

Agenda

Ordinary Meeting of Council
Tuesday, 28 August 2018

To be held in the
Council Chambers
1 Merrijig Drive, Torquay

Commencing at 6.00pm

Council:

Cr David Bell (Mayor)
Cr Libby Coker
Cr Martin Duke
Cr Clive Goldsworthy
Cr Rose Hodge
Cr Carol McGregor
Cr Brian McKiterick (Leave of Absence)
Cr Margot Smith
Cr Heather Wellington (Leave of Absence)

AGENDA FOR THE ORDINARY MEETING OF SURF COAST SHIRE COUNCIL
TO BE HELD IN THE COUNCIL CHAMBERS, 1 MERRIJIG DRIVE, TORQUAY
ON TUESDAY 28 AUGUST 2018 COMMENCING AT 6.00PM

PRESENT:

OPENING:

Council acknowledge the traditional owners of the land where we meet today and pay respect to their elders past and present and Council acknowledges the citizens of the Surf Coast Shire.

PLEDGE:

As Councillors we carry out our responsibilities with diligence and integrity and make fair decisions of lasting value for the wellbeing of our community and environment.

APOLOGIES:

CONFIRMATION OF MINUTES:

Recommendation

That Council note the minutes of the Ordinary meeting of Council held on 24 July 2018, and the Special meeting of Council held on 14 August 2018, as correct records of the meetings.

LEAVE OF ABSENCE REQUESTS:

CONFLICTS OF INTEREST:

Note to Councillors and Officers

Declaration of Interest

Councillors and Officers please note that in accordance with Section 77A of the Local Government Act 1989, there is an obligation to declare a conflict of interest in a matter that could come before Council.

A conflict of interest can be a direct or indirect interest in a matter.

A person has a direct interest if:

There is a reasonable likelihood that the benefits, obligations, opportunities or circumstances of the person would be directly altered if the matter is decided in a particular way.

A person has an indirect interest if the person has:

- 1. A close association whereby a "family member" of the person has a direct or indirect interest or a "relative" or member of a person's household has a direct interest in a matter;*
- 2. An indirect financial interest in the matter;*
- 3. A conflicting duty;*
- 4. Received an "applicable" gift;*
- 5. Become an interested party in the matter by initiating civil proceedings or becoming a party to civil proceedings in relation to the matter; or*
- 6. A residential amenity affect.*

Disclosure of Interest

A Councillor or Officer must make full disclosure of a conflict of interest by advising the class and nature of the interest immediately before the matter is considered at the meeting. While the matter is being considered or any vote taken, the Councillor with the conflict of interest must leave the room and notify the Chairperson that he or she is doing so.

PRESENTATIONS:

PUBLIC QUESTION TIME:

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1. PETITIONS & JOINT LETTERS

Nil

2. RESPONSIBLE & PLANNING AUTHORITIES

2.1 Planning Scheme Amendment C123 and Planning Permit Application No. 17/0207 - 3-5 Loch Ard Drive Torquay

Author's Title: Principal Strategic Planner
Department: Strategic Planning
Division: Environment & Development

General Manager: Ransce Salan
File No: F17/978
Trim No: IC18/1287

Appendix:

1. Draft Section 173 Agreement (D18/99711)
2. Revised Draft Planning Permit 17/0207 (D18/99713)

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 – Section 80C:

Yes

No

Reason: Nil

Status:

Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c):

Yes

No

Reason: Nil

Purpose

The purpose of this report is to update Council on the status of Planning Scheme Amendment C123 and Planning Permit Application No.17/0207 in accordance with the Council resolution on 26 June 2018, and to resolve on the next steps.

Summary

Combined Planning Scheme Amendment C123 and Planning Permit Application No.17/0207 seeks to rezone land at 3-5 Loch Ard Drive, Torquay from General Residential Zone to Commercial 1 Zone and remove the Design and Development Overlay Schedule 21 to facilitate the development of the land for four commercial premises, an upper level dwelling and associated car parking adjacent to the existing local shopping centre.

Council considered submissions to the amendment and permit application on 12 December 2017. Three submissions from adjoining landowners objected to the proposal. At that meeting, Council resolved to defer a decision to enable the proponent to investigate options for a modified proposal with restricted commercial uses/offices and a dwelling with a lower height to reduce amenity and visual impacts on adjoining residential properties.

The proponent subsequently offered to enter into a section 173 agreement restricting future uses on the land (to exclude take away food premises and convenience restaurants) and to restrict the height of the dwelling to no greater than 7.5 metres above natural ground level through a permit condition.

This position was reported to Council at the Council meeting on 26 June 2018, at which Council resolved to require officers to prepare and circulate the draft section 173 agreement and revised draft planning permit to all submitters with an invitation to withdraw, amend or add to their submission based on the changes and to report the outcome back to a future Council meeting no later than 31 August 2018.

The three submitters who objected to the proposal were notified of the changes and were given a period of two weeks to respond. One additional submission was received, with continued objection to the proposal.

Recommendation

That Council:

1. Receives and note the submissions received to Planning Scheme Amendment C123 and Planning Permit Application No.17/0207, including the additional submission received.
2. Requests the Minister for Planning to appoint an independent Panel pursuant to Part 8 of the Planning and Environment Act 1987 to consider all submissions.
3. Endorses the amended draft planning permit and section 173 agreement to present to the Panel.

