function of receiving notice of the Minister's decision	N/A, CPBA, CSP, CSPMP, GMCE, MPSF	
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	N/A, CSP, CSPMP, GMCE, MPSF	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	N/A, GMCE, MPSF	
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	N/A, CSP, CSPMP, GMCE, MPSF	
s 12B(1)	Duty to review planning scheme	N/A, CSP, CSPMP, GMCE, MPSF	
s 12B(2)	Duty to review planning scheme at direction of Minister	N/A, CSP, CSPMP, GMCE,	



Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MPSF	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	N/A, CSP, CSPMP, GMCE, MPSF	
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	PLO, CPBA, CSP, CSPMP, GMCE, MPSF	
s 17(1)	Duty of giving copy amendment to the planning scheme	N/A, CSO, PA, PLO, CPBA, CSP, CSPMP, GMCE, MPSF	
s 17(2)	Duty of giving copy s 173 agreement	N/A, CSO, PA, PLO, CPBA, CSP, CSPMP, GMCE, MPSF	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	N/A, CSO, PA, PLO, CPBA, CSP, CSPMP, GMCE, MPSF	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	PA, PLO, CPBA, CSP, CSPMP, GMCE, MPSF	Until the proposed amendment is approved or lapsed
s 19	Power to give notice, to decide not to give notice, to publish	N/A, PA, PLO,	



## Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	CPBA, CSP, CSPMP, GMCE, MPSF	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	N/A, PA, PLO, CPBA, CSP, CSPMP, GMCE, MPSF	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or  Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	CSP, CSPMP, GMCE, MPSF	Where Council is a planning authority
s 21(2)	Duty to make submissions available in accordance with public availability requirements	CSO, PA, CPBA, CSP, CSPMP, GMCE, MPSF	Until the end of 2 months after the amendment comes into operation or lapses
s 21A(4)	Duty to publish notice	N/A, PA, PLO, CPBA, CSP, CSPMP, GMCE, MPSF	
s 22(1)	Duty to consider all submissions received before the date specified in the notice	CSP, CSPMP, GMCE, MPSF	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 22(2)	Power to consider a late submission Duty to consider a late submission, if directed by the Minister	SP7, SP, CSP, CSPMP, MPSF	
s 23(1)(b)	Duty to refer submissions which request a change to the	N/A, CSP,	



## Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	amendment to a panel	CSPMP, GMCE, MPSF	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	N/A, CSP, CSPMP, GMCE, MPSF	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	N/A, PLO, CSP, CSPMP, GMCE, MPSF	
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	PA, PLO, CPBA, CSP, CSPMP, GMCE, MPSF	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	CSO, PA, PLO, CPBA, CSP, CSPMP, GMCE, MPSF	During the inspection period
s 27(2)	Power to apply for exemption if panel's report not received	N/A, CSP, CSPMP, GMCE, MPSF	
s 28(1)	Duty to notify the Minister if abandoning an amendment	CSP, CSPMP, GMCE, MPSF	Note: the power to make a decision to abandon an amendment cannot be delegated
s 28(2)	Duty to publish notice of the decision on Internet site	PA, PLO, CPBA, CSP, CSPMP, GMCE, MPSF	



Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	PA, PLO, CPBA, CSP, CSPMP, GMCE, MPSF	
s 30(4)(a)	Duty to say if amendment has lapsed	N/A, CPBA, CSP, CSPMP, GMCE, MPSF	
s 30(4)(b)	Duty to provide information in writing upon request	N/A, CPBA, CSP, CSPMP, GMCE, MPSF	
s 32(2)	Duty to give more notice if required	N/A, CPBA, CSP, CSPMP, GMCE, MPSF	
s 33(1)	Duty to give more notice of changes to an amendment	N/A, CPBA, CSP, CSPMP, GMCE, MPSF	
s 36(2)	Duty to give notice of approval of amendment	N/A, CPBA, CSP, CSPMP, GMCE, MPSF	
s 38(5)	Duty to give notice of revocation of an amendment	N/A, CPBA, CSP, CSPMP, GMCE, MPSF	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	N/A, CSP, CSPMP, GMCE, MPSF	



## Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 40(1)	Function of lodging copy of approved amendment	N/A, CPBA, CSP, CSPMP, GMCE, MPSF	
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	CSO, PA, PLO, CPBA, CSP, CSPMP, GMCE, MPSF	
s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends	CAO, PA, PLO, CPBA, CSP, CSPMP, GMCE, MPSF	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	CSO, PA, PLO, CPBA, CSP, CSPMP, GMCE, MPSF	
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	N/A	Where Council is a responsible public entity and is a planning authority  Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils
s 46AW	Function of being consulted by the Minister	N/A, CEO, GMCE, MPSF	Where Council is a responsible public entity
s 46AX	Function of receiving a draft Statement of Planning Policy and	N/A, CSP,	Where Council is a responsible public entity



## Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	written direction in relation to the endorsement of the draft Statement of Planning Policy  Power to endorse the draft Statement of Planning Policy	CSPMP, CEO, GMCE, MPSF	
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	N/A, CSP, CSPMP, CEO, GMCE, MPSF	Where Council is a responsible public entity
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	N/A, CSP, CSPMP, CEO, GMCE, MPSF	Where Council is a responsible public entity
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	N/A, MFS, CEO, GMCS, GMCE, MPSF	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	N/A, MFS, CEO, GMCS, GMCE, MPSF	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	N/A, MFS, CEO, GMCS, GMCE, MPSF	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	N/A, MFS, CEO, GMCS	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose	N/A, MFS, CSP,	



Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	land	CSPMP, CEO, GMCS, GMCE, MPSF	
s 46GP	Function of receiving a notice under s 46GO	N/A, MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	N/A, MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	N/A, MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	
s 46GR(2)	Power to consider a late submission  Duty to consider a late submission if directed to do so by the Minister	N/A, MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	N/A, MFS, CEO, GMCS, GMCE, MPSF	
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the	N/A, MFS, CEO, GMCS, GMCE, MPSF	



Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	rejection and that the matter has been referred to the valuer-general		
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	N/A, MFS, CEO, GMCS	
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	N/A, MFS, CEO, GMCS	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	N/A, MFS, CEO, GMCS	
s 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	N/A, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution  Power to specify the manner in which the payment is to be made	CSP, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	N/A, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency



## Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	N/A, CSP, CSPMP, CEO, GMCE, MPSF	Where Council is the development agency
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	N/A, CSP, CSPMP, CEO, GMCE, MPSF	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	N/A, CSP, CSPMP, CEO, GMCE, MPSF	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	N/A, CSP, CSPMP, CEO, GMCE, MPSF	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	N/A, MFS, CSP, CSPMP, CEO, GMCS, GMCE, GMIO, MPSF	Where Council is the collecting agency
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	N/A, MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	N/A, MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency



Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power 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	N/A, MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	N/A, MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	N/A, MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	Where the Council is the planning authority  This duty does not apply where Council is also the collecting agency
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan, as responsible for those works, services or facilities	N/A, MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the relevant development agency
s 46GZ(2)(b)	Function of receiving the monetary component	N/A, MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the development agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the collecting agency
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s	N/A, MFS, CSP, CSPMP, CEO, GMCS, GMCE,	Where Council is the collecting agency under an approved infrastructure contributions plan



## Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	46GZ(5)	MPSF	
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	N/A, MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the relevant development agency
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	N/A, MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the development agency specified in the approved infrastructure contributions plan  This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	N/A, MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	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 infrastructure contributions plan as responsible for the use and development of that land	N/A, MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	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)  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	N/A, MFS, CSP,	Where Council is the development agency under an



## Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		CSPMP, CEO, GMCS, GMCE, MPSF	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	N/A, MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	N/A, MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	N/A, MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	N/A, MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	If the VPA is the collecting agency under an approved infrastructure contributions plan  Where Council is a development agency under an approved infrastructure contributions plan
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)	N/A, MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the development agency under an approved infrastructure contributions plan



## Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	N/A, MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	N/A, MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	N/A, MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the development agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the collecting agency
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	N/A, MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the development agency
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	N/A, MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	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	N/A, MFS, CSP, CSPMP, CEO,	Where Council is the development agency under an approved infrastructure contributions plan



## Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	purpose land for a public purpose approved by the Minister or sell the public purpose land	GMCS, GMCE, MPSF	
s.46GZF(3)	Duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	N/A, MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	Function of receiving proceeds of sale	MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collection agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the development agency
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	N/A, MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	N/A, MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	N/A, MFS, CEO, MPSF	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	N/A, CEO, GMCS, GMCE, MPSF	Where Council is a collecting agency or development agency



Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	N/A, MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	N/A, MFS, CSP, CSPMP, CEO, GMCS, GMCE, MPSF	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	N/A, CSP, CSPMP, GMCE, MPSF	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	N/A, CSP, CSPMP, GMCE, MPSF	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	N/A, GMCE, MPSF	
s 46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	N/A, GMCE, MPSF	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	N/A, CSP, CSPMP, GMCE, MPSF	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	N/A, CSP, CSPMP, GMCE, MPSF	



## Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	N/A, CSP, CSPMP, CEO, GMCE, MPSF	
s 46Q(1)	Duty to keep proper accounts of levies paid	N/A, MFS, CSP, CSPMP, GMCS, GMCE, MPSF	
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency	MFS, CSP, CSPMP, GMCS, GMCE, MPSF	
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	N/A, CSP, CSPMP, CEO, GMCE, MPSF	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	N/A, CSP, CSPMP, GMCE, MPSF	Only applies when levy is paid to Council as a 'development agency'
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	N/A, CSP, CSPMP, CEO, GMCE, MPSF	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	N/A, CSP, CSPMP, CEO, GMCE, MPSF	Must be done in accordance with Part 3



Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s46Q(4)(e)	Duty to expend that amount on other works etc.	N/A, CSP, CSPMP, CEO, GMCE, MPSF	With the consent of, and in the manner approved by, the Minister
s 46QC	Power to recover any amount of levy payable under Part 3B	N/A, MFS, CSP, CSPMP, GMCE, MPSF	
s 46QD	Duty to prepare report and give a report to the Minister	N/A, MFS, CSP, CSPMP, GMCE, MPSF	Where Council is a collecting agency or development agency
s 46Y	Duty to carry out works in conformity with the approved strategy plan	N/A	
s 47	Power to decide that an application for a planning permit does not comply with that Act	N/A, CSP, CSPMP, CEO, GMCE, MPSF	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	N/A, PA, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	CSO, PA, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	
s 50(4)	Duty to amend application	N/A, PLO, CSP, CSPMP, CEO,	



## Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		GMCE, MPSF	
s 50(5)	Power to refuse to amend application	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 50(6)	Duty to make note of amendment to application in register	N/A, PA, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	
s 50A(1)	Power to make amendment to application	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 50A(4)	Duty to note amendment to application in register	N/A, PA, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	CSO, PA, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit	N/A, PLO, CPBA, CSP, CSPMP,	



## Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	would not cause material detriment to any person	CEO, GMCE, MPSF	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	N/A, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	N/A, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	
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	N/A, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	
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	N/A, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	N/A, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	N/A, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	



Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 52(3)	Power to give any further notice of an application where appropriate	N/A, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	N/A, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	N/A, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	
s 54(1)	Power to require the applicant to provide more information	N/A, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	N/A, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	
s 54(1B)	Duty to specify the lapse date for an application	N/A, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	
s 54A(3)	Power to decide to extend time or refuse to extend time to give	N/A, PLO, CSP,	



Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	required information	CSPMP, CEO, GMCE, MPSF	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	N/A, PA, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	N/A, CSP, CSPMP, CEO, GMCE, MPSF	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	N/A, PA, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	CSO, PA, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	N/A, PA, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	



Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 57A(5)	Power to refuse to amend application	N/A, CSP, CSPMP, CEO, GMCE, MPSF	
s 57A(6)	Duty to note amendments to application in register	N/A, PA, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	
s 57B(1)	Duty to determine whether and to whom notice should be given	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 57C(1)	Duty to give copy of amended application to referral authority	N/A, PA, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	
s 58	Duty to consider every application for a permit	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 58A	Power to request advice from the Planning Application Committee	N/A, CSP, CSPMP, CEO, GMCE, MPSF	
s 60	Duty to consider certain matters	N/A, PA, PLO,	



Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		CSP, CSPMP, CEO, GMCE, MPSF	<p>Save where the proposed use and/or development:</p> <ul style="list-style-type: none"> <li>• Results in four (4) or more objections having been lodged against the grant of a permit.</li> <li>• Or where the application may have an affect on the broader community.</li> <li>• Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> <li>• the works had not been completed prior to the expiry of the permit; and</li> <li>• the officer recommendation is for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act</li> </ul> </li> <li>• Or where the land is in the Farming or Rural Conservation Zones and 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).</li> </ul>
s 60(1A)	Duty to consider certain matters	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	N/A, PLO, CSP, CSPMP, GMCE, MPSF	
s 61(1)	Power to determine permit application, either to decide to grant	N/A, PLO, CSP,	The permit must not be inconsistent with a cultural



Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	a permit, to decide to grant a permit with conditions or to refuse a permit application	CSPMP, CEO, GMCE, MPSF	<p>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"> <li>• Results in four (4) or more objections having been lodged against the grant of a permit.</li> <li>• Or where the application may have an affect on the broader community.</li> <li>• Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> <li>• the works had not been completed prior to the expiry of the permit; and</li> <li>• the officer recommendation is for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act</li> </ul> </li> <li>• Or where the land is in the Farming or Rural Conservation Zones and 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).</li> </ul> <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>



Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	N/A, CSP, CSPMP, CEO, GMCE, MPSF	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	N/A, CSP, CSPMP, CEO, GMCE, MPSF	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	N/A, CSP, CSPMP, CEO, GMCE, MPSF	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	N/A, CSP, CSPMP, CEO, GMCE, MPSF	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	N/A, CSP, CSPMP, CEO, GMCE, MPSF	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	<p>Save where the proposed use and/or development:</p> <ul style="list-style-type: none"> <li>• Results in four (4) or more objections having been lodged against the grant of a permit.</li> <li>• Or where the application may have an affect on the broader community.</li> <li>• Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> <li>• the works had not been completed prior to the expiry of the permit; and</li> <li>• the officer recommendation is for refusal, unless that</li> </ul> </li> </ul>



Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			<p>recommendation is made due to the response of a referral authority under Section 55 of the Act</p> <ul style="list-style-type: none"> <li>• 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).</li> </ul>
s 62(2)	Power to include other conditions	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	<p>Save where the proposed use and/or development:</p> <ul style="list-style-type: none"> <li>• Results in four (4) or more objections having been lodged against the grant of a permit.</li> <li>• Or where the application may have an affect on the broader community.</li> <li>• Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> <li>• the works had not been completed prior to the expiry of the permit; and</li> <li>• the officer recommendation is for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act</li> </ul> </li> <li>• Or where the land is in the Farming or Rural Conservation Zones and 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).</li> </ul>



Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
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	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	<p>Save where the proposed use and/or development:</p> <ul style="list-style-type: none"> <li>• Results in four (4) or more objections having been lodged against the grant of a permit.</li> <li>• Or where the application may have an affect on the broader community.</li> <li>• Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> <li>• the works had not been completed prior to the expiry of the permit; and</li> <li>• the officer recommendation is for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act</li> </ul> </li> <li>• Or where the land is in the Farming or Rural Conservation Zones and 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).</li> </ul>
s 62(5)(c)	Power to include a permit condition that specified works be	N/A, PLO, CSP,	



## Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	provided or paid for by the applicant	CSPMP, CEO, GMCE, MPSF	
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)	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
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)	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	N/A, PA, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	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	N/A, PA, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	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	N/A, PA, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	This provision applies also to a decision to grant an amendment to a permit - see s 75



Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power 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	N/A, PA, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	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	N/A, PA, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	N/A, PA, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	N/A, PA, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	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	N/A, PA, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	N/A, PA, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	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	N/A, CSO, PA,	



Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	
s 69(1A)	Function of receiving application for extension of time to complete development	N/A, CSO, PA, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	
s 69(2)	Power to extend time	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	Delegation to officers applies save where the development has commenced lawfully under the planning permit and: o the application seeks approval for an extension of time to complete the works; and o the officer recommendation is for refusal, unless that recommendation is made due to the recommendation of a referral authority under Section 55 of the Act.
s 70	Duty to make copy permit available for inspection in accordance with the public availability requirements	CSO, PA, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	
s 71(1)	Power to correct certain mistakes	N/A, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	



Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 71(2)	Duty to note corrections in register	N/A, PA, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	
s 73	Power to decide to grant amendment subject to conditions	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 74	Duty to issue amended permit to applicant if no objectors	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	N/A, PA, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	N/A, PA, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	N/A, PA, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	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	N/A, PA, PLO, CPBA, CSP,	If the recommending referral authority objected to the amendment of the permit or the recommending



Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		CSPMP, CEO, GMCE, MPSF	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	N/A, PA, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	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	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 83	Function of being respondent to an appeal	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 83B	Duty to give or publish notice of application for review	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	N/A, CSP, CSPMP, CEO, GMCE, MPSF	Save where the proposed use and/or development: <ul style="list-style-type: none"> <li>• Results in four (4) or more objections having been lodged against the grant of a permit.</li> <li>• Or where the application may have an affect on the broader community.</li> <li>• Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> <li>• the works had not been completed prior to the expiry of the permit; and</li> <li>• the officer recommendation is for refusal,</li> </ul> </li> </ul>



Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			<p>unless that recommendation is made due to the response of a referral authority under Section 55 of the Act</p> <ul style="list-style-type: none"> <li>• Or where the land is in the Farming or Rural Conservation Zones and 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).</li> </ul>
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	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
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	N/A, CSP, CSPMP, CEO, GMCE, MPSF	
s 84(6)	Duty to issue permit on receipt of advice within 3 business days	PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 84AB	Power to agree to confining a review by the Tribunal	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 86	Duty to issue a permit at order of Tribunal within 3 business days	PLO, CSP, CSPMP, CEO, GMCE, MPSF	



## Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	N/A, CSP, CSPMP, CEO, GMCE, MPSF	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 91(2)	Duty to comply with the directions of VCAT	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 93(2)	Duty to give notice of VCAT order to stop development	N/A, CO, PLO, CSP, CSPMP, CEO, CLLCS, GMCE, MPSF	
s 95(3)	Function of referring certain applications to the Minister	N/A, CSP, CSPMP, CEO, GMCE, MPSF	
s 95(4)	Duty to comply with an order or direction	N/A, PLO, CSP, CSPMP, CEO,	



## Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		GMCE, MPSF	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	N/A, CSP, CSPMP, CEO, GMCE, MPSF	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	N/A, CSP, CSPMP, CEO, GMCE, MPSF	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	N/A, CSP, CSPMP, CEO, GMCE, MPSF	
s 96F	Duty to consider the panel's report under s 96E	N/A, CSP, CSPMP, CEO, GMCE, MPSF	
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996	CSP, CSPMP, CEO, GMCE, MPSF	<p>Save where the proposed use and/or development:</p> <ul style="list-style-type: none"> <li>• Results in four (4) or more objections having been lodged against the grant of a permit.</li> <li>• Or where the application may have an affect on the broader community.</li> <li>• Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> <li>• the works had not been completed prior to the expiry</li> </ul> </li> </ul>



Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			<p>of the permit; and</p> <ul style="list-style-type: none"> <li>• the officer recommendation is for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act</li> <li>• 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).</li> </ul>
s 96H(3)	Power to give notice in compliance with Minister's direction	N/A, CSP, CSPMP, CEO, GMCE, MPSF	
s 96J	Duty to issue permit as directed by the Minister	PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
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	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 97C	Power to request Minister to decide the application	N/A, CSP, CSPMP, CEO, GMCE, MPSF	



Colac Otway Shire

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



Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 97Q(4)	Duty to comply with directions of VCAT	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	N/A, PA, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	N/A, CEO, GMCE, MPSF	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	N/A, CEO, GMCE, MPSF	
s 101	Function of receiving claim for expenses in conjunction with claim	N/A, CEO, GMCE, MPSF	
s 103	Power to reject a claim for compensation in certain circumstances	N/A, CEO, GMCE, MPSF	
s.107(1)	function of receiving claim for compensation	CEO, GMCE, MPSF	



## Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 107(3)	Power to agree to extend time for making claim	N/A, CEO, GMCE, MPSF	
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	GMCE, MPSF	
s 114(1)	Power to apply to the VCAT for an enforcement order	N/A, CO, MHE, CSP, CSPMP, CEO, CLLCS, GMCE, MPSF	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	N/A, CO, PLO, MHE, CSP, CSPMP, CEO, CLLCS, GMCE, MPSF	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	N/A, CO, MHE, CSP, CSPMP, CEO, CLLCS, GMCE, MPSF	
s 123(1)	Power to carry out work required by enforcement order and recover costs	N/A, CO, MHE, CSP, CSPMP, CEO, CLLCS, GMCE, MPSF	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	N/A, MHE, CEO, CLLCS, GMCE, MPSF	Except Crown Land



Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 125(1)	Power to apply to any court of competent jurisdiction or to the tribunal for an injunction restraining any person from contravening an enforcement order or an interim enforcement order.	MHE, CEO	Section 123 of the Victorian Civil and Administrative Tribunal Act 1998 applies on an application to the Tribunal.
s 129	Function of recovering penalties	N/A, CO, MFS, MHE, CEO, CLLCS, GMCE, MPSF	
s 130(5)	Power to allow person served with an infringement notice further time	N/A, CO, PLO, MHE, CSP, CSPMP, CEO, CLLCS, GMCE, MPSF	
s 149A(1)	Power to refer a matter to the VCAT for determination	N/A, CO, MHE, CSP, CSPMP, CEO, CLLCS, GMCE, MPSF	
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	CO, MHE, CSP, CSPMP, CEO, CLLCS, GMCE, MPSF	
s 149B	Power to apply to the Tribunal for a declaration.	CEO, MPSF	
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	N/A, MHE, CSP, CSPMP, CEO, GMCE, MPSF	Where Council is the relevant planning authority



## Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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	N/A, CSP, CSPMP, CEO, GMCE, MPSF	
s 171(2)(g)	Power to grant and reserve easements	N/A, CSP, CSPMP, CEO, GMCE, MPSF	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	N/A, CEO, GMCS, GMCE	Where Council is a development agency specified in an approved infrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	N/A, CEO, GMCS, GMCE	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	N/A, CEO, GMCS, GMCE	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	N/A, CSP, CSPMP, CEO, GMCE, GMIO, MPSF	
s 173(1A)	Power to enter into an agreement with an owner of land for the	N/A, CEO,	Where Council is the relevant responsible authority



Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	development or provision of land in relation to affordable housing	GMCS, GMCE, GMIO, MPSF	
	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	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
	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	N/A, CSP, CSPMP, CEO, GMCE, MPSF	
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	N/A, CSP, CSPMP, CEO, GMCE, MPSF	
s 178	power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	N/A, CSP, CSPMP, CEO, GMCE, MPSF	
s 178A(1)	Function of receiving application to amend or end an agreement	N/A, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	N/A, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	



Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	N/A, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	
s 178A(5)	Power to propose to amend or end an agreement	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
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	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 178C(4)	Function of determining how to give notice under s 178C(2)	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	N/A, PLO, CSP, CSPMP, CEO,	If no objections are made under s 178D



## Colac Otway Shire

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



Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		CSPMP, CEO, GMCE, MPSF	
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	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
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	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 179(2)	Duty to make copy of each agreement available in accordance with the public availability requirements	PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 181	Duty to apply to the Registrar of Titles to record the agreement	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	



Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 182	Power to enforce an agreement	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
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	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
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	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
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	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
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	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 184G(2)	Duty to comply with a direction of the Tribunal	N/A, PLO, CSP, CSPMP, CEO,	



## Colac Otway Shire

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		GMCE, MPSF	
s 184G(3)	Duty to give notice as directed by the Tribunal	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
s 185B(1)	Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice	SP5, SP7, PBA4, PBA2, PBA3, SP3, SP, SP4, PBA1, CPBA, SP1, CSP, CSPMP, SP2, SP6, MPSF	
s 198(1)	Function to receive application for planning certificate	N/A	Certificates not issued by Council
s 199(1)	Duty to give planning certificate to applicant	N/A	Certificates not issued by Council
s 201(1)	Function of receiving application for declaration of underlying zoning	N/A, CSO, PA, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	
s 201(3)	Duty to make declaration	N/A, PLO, CSP, CSPMP, CEO, GMCE, MPSF	
	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	N/A, CO, PLO, CSP, CSPMP, CEO, CLLCS,	



## Colac Otway Shire

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

Residential Tenancies Act 1997			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	N/A, MHE, CEH, MPSF	
s 522(1)	Power to give a compliance notice to a person	N/A, CO, MFS, MHE,	



## Colac Otway Shire

Residential Tenancies Act 1997			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		CLLCS, CRS, MPSF	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	N/A, All GMs, MPSF	
s 525(4)	Duty to issue identity card to authorised officers	N/A, All GMs, MPSF	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	N/A, MFS, MHE, CLLCS, CRS, MPSF	
s 526A(3)	Function of receiving report of inspection	N/A, MFS, MHE, CLLCS, CRS, MPSF	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	N/A, CO, MHE, CLLCS, MPSF	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	N/A, MHE, CLLCS, GMIO, MAES	Obtain consent in circumstances specified in s 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	N/A, MHE, CLLCS, GMCS, CRS, GMIO, MAES	
s 11(9)(b)	Duty to advise Registrar	N/A, MHE, CLLCS,	



## Colac Otway Shire

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		GMCS, CRS, GMIO, MAES	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	N/A, MHE, CLLCS, CRS, GMIO, MAES	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	N/A, MHE, MSO, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	N/A, MHE, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
s 12(4)	Duty to publish, and provide copy, notice of proposed discontinuance	MHE, CLLCS, GMIO, MAES	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(5)	Duty to consider written submissions received within 28 days of notice	N/A, MHE, CLLCS, GMIO, MAES	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(6)	Function of hearing a person in support of their written submission	N/A, MHE, CLLCS, GMIO, MAES	Function of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give	N/A, MHE,	Duty of coordinating road authority where it is