2.1 Planning Scheme Amendment C123 and Planning Permit Application No. 17/0207 - 3-5 Loch Ard Drive Torquay

Report

Background

Combined Planning Scheme Amendment C123 and Planning Permit Application No. 17/0207 seeks to rezone land at 3-5 Loch Ard Drive, Torquay from General Residential Zone (GRZ) to Commercial 1 Zone (C1Z) and remove the Design and Development Overlay Schedule 21 (DDO21) to facilitate the development of the land for four commercial premises, an upper level dwelling and associated car parking. The proposal is a small expansion to the existing local shopping centre in Loch Ard Drive. The maximum height of the development proposed was 9.2 metres to the top of the skillion roof of the upper level dwelling.

Following public exhibition of the combined amendment and permit application in October-November 2017, Council considered submissions on 12 December 2017. Three submissions from adjoining landowners objected to the proposal. At that meeting, Council resolved to defer a decision to enable the proponent to investigate options for a modified proposal with restricted commercial uses/offices and a dwelling with a lower height to reduce amenity and visual impacts on adjoining residential properties.

The proponent subsequently offered to enter into a section 173 agreement restricting future uses on the land (to exclude take away food premises and convenience restaurants) and to restrict the height of the dwelling to no greater than 7.5 metres above natural ground level through a permit condition.

This position was reported to Council at the Council meeting on 26 June 2018, at which Council resolved to:

1. Require the landowner of 3-5 Loch Ard Drive, Torquay to enter into an agreement under section 173 of the *Planning and Environment Act 1987* to exclude take away food premises and convenience restaurants from being established on the land.
2. Amend the draft planning permit to restrict the height of the dwelling to no greater than 7.5 metres above ground level.
3. Circulate the draft section 173 agreement and revised draft planning permit to all submitters with an invitation to withdraw, amend or add to their submission based on the changes within two weeks.
4. Report any withdrawn, amended or additional submissions received following the two week period to a future Council meeting no later than 31 August 2018.

A section 173 agreement has been drafted by Harwood Andrews and the draft planning permit has been amended to include an additional condition in relation to the building height (refer to Appendix 1 and 2). The permit has also been amended to delete the waiving of loading requirements in the permit pre-ambles as Clause 52.07 has been deleted from the Victorian Planning Provisions (VPP) and the Surf Coast Planning Scheme following state-wide amendment VC142, which introduced a range of reforms to the VPP.

The three submitters who objected to the proposal were notified of the changes and were given a period of two weeks to withdraw, amend or add to their submission.

Summary of Submissions

A total number of one additional submission was received, summarised as follows:

No.	Submitter	Position	Summary of Submission	Officer Response
1.	Adjoining Landowner	Objection	Although the changes are a minor improvement, continues to fundamentally oppose the rezoning and commercial development due to its incompatibility with the residential character of the neighbourhood and range of amenity impacts.	Noted

2.1 Planning Scheme Amendment C123 and Planning Permit Application No. 17/0207 - 3-5 Loch Ard Drive Torquay

Discussion

No submissions have been withdrawn and the three objecting submissions remain unresolved. As none of the submissions have been resolved, Council, should it wish to progress the amendment, will need to request the Minister for Planning to appoint an independent panel to consider all submissions.

Financial Implications

This is a private planning scheme amendment request that is funded by the proponent.

Council Plan

Theme 3 Balancing Growth

Objective 3.2 Ensure infrastructure is in place to support existing communities and provide for growth

Strategy Nil

Theme 4 Vibrant Economy

Objective 4.1 Support the creation and retention of jobs in existing and new businesses to meet the needs of a growing community

Strategy 4.1.4 Plan for industrial and commercial zones in growing communities

Theme 5 High Performing Council

Objective 5.2 Ensure that Council decision-making is balanced and transparent and the community is involved and informed

Strategy Nil

Policy/Legal Implications

In accordance with Section 23 of the Planning and Environment Act 1987, after considering a submission that requests a change to the amendment Council must:

- (a) change the amendment in the manner requested; or
- (b) refer the submission to a panel appointed under Part 8; or
- (c) abandon the amendment or part of the amendment.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

There are no risks to Council associated with referring the submissions to a panel. An independent panel hearing will enable all submissions to be objectively evaluated prior to Council making a final decision on the amendment. Following receipt and consideration of the panel report, Council has the authority to adopt, change or abandon the amendment.

Social Considerations

The submissions received raise a number of matters which may be classed as social impacts, including the visual impact of the development and amenity impacts such as noise, overlooking and overshadowing.

The proposal is expected to have a number of social benefits, including direct and indirect employment opportunities, a modest contribution to the economic growth of Torquay, provision of an increased offer of retail and commercial services within a local catchment, and provision of commercial spaces for local businesses.

Community Engagement

The amendment and permit application were placed on public exhibition from 12 October to 13 November 2017.

Environmental Implications

The site does not contain any environmental assets and is not subject to any environmental hazards.

2.1 Planning Scheme Amendment C123 and Planning Permit Application No. 17/0207 - 3-5 Loch Ard Drive Torquay

Communication

All submitters were invited to attend and present at the Hearing of Submissions Committee meeting held on 5 December 2017. Submitters will be advised of Council's resolution and will receive correspondence from Planning Panels Victoria should a panel be appointed.

Options

Option 1 – That Council refer the submissions to an independent Panel appointed by the Minister for Planning

This option is recommended by officers to enable the submissions to be objectively considered and the merits of the amendment and permit application to be evaluated.

Option 2 – That Council abandon the amendment

This option is not recommended by officers as the merits of the amendment and permit application would not be able to be further tested.

Option 3 – That Council change the amendment in the manner requested by submitters

This option is not recommended by officers as the submissions object to the rezoning and changing the amendment in the manner requested would be akin to abandoning the amendment.

Conclusion

As none of the objecting submissions have been withdrawn, it is recommended that Council request the Minister for Planning to appoint an independent Panel pursuant to Part 8 of the Planning and Environment Act 1987 to consider all submissions and the merits of the application.

2.1 Planning Scheme Amendment C123 and Planning Permit Application No. 17/0207 - 3-5 Loch Ard Drive Torquay

APPENDIX 1 DRAFT SECTION 173 AGREEMENT



**SECTION 173 AGREEMENT
PLANNING AND ENVIRONMENT ACT 1987**

SURF COAST SHIRE COUNCIL
Council

- and -

GELD INVESTMENTS PTY LTD
ACN 081 089 518
Registered Land Owner

in relation to land at:
3-5 Loch Ard Drive, Torquay, Vic, 3228

5AJS:21804463

Harwood Andrews
ABN 98 076 868 034
70 Gheninghap Street,
Geelong 3220, Victoria, Australia
DX 22019 Geelong
PO Box 101 Geelong Vic 3220

T 03 5225 5225 F 03 5225 5222

THIS AGREEMENT is made the _____ day of _____

PARTIES:

1. **Surf Coast Shire Council** of 1 Merrijig Drive, Torquay, Vic, 3228
(Council)
2. **GELD INVESTMENTS PTY LTD ACN 081 089 518** of C/o Frank Palermo 246 Hope Street
Brunswick West, Vic, 3055
(Owner)

RECITALS:

- R.1. The Owner is the registered proprietor of the land known as 3-5 Loch Ard Drive Torquay, 3228, Lot S2 on Plan of Subdivision 410328D, being the land described in Certificate of Title Volume 10536 Folio 294 (**Land**).
- R.2. The Owner is also the Proponent of Amendment C123 (**the Amendment**) to the Planning Scheme.
- R.3. Council is the Planning Authority for the Amendment.
- R.4. The Amendment is a combined planning permit application and planning scheme amendment.
- R.5. The Amendment proposes to:
 - a. Rezone the Land from General Residential Zone Schedule 1 to the Commercial 1 Zone.
 - b. Delete Schedule 21 to Clause 43.02 Design and Development Overlay from the Land.
- R.6. The planning permit application seeks approval for buildings and works associated with the construction of four commercial premises and a dwelling.
- R.7. The Amendment was placed on exhibition between 12 October 2017 and 13 November 2017.
- R.8. Council considered submissions regarding the Amendment at its meeting held 12 December 2017 and resolved to defer a decision on the Amendment to allow the Proponent to investigate a modified proposal.
- R.9. The Proponent has offered to enter into this Agreement to prohibit the use of the Land for a take away food premises and/or convenience restaurant.
- R.10. Council considered the Amendment at its meeting held 26 June 2018 and resolved:

That Council:

1. Require the landowner of 3-5 Loch Ard Drive, Torquay to enter into an agreement under section 173 of the Planning and Environment Act 1987 to exclude take away food premises and convenience restaurants from being established on the land.
2. Amend the draft planning permit to restrict the height of the dwelling to no greater than 7.5 metres above ground level.
3. Circulate the draft section 173 agreement and revised draft planning permit to all submitters with an invitation to withdraw, amend or add to their submission based on the changes within two weeks.
4. Report any withdrawn, amended or additional submissions received following the two week period to a future Council meeting no later than 31 August 2018

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- R.11. The Owner and Council voluntarily enter into this Agreement to prohibit the use of the Land for a take away food premises and/or convenience restaurant and to achieve and advance the objectives of planning in Victoria.
- R.12. The Land is subject to registered mortgage numbers W587837U and AG232097N in favour of the Commonwealth Bank of Australia, which mortgagee, as evidenced by its consent on the attestation pages, consents to this Agreement.

IT IS AGREED AS FOLLOWS:

1. DEFINITIONS

In this Agreement unless inconsistent with the context or subject matter:

- 1.1. **Act** means the *Planning and Environment Act 1987* (Vic).
- 1.2. **Agreement** means this Agreement and any agreement executed by the parties varying or expressed to be supplemental to this Agreement.
- 1.3. **Amendment** means Amendment C123 to the Planning Scheme and planning permit application 17/0207 made pursuant to section 96A of the Act.
- 1.4. **Council** means Surf Coast Shire Council in its capacity as:
- 1.4.1. the authority responsible for administering and enforcing the Planning Scheme;
 - 1.4.2. the planning authority for the Amendment; and
 - 1.4.3. a municipal council within the meaning of the *Local Government Act 1989* (Vic),

and includes its agents, officers, employees, servants, workers and contractors and any subsequent person or body which is the responsible authority or municipal council.