## Colac Otway Shire

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	notice	CLLCS, GMIO, MAES	the discontinuing body Unless s 12(11) applies
s 12(10)	Duty to notify of decision made	N/A, MHE, CLLCS, GMIO, MAES	Duty of coordinating road authority where it is the discontinuing body  Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	N/A, MHE, CLLCS, GMIO, MAES	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	N/A, MHE, CLLCS, GMIO, MAES	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	N/A, MHE, CLLCS, GMIO, MAES	
s 15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	N/A, MHE, CLLCS, GMIO, MAES	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	N/A, MHE, CLLCS, GMIO, MAES	



Colac Otway Shire

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 15(2)	Duty to include details of arrangement in public roads register	N/A, MHE, CLLCS, GMIO, MAES	
s 16(7)	Power to enter into an arrangement under s 15	N/A, MHE, CLLCS, GMIO, MAES	
s 16(8)	Duty to enter details of determination in public roads register	N/A, MHE, CLLCS, GMIO, MAES	
s 17(2)	Duty to register public road in public roads register	N/A, MHE, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	N/A, MHE, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	N/A, MHE, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
s 17(4)	Power to decide that a road is no longer reasonably required for general public use	N/A, MHE, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	N/A, MHE, CLLCS, GMIO, MAES	Where Council is the coordinating road authority



Colac Otway Shire

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 18(1)	Power to designate ancillary area	N/A, MHE, CLLCS, GMIO, MAES	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	N/A, MHE, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	N/A, MHE, CLLCS, GMIO, MAES	
s 19(4)	Duty to specify details of discontinuance in public roads register	N/A, MHE, CLLCS, GMIO, MAES	
s 19(5)	Duty to ensure public roads register is available for public inspection	N/A, MHE, CLLCS, GMIO, MAES	
s 21	Function of replying to request for information or advice	N/A, MHE, CLLCS, GMIO, MAES	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	N/A, MHE, CLLCS, GMIO, MAES	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	N/A, MHE, CLLCS, GMIO, MAES	



## Colac Otway Shire

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 22(5)	Duty to give effect to a direction under s 22	N/A, MHE, CLLCS, GMIO, MAES	
s 40(1)	Duty to inspect, maintain and repair a public road.	N/A, MHE, MSO, CLLCS, GMIO, MAES	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	N/A, MHE, CLLCS, GMIO, MAES	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	N/A, MHE, MSO, CLLCS, GMIO, MAES	
s 42(1)	Power to declare a public road as a controlled access road	N/A, MHE, CLLCS, GMIO, MAES	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	N/A, MHE, CLLCS, GMIO, MAES	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	MHE, CLLCS, GMIO, MAES	Where Council is the coordinating road authority If road is a municipal road or part thereof
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	N/A, MHE, CLLCS, GMIO, MAES	Where Council is the coordinating road authority If road is a municipal road or part thereof and



## Colac Otway Shire

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			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)	N/A, MHE, CLLCS, GMIO, MAES	Where Council is the responsible road authority, infrastructure manager or works manager
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	N/A, GMIO, MAES	
s 49	Power to develop and publish a road management plan	N/A, MHE, CLLCS, GMIO, MAES	
s 51	Power to determine standards by incorporating the standards in a road management plan	N/A, MHE, CLLCS, GMIO, MAES	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	N/A, MHE, CLLCS, GMIO, MAES	
s 54(2)	Duty to give notice of proposal to make a road management plan	N/A, MHE, CLLCS, GMIO, MAES	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	N/A, MHE, CLLCS, GMIO, MAES	
s 54(6)	Power to amend road management plan	N/A, MHE,	



Colac Otway Shire

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		CLLCS, GMIO, MAES	
s 54(7)	Duty to incorporate the amendments into the road management plan	N/A, MHE, CLLCS, GMIO, MAES	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	N/A, MHE, CLLCS, GMIO, MAES	
s 63(1)	Power to consent to conduct of works on road	N/A, MHE, MSO, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	N/A, MHE, MSO, CEM, CLLCS, GMIO, MAES	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	N/A, MHE, MSO, CLLCS, GMIO, MAES	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	N/A, CO, MHE, CLLCS, GMIO, MAES	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	N/A, CO, MHE, CLLCS, GMIO, MAES	Where Council is the coordinating road authority



Colac Otway Shire

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



## Colac Otway Shire

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



Colac Otway Shire

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 122(1)	Power to charge and recover fees	N/A, MHE, CLLCS, GMIO, MAES	
s 123(1)	Power to charge for any service	N/A, MHE, CLLCS, GMIO, MAES	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	N/A, MHE, CLLCS, GMIO, MAES	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	N/A, MHE, CLLCS, GMIO, MAES	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	N/A, MHE, CLLCS, GMIO, MAES	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	N/A, MHE, CLLCS, GMIO, MAES	
sch 2 cl 5	Duty to publish notice of declaration	N/A, MHE, CLLCS, GMIO, MAES	
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	N/A, MHE, CLLCS, GMIO, MAES	Where Council is the infrastructure manager or works manager



## Colac Otway Shire

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	N/A, MHE, MSO, CLLCS, GMIO, MAES	Where Council is the infrastructure manager or works manager
sch 7 cla 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	N/A, MHE, CLLCS, GMIO, MAES	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	N/A, MHE, MSO, CLLCS, GMIO, MAES	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	N/A, MHE, CLLCS, GMIO, MAES	Where Council is the infrastructure manager or works manager
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	N/A, MHE, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	N/A, MHE, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	N/A, MHE, CLLCS, GMIO, MAES	Where Council is the coordinating road authority



## Colac Otway Shire

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 12(5)	Power to recover costs	N/A, MFS, MHE, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	N/A, MHE, MSO, CLLCS, GMIO, MAES	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	N/A, MHE, MSO, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	N/A, MHE, CLLCS, GMIO, MAES	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	N/A, MHE, MSO, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	N/A, MHE, MSO, CLLCS, GMIO, MAES	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	N/A, MHE, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	N/A, MHE, CLLCS, GMIO, MAES	Where Council is the coordinating road authority



## Colac Otway Shire

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 16(8)	Power to include consents and conditions	N/A, MHE, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	N/A, MHE, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	N/A, MHE, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	N/A, MHE, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	N/A, MHE, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	N/A, CO, MHE, CLLCS, GMIO, MAES	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	N/A, MHE, CLLCS, GMIO, MAES	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	N/A, MHE, CLLCS, GMIO, MAES	Where Council is the responsible road authority