1.5. **Current Address for Service**

- 1.5.1. for Council means the address shown under the heading "Parties" in this Agreement, or any other principal office address listed on the website of Council; and
- 1.5.2. for the Owner means the address shown under the heading "Parties" in this Agreement or any other address provided by the Owner to Council for any purpose or purposes relating to the Land.

1.6. **Current Email Address for Service**

- 1.6.1. for Council means info@surfcoast.vic.gov.au, or any other email address listed on the website of Council; and
- 1.6.2. for the Owner means any email address provided by the Owner to Council for the express purpose of electronic communication regarding this Agreement.

1.7. **Current Number for Service**

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- 1.7.1. for Council means 03 5261 0525, or any other facsimile number listed on the website of Council; and
- 1.7.2. for the Owner means any facsimile number provided by the Owner to Council for the express purpose of facsimile communication regarding this Agreement.
- 1.8. **Land** means the land described in Recital R.1 and any reference to the Land includes any lot created by the subdivision of the Land or any part of it.
- 1.9. **Mortgagee** means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the Land or any part of it.
- 1.10. **Owner** means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as the proprietor or proprietors of an estate in fee simple of the Land or any part of it, and includes a Mortgagee in possession.
- 1.11. **Owner's Obligations** means the covenants, promises, agreements, indemnities, undertakings and warranties given by the Owner under this Agreement including the specific obligations imposed under clause 3.
- 1.12. **party** or **parties** means the Owner and Council under this Agreement as appropriate.
- 1.13. **Planning Scheme** means the Surf Coast Planning Scheme and any successor instrument or other planning scheme which applies to the Land.
- 1.14. **Proponent** means GELD INVESTMENTS PTY LTD ACN 081 089 518.

2. INTERPRETATION

In the interpretation of this Agreement unless inconsistent with the context or subject matter:

- 2.1. The singular includes the plural and the plural includes the singular.
- 2.2. A reference to a gender includes a reference to all other genders.
- 2.3. Words (including defined expressions) denoting persons will be deemed to include all trusts, bodies and associations, corporate or unincorporated, and vice versa.
- 2.4. A reference to a person includes a reference to a firm, corporation, association or other entity and their successors in law.
- 2.5. A reference to a statute includes any statute amending, consolidating or replacing that statute and includes any subordinate instruments made under that statute.
- 2.6. The Recitals to this Agreement are and will be deemed to form part of this Agreement including any terms defined within the Recitals.
- 2.7. References to the parties will include their transferees, heirs, assigns, and liquidators, executors and legal personal representatives as the case may be.
- 2.8. Reference to a document or agreement includes reference to that document or agreement as changed, novated or replaced from time to time.
- 2.9. Where a word or phrase is given a definite meaning in this Agreement, a part of speech or other grammatical form for that word or phrase has a corresponding meaning.

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- 2.10. Where a word or phrase is not defined in this Agreement, it has the meaning as defined in the Act, or, if it is not defined in the Act, it has its ordinary meaning.

3. SPECIFIC OBLIGATIONS OF THE OWNER

The Owner agrees with Council that the Land must not be:

- 3.1. used or developed for a take away food premises and/or convenience restaurant, or
- 3.2. used for a different use that includes as an ancillary component activities in the nature of take away food premises or convenience restaurant.

4. FURTHER COVENANTS OF THE OWNER

The Owner warrants and covenants with Council that:

- 4.1. It is the registered proprietor (or entitled to be so) of the Land.
- 4.2. Save as shown in the certificate of title to the Land, there are no mortgages, liens, charges, easements or other encumbrances or any rights inherent in any person affecting the Land or any part of it and not disclosed by the usual searches.
- 4.3. Neither the Land nor any part of it is subject to any right obtained by adverse possession or subject to any easements, rights or encumbrances mentioned in section 42 of the *Transfer of Land Act 1958 (Vic)*.
- 4.4. It will not sell, transfer, dispose of, assign, mortgage or otherwise part with possession of the Land or any part of it without first providing to its successors a copy of this Agreement.
- 4.5. It will within 28 days of written demand pay to Council the Council's reasonable costs (including legal or other professional costs) and expenses of and incidental to the:
- 4.5.1. negotiation, preparation, execution and recording of this Agreement;
- 4.5.2. assessment, negotiation, preparation, execution and recording of any proposed amendment to this Agreement; and
- 4.5.3. determination of whether any of the Owner's obligations have been undertaken to the satisfaction of Council or to give consent to anything under this Agreement.

To the extent that such costs and expenses constitute legal professional costs, Council may at its absolute discretion have these costs assessed by the Law Institute of Victoria and in that event the parties will be bound by the amount of that assessment, with any fee for obtaining such an assessment being borne equally by Council and the Owner. Such costs payable by the Owner will include the costs and disbursements associated with the recording, cancellation or alteration of this Agreement in the Register.

- 4.6. It will do all that is necessary to enable Council to make application to the Registrar of Titles to record this Agreement in the Register in accordance with the Act, including the signing of any further agreement, acknowledgment or other document.
- 4.7. Until such time as this Agreement is recorded in the Register, the Owner must ensure that successors in title will give effect to this Agreement, and do all acts and sign all documents which will require those successors to give effect to this

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Agreement, including executing a deed agreeing to be bound by the terms of this Agreement.