## Colac Otway Shire

Road Management Act 2004			
Provision	Power 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	N/A, MHE, CLLCS, GMIO, MAES	Where Council is the responsible road authority
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4	N/A, MHE, CLLCS, GMIO, MAES	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

Cemeteries and Crematoria Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 24	Duty to ensure that cemetery complies with depth of burial requirements	N/A	
r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	N/A	
r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	N/A	
r 28(1)	Power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator	N/A	
r 28(2)	Duty to ensure any fittings removed of are disposed in an appropriate manner	N/A	
r 29	Power to dispose of any metal substance or non-human substance recovered from a cremator	N/A	
r 30(2)	Power to release cremated human remains to certain persons	N/A	Subject to any order of a court



Colac Otway Shire

Cemeteries and Crematoria Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 31(1)	Duty to make cremated human remains available for collection within 2 working days after the cremation	N/A	
r 31(2)	Duty to hold cremated human remains for at least 12 months from the date of cremation	N/A	
r 31(3)	Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	N/A	
r 31(4)	Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	N/A	
r 32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	N/A	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	N/A	
r 33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	N/A	
r 34	Duty to ensure that a crypt space in a mausolea is sealed in accordance with paragraphs (a)-(b)	N/A	
r 36	Duty to provide statement that alternative vendors or supplier of monuments exist	N/A	
r 40	Power to approve a person to play sport within a public cemetery	N/A	
r 41(1)	Power to approve fishing and bathing within a public cemetery	N/A	
r 42(1)	Power to approve hunting within a public cemetery	N/A	
r 43	Power to approve camping within a public cemetery	N/A	
r 45(1)	Power to approve the removal of plants within a public cemetery	N/A	



## Colac Otway Shire

Cemeteries and Crematoria Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	N/A	
r 47(3)	Power to approve the use of fire in a public cemetery	N/A	
r 48(2)	Power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	N/A	
	Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules	N/A	
sch 2 cl 4	Power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of sch 2	N/A	See note above regarding model rules
sch 2 cl 5(1)	Duty to display the hours during which pedestrian access is available to the cemetery	N/A	See note above regarding model rules
sch 2 cl 5(2)	Duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	N/A	See note above regarding model rules
sch 2 cl 6(1)	Power to give directions regarding the manner in which a funeral is to be conducted	N/A	See note above regarding model rules
sch 2 cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	N/A	See note above regarding model rules
sch 2 cl 8	Power to approve certain mementos on a memorial	N/A	See note above regarding model rules
sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	N/A	See note above regarding model rules



## Colac Otway Shire

Cemeteries and Crematoria Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 2 cl 11(2)	Duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	N/A	See note above regarding model rules
sch 2 cl 12	Power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	N/A	See note above regarding model rules
sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	N/A	See note above regarding model rules
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	N/A	See note above regarding model rules
sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	N/A	See note above regarding model rules
sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	N/A	See note above regarding model rules

Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	N/A, CSP, CSPMP, GMCE, MPSF	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	power of responsible authority to require a permit applicant to verify	N/A, PLO, CSP,	



## Colac Otway Shire

Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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	CSPMP, CEO, GMCE, MPSF	
r.25(a)	Duty to make copy of matter considered under section 60(1A)(g) in accordance with the public availability requirements	CSO, PA, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	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 in accordance with the public availability requirements	CSO, PA, PLO, CPBA, CSP, CSPMP, CEO, GMCE, MPSF	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	N/A, CSP, CSPMP, CEO, GMCE, MPSF	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.

Planning and Environment (Fees) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	N/A, CSP, CSPMP, CEO, GMCE, MPSF	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	N/A, CSP, CSPMP, CEO, GMCE, MPSF	



Colac Otway Shire

Planning and Environment (Fees) Regulations 2016			
Provision	Power 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	N/A, CSP, CSPMP, CEO, GMCE, MPSF	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 7	Function of entering into a written agreement with a caravan park owner	EHTO1, HPO, CEH, EHTO2, OWWO	
r 10	Function of receiving application for registration	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	
r 11	Function of receiving application for renewal of registration	EHTO1, HPO, CEH, EHTO2, OWWO	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHTO1, HPO, CEH, EHTO2, OWWO	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHTO1, HPO, CEH, EHTO2, OWWO	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	EHTO1, HPO, CEH, EHTO2, OWWO	



Colac Otway Shire

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 12(4) & (5)	Duty to issue certificate of registration	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	
r 14(1)	Function of receiving notice of transfer of ownership	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	
r 14(3)	Power to determine where notice of transfer is displayed	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	
r 15(1)	Duty to transfer registration to new caravan park owner	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	
r 15(2)	Duty to issue a certificate of transfer of registration	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	
r 15(3)	Power to determine where certificate of transfer of registration is displayed	MHE, CEO, CEH	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	EHTO1, HPO, CEH, EHTO2, OWWO	
r 17	Duty to keep register of caravan parks	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	
r 18(4)	Power to determine where the emergency contact person's details are displayed	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	
r 18(6)	Power to determine where certain information is displayed	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	
r 22(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	



Colac Otway Shire

<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 22(2)	Duty to consult with relevant emergency services agencies	EHTO1, HPO, CEH, EHTO2, OWWO	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	
r 25(3)	Duty to consult with relevant floodplain management authority	EHTO1, HPO, CEH, EHTO2, OWWO	
r 26	Duty to have regard to any report of the relevant fire authority	EHTO1, HPO, CEH, EHTO2, OWWO	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	
r 41(4)	Function of receiving installation certificate	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	



## Colac Otway Shire

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	EHTO1, HPO, CEH, HPSO, EHTO2, OWWO	

Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 8(1)	Duty to conduct reviews of road management plan	N/A, GMIO	
r 9(2)	Duty to produce written report of review of road management plan and make report available	N/A, GMIO	
r 9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	N/A, GMIO	Where Council is the coordinating road authority
r.10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	N/A, GMIO	
r 13(1)	Duty to publish notice of amendments to road management plan	N/A, GMIO	where Council is the coordinating road authority
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	N/A, GMIO	
r 16(3)	Power to issue permit	N/A, GMIO	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	N/A, GMIO	Where Council is the coordinating road authority



## Colac Otway Shire

Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 23(2)	Power to make submission to Tribunal	N/A, GMIO	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	N/A, GMIO	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	N/A, GMIO	Where Council is the responsible road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	N/A, GMIO	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	N/A, GMIO	

Road Management (Works and Infrastructure) Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	N/A, GMIO	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive whole or part of fee in certain circumstances	N/A, GMIO	Where Council is the coordinating road authority



## Item: 9.19

# Report of Informal Meeting of Councillors

<b>OFFICER</b>	Council Business
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. Informal Meeting of Councillors - Councillor Briefing - 20 March 2024 [9.19.1 - 1 page]</li><li>2. Informal Meeting of Councillors - Councillor Briefing - 3 April 2024 [9.19.2 - 2 pages]</li><li>3. Informal Meeting of Councilors - Pe Council Meeting Preparation - 27 March 2024 [9.19.3 - 3 pages]</li><li>4. Informal Meeting of Councillors - Councillor Briefing - 10 April 2024 [9.19.4 - 2 pages]</li><li>5. Informal Meeting of Councillors - Unscheduled Council Meeting Preparation 10 April 2024 [9.19.5 - 2 pages]</li></ol>

## 1. PURPOSE

To report the Informal Meetings of Councillors.

## 2. EXECUTIVE SUMMARY

The Colac Otway Shire Governance Rules require that records of informal meetings of Councillors which meet the following criteria:

*If there is a meeting of Councillors that:*

- *is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors*
- *is attended by at least one member of Council staff*
- *is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting.*

be tabled at the next convenient meeting of Council and recorded in the minutes of that Council meeting.



All relevant meetings have been recorded and documented, as attached.

### 3. REPORTING

*The Informal Meetings of Councillors reported are:*

- |   |                      |
|---|----------------------|
| <b>1. Councillor Briefing</b>                         | <b>20 March 2024</b> |
| <b>2. Council meeting preparation</b>                 | <b>27 March 2024</b> |
| <b>3. Councillor Briefing</b>                         | <b>3 April 2024</b>  |
| <b>4. Councillor Briefing</b>                         | <b>10 April 2024</b> |
| <b>5. Preparation for Unscheduled Council Meeting</b> | <b>10 April 2024</b> |

### 4. KEY INFORMATION

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

- |  |               |
|--|---------------|
| 1. Councillor Briefing                         | 20 March 2024 |
| 2. Council meeting preparation                 | 27 March 2024 |
| 3. Councillor Briefing                         | 3 April 2024  |
| 4. Councillor Briefing                         | 10 April 2024 |
| 5. Preparation for Unscheduled Council Meeting | 10 April 2024 |

### 5. OFFICER GENERAL OR MATERIAL INTEREST

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





## Informal Meeting of Councillors Record

### Councillor Briefing

**Date:** 20 March 2024

**Time:** 1.00pm

**Meeting Location:** Meeting Rooms 1 and 2, COPACC

#### Invitees:

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

#### Attendees:

Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Cr Max Arnott (via videoconference), Anne Howard, Andrew Tenni, Doug McNeill, Ian Seuren, Xavier Flannagan, Toni Uphill, Fiona Maw, Mark McLennan, James Myatt

#### External attendees:

Liz Pattison (Deputy Chair G21), Melissa Stephens (Chair G21)

#### Apologies:

Nil

#### Absent:

**Meeting Commenced at:** 1.04pm

### Declarations of Interest:

Name	Type of Disclosure	Item	Reason





## Informal Meeting of Councillors Record

### Councillor Briefing

**Date:** 3 April 2024

**Time:** 12.15pm

**Meeting Location:** COPACC

#### Invitees:

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

#### Attendees:

Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart (videoconference), Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan (videoconference), Cr Max Arnott, Anne Howard, Andrew Tenni, Doug McNeill, Ian Seuren, Xavier Flanagan, Toni Uphill, James Myatt,

#### External attendees:

Nil

#### Apologies:

Nil

#### Absent:

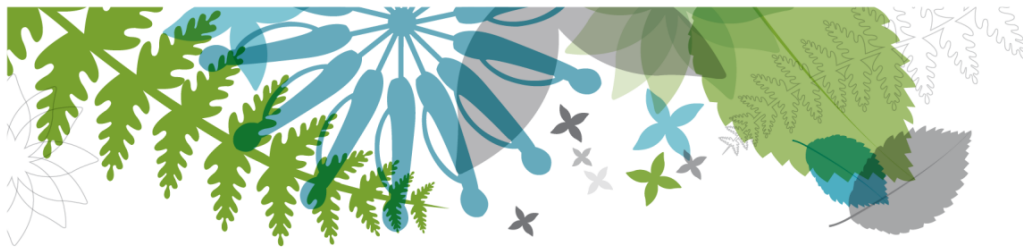
Nil

**Meeting Commenced at:** 1.02pm

### Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Nil			





Councillor Briefing Meeting 3 April 2024 (continued)		
Time	Item	Attendees
1.02pm – 2.52pm	1.2 - Budget Workshop #5 Cr Tosh-Jake Finnigan attended at 1.12pm	Xavier Flanagan Toni Uphill
2.52pm – 3.01pm	Break	
3.01pm – 3.32pm	1.3 - Bluewater Electrification Funding Models Cr Kate Hanson attended at 3.05pm	James Myatt
3.32pm	Meeting Closed	
FIO	Council managed land for consideration to host Electric Vehicle Charging Stations.	





## Informal Meeting of Councillors Record

### Pre-Council Meeting Preparation

**Date:** 27 March 2024

**Time:** 2.00pm

**Meeting Location:** Apollo Bay Bowls Club – Apollo Bay

<b>Invitees:</b>
Cr Max Arnott, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Anne Howard, Andrew Tenni, Doug McNeill, Ian Seuren,
<b>Attendees:</b>
Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Max Arnott, Anne Howard, Andrew Tenni, Doug McNeill, Ian Seuren, Kendrea Pope, Di Cornish, Blake Seth, Dylan Lake
<b>External attendees:</b>
Nil
<b>Apologies:</b>
Nil
<b>Absent:</b>
Cr Tosh-Jake Finnigan

**Meeting Commenced at:** 2.10pm

### Declarations of Interest:

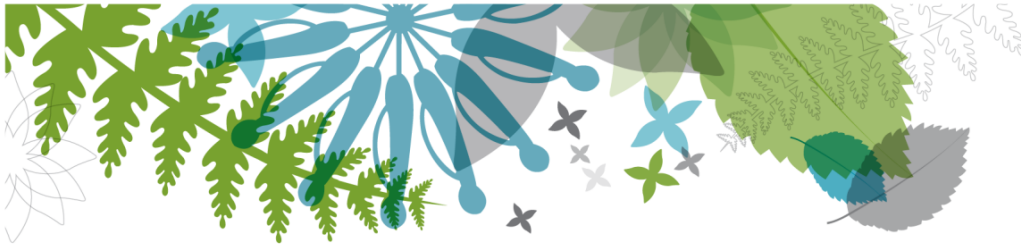
Name	Type of Disclosure	Item	Reason
Anne Howard	General	Item 9.4 - Proposed discontinuance of Road Reserve - 80a Hart Street Colac (Council Land)	General interest due to proximity of property to residence
Andrew Tenni	General	Item 9.4 - Proposed discontinuance of Road Reserve - 80a Hart Street Colac (Council Land)	General interest due to proximity of property to residence