5. FURTHER ASSURANCE

The parties to this Agreement will do all things necessary (including signing any further agreement, acknowledgement or document) to give full effect to the terms of this Agreement and to enable this Agreement to be recorded in the Register in accordance with the Act.

6. AMENDMENT

This Agreement may be amended only in accordance with the requirements of the Act.

7. NO WAIVER

No waiver by any party of any default in the strict and literal performance of or compliance with any provision, condition or requirement in this Agreement will be deemed to be a waiver of strict and literal performance of and compliance with any other provision, condition or requirement of this Agreement nor to be a waiver of or in any way release any party from compliance with any provision, condition or requirement in the future nor will any delay or omission of any party to exercise any right under this Agreement in any manner impair the exercise of such right accruing to it thereafter.

8. NO FETTERING OF POWERS OF COUNCIL

The parties acknowledge and agree that this Agreement does not fetter or restrict the power or discretion of Council to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision applicable to the Land or relating to any use or development of the Land.

9. INTEREST ON OVERDUE MONEYS

Any amount due under this Agreement but unpaid by the due date incurs interest at the rate prescribed under section 227A of the *Local Government Act 1989 (Vic)* and any payment made shall be first directed to payment of interest and then principal amount owing.

10. NOTICES

All notices and other communications under this Agreement will be sent by prepaid mail, by hand delivery, email or by facsimile to the Current Addresses for Service, Current Email Address for Service or Current Number for Service of the parties, and may be sent by an agent of the party sending the notice. Each notice or communication will be deemed to have been duly received:

- 10.1. not later than two business days after being deposited in the mail with postage prepaid;
- 10.2. when delivered by hand;
- 10.3. if sent by email, at the time of receipt in accordance with the *Electronic Transactions (Victoria) Act 2000 (Vic)*; or
- 10.4. if sent by facsimile transmission upon completion of that transmission and production of a transmission report stating that the facsimile was sent to the addressee's facsimile number.

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11. COSTS ON DEFAULT

If the Owner defaults in the performance of any obligations under this Agreement it will pay to Council its reasonable costs of action taken to achieve compliance with this Agreement.

12. INVALIDITY OF ANY CLAUSE

Notwithstanding anything to the contrary in this Agreement, if any provision of this Agreement will be invalid and not enforceable in accordance with its terms, all other provisions which are self-sustaining and capable of separate enforcement without regard to the invalid provisions will be and continue to be valid and enforceable in accordance with those terms.

13. AGREEMENT BINDING ON SUCCESSORS OF OWNERS

This Agreement will extend to and bind the Owner's successors, assigns, administrators, transferees and legal personal representatives and the obligations imposed upon them will also be binding on their successors, transferees, purchasers, mortgagees and assigns as if each of them had separately executed this Agreement.

14. JOINT OBLIGATIONS

In the case of each party that consists of more than one person (including in that expression any corporation) each of those persons covenants, agrees and declares that all of the covenants, agreements, declarations and consents contained in this Agreement and made and given by that party have been entered into, made and given and are binding upon that person both severally and also jointly with the other person or persons constituting that party.

15. ENTIRE AGREEMENT

This Agreement constitutes the entire agreement between the parties in connection with its subject matter and supersedes all previous agreements or understandings between the parties in connection with its subject matter.

16. COMMENCEMENT AND ENDING OF AGREEMENT

16.1. This Agreement will commence:

16.1.1. on the date that it bears; or

16.1.2. if it bears no date, on the date it is recorded in the Register.

16.2. This Agreement will end:

16.2.1. by agreement between the parties;

16.2.2. if Council abandons the Amendment;

16.2.3. if the Amendment lapses; or

16.2.4. otherwise in accordance with the provisions of the Act.

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EXECUTED AS A DEED

Signed on behalf of the Surf Coast Shire Council
by the Chief Executive Officer under delegation
in the presence of:

.....

.....
Witness

EXECUTED by GELD INVESTMENTS PTY LTD
ACN 081 089 518 in accordance with Section
127 of the Corporations Act 2001:

.....
Director

.....
Director/Secretary

.....
Full Name

.....
Full Name

.....
Address

.....
Address

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MORTGAGEE CONSENT

Commonwealth Bank of Australia as Mortgagee under Instrument of Mortgage No.'s W587837U and AG232097N consents to the Owner entering into this Agreement and agrees to be bound by the terms and conditions of this Agreement.

DATED:

Executed for and on behalf of

Commonwealth Bank of Australia

**2.1 Planning Scheme Amendment C123 and Planning Permit Application No. 17/0207 - 3-5
Loch Ard Drive Torquay**

APPENDIX 2 REVISED DRAFT PLANNING PERMIT 17/0207

Planning and Environment Regulations 2015 - Form 9. Section 96J

PLANNING PERMIT

GRANTED UNDER SECTION 96I OF THE
PLANNING AND ENVIRONMENT ACT 1987

Permit No.: 17/0207

Planning scheme: Surf Coast Planning Scheme

Responsible authority: Surf Coast Shire

ADDRESS OF THE LAND: 3-5 LOCH ARD DRIVE, TORQUAY (LOT S2 ON PS410328D)

THE PERMIT ALLOWS: BUILDINGS AND WORKS ASSOCIATED WITH THE CONSTRUCTION OF FOUR COMMERCIAL PREMISES AND A DWELLING ~~AND WAIVING OF THE LOADING REQUIREMENTS OF CLAUSE 52.07~~ IN ACCORDANCE WITH THE ENDORSED DOCUMENTS

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended plans

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) The height of the dwelling reduced to no more than 7.5 metres above natural ground level;
 - a)b) The location of external storage and waste disposal/collection areas;
 - b)c) Details of public litter bins to be installed including both general waste and recyclables;
 - e)d) The location of external plant and equipment, including but not limited to service units for heating, cooling and hot water, solar panels, service shafts, ventilation systems, which are to be located and designed so as not to be visually prominent from the public realm or neighbouring properties;
 - d)e) A schedule of all external materials, finishes and colours.

Landscaping

2. Before the development starts, a Landscape Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) Site and building boundaries (at ground level) and any existing or proposed services or easements;
 - b) Details of surface finishes of pathways, accessways and car parking areas;

Date issued:

Date permit comes into
operation:

(or if no date is specified, the permit
comes into operation on the same day as
the amendment to which the permit
applies comes into operation)

Signature for the responsible
authority:

Permit No.:

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- c) Details of proposed planting and landscaping works;
- d) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
- e) The location of street trees that may be impacted by the proposed vehicle crossing and replacement of any tree removed with the same species;

All landscaping, including plant species selected, must be to the satisfaction of the responsible authority.

- 3. Prior to the occupation of the development, or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the responsible authority. All landscaping within the site must thereafter be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

Acoustic Report

- 4. Before the development starts, a qualified acoustic expert must prepare an acoustic report and a copy must be provided to the responsible authority, that details the noise attenuation measures required to all habitable rooms within the proposed dwelling to ensure minimal impacts from noise sources external to the dwelling. The recommendations of the acoustic report must be approved by Council in writing and once approved implemented to the satisfaction of the responsible authority prior to the completion of the development.
- 5. Within one (1) month of the occupation of the commercial premises, acoustic testing shall be undertaken by a suitably qualified professional to assess compliance with the requirements of the endorsed acoustic report required by condition 4, the Guidelines: Noise from Industry in Regional Victoria, EPA Publication 1411 and State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2). The assessment shall be provided to the responsible authority within one (1) month of completion of testing and shall include recommendations, if required, to achieve compliance. Any rectification recommendations must be implemented to the satisfaction of the responsible authority within one (1) month of the responsible authority's approval of the acoustic testing, unless an alternative timeframe is agreed in writing with the responsible authority.

Construction Management Plan

- 6. Before the development starts, a Construction Management Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must address the following matters:
 - a) Details as to how traffic and pedestrian safety and amenity will be controlled within the vicinity of the land and its surrounds;
 - b) Measures to minimise the impact of construction vehicles arriving at, queuing, and departing from the land;
 - c) Measures to accommodate the private vehicles of workers/tradespersons;
 - d) Details of the location of all construction equipment and facilities, including delivery points, storerooms, toilets, temporary offices and workers' facilities;

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
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Planning and Environment Regulations 2015 - Form 9. Section 96J

- e) Noise attenuation measures to be put in place to protect the amenity of nearby residents during construction having regard to the EPA Guidelines on Construction and Demolition Noise;
- f) Measures to minimise the generation and dispersal of dust;
- g) Details of a 24 hour hotline for access to a contact person or project manager accountable for the project and compliance with CMP;
- h) Arrangements for waste collection and other services to be provided during construction.

All works on the site must be carried out in accordance with the endorsed Construction Management Plan to the satisfaction of the responsible authority. The developer shall take all reasonable action necessary to protect adjoining residents and commercial tenants from dust, rubbish and undue noise during the construction stage.

Waste Management

7. Before the development starts, a Waste Management Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must address the following matters:
- a) Details of the storage and collection of waste, including the location of bins and the method, timing and frequency of collection;
 - b) All bins and receptacles shall be maintained in a clean and tidy condition, kept free from offensive odour and adequately covered to minimise dispersal of material by wind or water and vermin and pest/insect access;
 - c) No garbage bin or waste materials generated by the commercial uses at the site shall be deposited or stored outside the site and bins must be returned to the waste storage area/s as soon as practicable after waste collection.

The storage and collection of waste from the property must thereafter be undertaken in accordance with the endorsed Waste Management Plan to the satisfaction of the Responsible Authority.

Car parking and access

8. Before the occupation of the development, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be constructed to the satisfaction of the responsible authority by being:
- a) properly formed to such levels that they can be used in accordance with the plans
 - b) surfaced with an all-weather-seal coat
 - c) drained
 - d) line marked to indicate each car space and all access lanes
 - e) clearly marked to show the direction of traffic along access lanes and driveways

to the satisfaction of the responsible authority.

Car spaces, access lanes and driveways shall be maintained to the satisfaction of the responsible authority and must be kept available for these purposes at all times.

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
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9. The following requirements shall apply to vehicle crossings and driveways that shall be constructed to the satisfaction of the responsible authority:
- a) Vehicle crossings shall be constructed in reinforced concrete or other approved material;
 - b) New vehicle crossings to suit the proposed driveways shall be constructed;
 - c) Pathways shall be replaced with a section capable of sustaining traffic loadings where vehicle crossings are constructed or relocated;
 - d) A "Non-Utility – Minor Works" permit shall be obtained from the Coordinating Road Authority defined in the Roads Management Act 2004 prior to any works being undertaken in road reserves.