Pre Council Meeting – 27 March 2024 (continued)		
Time	Item	Attendees
2.21pm – 2.49pm	9.1 - Marengo Beacon Reinstatement	
2.49pm – 2.50pm	9.2 - Project Budget Adjustments and Cash Reserve Transfers - March 2024	
2.50pm – 2.59pm	9.3 - Quarter 2 Performance Report against 2023-2024 Annual Plan	
2.59pm – 3.05pm	9.4 - Proposed discontinuance of Road Reserve - 80a Hart Street Colac (Council Land)	
3.05pm -	9.5 - Award of Contract 2410 - Barham River Road Landslip Rehabilitation - 6 Sites	
	9.6 - Award of Contract 2413 - Wild Dog Road Landslip Rehabilitation - 9 Sites	
	9.7 - Award of Contract 2415 - Wild Dog Road Landslip Rehabilitation - 7 Sites	
	9.8 - Contract 2416 - Forest Street Pavement Rehabilitation (Wallace Street to Colanda Street) Colac	
	9.9 - Contract 2402 - Colac Aerodrome Lighting Works	
3.12pm	9.10 - Contract 2409 - Supply and Delivery of Two 9m Trucks	
3.12pm – 3.14pm	9.11 - Community Asset Committees - New Member - Apollo Bay Senior Citizens Centre	
3.14pm – 3.23pm	9.12 - Appointment of Community Representatives for the Ondit Quarry Consultative Committee <i>3.21pm – Kate Hudson attended the meeting</i>	
3.23pm -	9.13 - Proposed renaming of the Irrewillipe Public Hall and Recreation Reserve Community Asset Committee	
3.24pm	9.14 - Audit and Risk Committee - Unconfirmed Minutes - 14 March 2024	





3.24pm – 3.25pm	9.15 - Revocation of Authorised Officers under the Planning and Environment Act 1987	
3.25pm – 3.26pm	Delegate Report 10.1 Notice of Motion - Apollo Bay Foreshore Bush fire - Place of last resort	
3.26pm – 3.27pm	9.16 - Report of Informal Meeting of Councillors	
3.27pm – 3.28pm	Closed Session – Internal Audit Services	
3.28pm	Meeting Closed	





## Informal Meeting of Councillors Record

### Councillor Briefing

**Date:** 10 April 2024

**Time:** 12.00pm

**Meeting Location:** COPACC

<b>Invitees:</b>
Cr Max Arnott, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Anne Howard, Andrew Tenni, Doug McNeill, Ian Seuren,
<b>Attendees:</b>
Cr Graham Costin, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Cr Max Arnott, Anne Howard, Andrew Tenni, Doug McNeill, Ian Seuren, Xavier Flannagan, Toni Uphill
<b>External attendees:</b>
Nil
<b>Apologies:</b>
Nil
<b>Absent:</b>
Kate Hanson

**Meeting Commenced at:** 12.15pm

### Declarations of Interest:

Name	Type of Disclosure	Item	Reason





Councillor Briefing Meeting 10 April 2024 (continued)		
Time	Item	Attendees
12.15pm – 2.15pm	Budget Workshop #6 with working lunch <i>Break – 2.15pm – 2.34pm</i> <i>Cr Tosh-Jake Finnigan left at 2.34pm</i>	Xavier Flannagan Toni Uphill
2.34pm – 2.55pm	Expression of Interest Submissions - 69 McLachlan Street Apollo Bay	
2.55pm – 3.00pm	Council managed land for consideration to host electric vehicle charging station	
3.00pm	Meeting Closed	





## Informal Meeting of Councillors Record

### Pre Unscheduled Council Meeting Preparation

**Date:** 10 April 2024

**Time:** 3.00pm

**Meeting Location:** COPACC

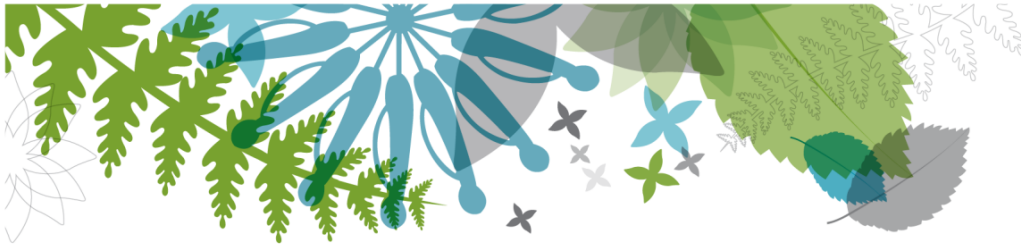
<b>Invitees:</b>
Cr Max Arnott, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Anne Howard, Andrew Tenni, Doug McNeill, Ian Seuren,
<b>Attendees:</b>
Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Cr Max Arnott, Anne Howard, Andrew Tenni, Doug McNeill, Ian Seuren, James Myatt
<b>External attendees:</b>
Nil
<b>Apologies:</b>
Nil
<b>Absent:</b>

**Meeting Commenced at:** 3.13pm

### Declarations of Interest:

Name	Type of Disclosure	Item	Reason





Pre-Unscheduled Council Meeting Preparation – 10 April 2024(continued)		
Time	Item	Attendees
3.13pm	Bluewater Electrification Funding Opportunity <i>3.23pm Cr Tosh-Jake Finnigan and Cr Kate Hanson attended the meeting</i>	James Myatt
3.33pm	Meeting Closed	



## CLOSED SESSION

### RECOMMENDATION

*That pursuant to the provisions of Section 66 of the Local Government Act 2020, the meeting be closed to the public and Council move into Closed Session in order to deal with:*

<b>SUBJECT</b>	<b>REASON</b>	<b>SECTION OF ACT</b>
<b><i>Minutes of the Closed Session Council Meeting held on &lt;&lt; day month year&gt;&gt;</i></b>	This matter deals with <<reason>>	Section 3 <<subsection>>
<b><i>&lt;&lt;Topic for discussion&gt;&gt;</i></b>	This matter deals with <<reason>>	Section 3 <<subsection>>