Loading and unloading of vehicles

10. The loading and unloading of goods from vehicles must only be carried out on the land or from designated public loading bays, unless otherwise approved by the responsible authority in writing.

Plant

11. No plant, equipment, services and substations other than those shown on the endorsed plans are permitted without the prior written consent of the responsible authority. All plant and equipment must be installed and located so that it does not adversely affect the amenity of the area due to the emission of noise to the satisfaction of the responsible authority.

Lighting

12. All outdoor lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.

Security alarm

13. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and be connected to a registered security service.

Developer Contributions

14. A Development Infrastructure Levy must be paid to the Collecting Agency (Surf Coast Shire Council) based on the net change in demand units in accordance with the provisions of the incorporated Torquay – Jan Juc Development Contributions Plan applying to the land.

Note: The Development Infrastructure Levy amount required to be paid will be adjusted annually on 1 July each year to cover inflation, by applying the Building Price Index June Quarter for Melbourne in Rawlinsons Australian Construction Handbook.

Endorsed plans

15. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

Date issued:

Date permit comes into operation:
(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

Signature for the responsible authority:

Permit No.:

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Expiry of Permit

16. This permit will expire if one of the following circumstances applies:

- The development is not started within two years of the date of this permit
- The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the period for commencement of the development if a request is made in writing before the permit expires or within six months afterwards.

The Responsible Authority may extend the period in which the development must be completed if the request for an extension of time is made in writing within twelve months after the permit expires and the development or stage started lawfully before the permit expired.

Date issued:

Date permit comes into operation:

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

Signature for the responsible authority:

Permit No.:

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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. C123 to the Surf Coast Planning Scheme.

WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.

3. OFFICE OF THE CEO

Nil

4. GOVERNANCE & INFRASTRUCTURE

4.1 Consultation About the Status of Coalmine Road, Anglesea

Author's Title: Manager Engineering Services

General Manager: Anne Howard

Department: Engineering Services

File No: F18/1038

Division: Governance & Infrastructure

Trim No: IC18/1316

Appendix:

1. Coalmine Road - Community Engagement Summary (D18/102797)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to seek Council's direction regarding its consideration of re-opening Coalmine Road, Anglesea, following its reconstruction by Alcoa as part of the mine rehabilitation plans.

Summary

Coalmine Road, Anglesea, has been closed to the public for about ten years due to its proximity to the wall of the Alcoa mine pit. As part of its mine rehabilitation works Alcoa is obliged to reconstruct Coalmine Road on a new alignment. This could enable the road to be re-opened to the public.

Council considered the matter of re-opening Coalmine Road at its Ordinary meeting on 24 April 2018. It resolved, amongst other things, to consult with the community prior to deciding whether the road should be re-opened or remain closed to the public.

While Council has not commenced any consultation about this matter yet, it is already evident that there are a range of views in the community. This report presents a proposed consultation plan through which Council could explore the communities' views about this matter. The plan aims at eliciting views of the impacts on the community that any alteration to the existing arrangements may have. This report also considers the most appropriate time for this consultation to be undertaken.

Recommendation

That Council:

1. Provides in-principle support for the draft Coalmine Road Re-opening Consultation Plan attached to this report.
2. Affirms that the most appropriate time to consult with the community about whether Coalmine Road, Anglesea, should be re-opened is when a future use for the Alcoa mine and surrounds is identified.
3. Advises Alcoa and other road authorities that Coalmine Road, Anglesea, should remain closed to the public after reconstruction.

4.1 Consultation About the Status of Coalmine Road, Anglesea

Report

Background

Coalmine Road, Anglesea was closed about 10 years ago due to the proximity of the road to the mine face. With the mine now closed are required to rehabilitate the site and as part of this rehabilitation plan Alcoa is required to reinstate Coalmine Road, Anglesea. At the ordinary meeting of Council in April 2018 it resolved that Council would consult in conjunction with other road authorities the views and the impacts on the community.

Discussion

Council at its Ordinary Meeting of Council held on 24 April 2018 considered a report on the amendment of Council's submission to the Anglesea Draft Land Use Plan and the Alcoa Freehold Draft Concept Master Plan. As part of this submission, consideration was given to the realignment and re-establishment of Coalmine Road, Anglesea, adjacent to the coal mine.

Council resolved to undertake consultation of the affected communities before making considering the matter further. The consultation process should seek the communities input on the impacts or benefits any future reopening of the road or any impacts or benefits that may be achieved if the road remained closed.

Council recognises that another road (Messmate Track) in the area may be impacted on in the future, but this road is managed by DELWP and has not been considered as part of this process.

This Council is only one road authority that has management over this section of road and Council would need to seek some feedback from DELWP as the other road authority on the future of this road.

Consultation would be open for three weeks and at the end of this process a report would be provided to council on the feedback from the community, road authorities and emergency services.

While Council has not commenced any consultation about this matter yet, it is already evident that there are a range of views in the community. What has become apparent is that an important issue is not able to be understood at this time – what role the road may have in the future use of the mine site.

For Council to consider the matter in advance of knowing this important direction may be premature. Given that the road has been closed for a number of years and there are no other changes in the network at this time there is no urgency to change the status quo, other than Alcoa needing a direction at the completion of their works.

While the question can be presented simply as “does Council want Coalmine Road re-opened after reconstruction?” the reality is that there are a range of considerations and concerns in the community. Therefore it is best to consider the matter when essential information is available such as the future of the coalmine. The recommendation of this report reflects this situation.

Financial Implications

There are no immediate financial implications of this recommendation. Consultation will be undertaken within existing budgets. There is however no funding allocated for any further study activities if and when they are required.

Council Plan

Theme 3 Balancing Growth

Objective 3.2 Ensure infrastructure is in place to support existing communities and provide for growth

Strategy 3.2.6 Advocate for supporting infrastructure

Theme 5 High Performing Council

Objective 5.2 Ensure that Council decision-making is balanced and transparent and the community is involved and informed

Strategy 5.2.2 Evolve our community engagement approach to inform strategic Council direction and decision-making

4.1 Consultation About the Status of Coalmine Road, Anglesea

Policy/Legal Implications

There are no policy or legislative requirements associated with this recommendation.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

Council's reputation as an organisation that listens to its community will be reinforced through this recommendation.

Social Considerations

There are no direct impacts on the community or specific community groups in terms of safety, security, education, health or recreation as a result of implementing the recommendation in this report.

Officers have considered the social implications with regard to the timing of the consultation to occur and feel that to undertake consultation now when there is no apparent imperative is unhelpful to the community. It may also need to be reviewed again in a few years when the future mine use is known and put the community through difficult conversations twice. This has been considered in the formulation of the recommendation.

Community Engagement

The purpose of this report is to determine the level of consultation with the community on the future of Coalmine Road, Anglesea.

Environmental Implications

There are no direct environmental impacts that would result from this consultation process.

Communication

Community stakeholders, emergency services and road authorities will be informed of the consultation process.

Options

Option 1 – Make a decision about Coalmine Road without consulting the community

This option is not recommended by officers. It is inconsistent with a resolution of Council and contrary to its community engagement principles and practices. It is important the communities' views are understood about matters that effects them and so there is a need to consult before a re-opening of the road can be considered.

Option 2 – Endorse the plan and commence the consultation

This option is not recommended by officers. While the consultation plan is sound the timing of the consultation is important. It is the view of officers that there is no imperative to change the current road network arrangements at this time and that it is important to know the future use of the mine site so that a more informed decision can be made.

Option 3 – Endorse the consultation plan and undertake consultation in the future

This option is recommended by officers.

Endorsement of the consultation plan at this time is of value because it clearly demonstrates the commitment by Council to consult with the community and sets out transparently what form the consultation will take. However, the implementation of the consultation plan is best undertaken when the future use of the mine is known.

Conclusion

This report and its recommendations seek to provide the community with confidence that it will be consulted about the future of Coalmine Road, Anglesea, but a time when important information is available to Council and the community.

4.1 Consultation About the Status of Coalmine Road, Anglesea

APPENDIX 1 COALMINE ROAD - COMMUNITY ENGAGEMENT SUMMARY



Coalmine Road – Community Engagement Summary

Communications/ Engagement activity	Stakeholders	Purpose	Level of Engagement
Letterbox drop	Anglesea residents	<ul style="list-style-type: none"> - Outline key issues - Encourage online feedback 	Inform / Consult
Webpage	All	<ul style="list-style-type: none"> - Background/key issues - Link to survey 	Inform
Online survey	All	<ul style="list-style-type: none"> - 3 week consultation period - Proposed questions: <ul style="list-style-type: none"> o What might be gained by re-opening Coalmine Rd to the general public? o What issues might be created if the road is re-opened? o What else would you like Council to consider before making a decision? 	Consult
Email/ phone	Agency stakeholders (eg. CFA, Parks Vic etc)	Seek direct advice/feedback on agency requirements (eg. access for emergency management)	Consult
Email communications via local networks	<ul style="list-style-type: none"> - Anglesea residents - Residents of surrounding townships - Community and interest groups 	<ul style="list-style-type: none"> - Outline key issues - Encourage online feedback 	Inform / Consult
Meeting/ one on one discussions	Staff	Ensure relevant areas can provide advice; eg. environment, traffic	Involve

4.2 Aireys Inlet Market - Expressions of Interest for a License

Author's Title: Property & Legal Services Officer

General Manager: Anne Howard

Department: Governance & Risk

File No: F18/705

Division: Governance & Infrastructure

Trim No: IC18/1030

Appendix:

Nil.

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to provide Council with the outcomes of the Expressions of Interest (EOI) undertaken to determine a preferred licensee to operate a Market at the Anderson Roadknight Hall and car park located at 6 Great Ocean Road, Aireys Inlet (the location).

Summary

The Aireys Inlet Market has been operating for over 10 years. At its Ordinary Meeting on 22 August 2017 Council resolved to enter into an interim License Agreement allowing a market to operate for 2017-18 with the licence concluding on 30 June 2018. Council's decision to enter an interim license was in part to allow Council time to establish its Property Use Agreement policy before a longer term arrangement was considered. The policy has been adopted by Council, establishing a consistent framework for lease and licence agreements and enabling a new license to be considered at the Anderson Roadknight Hall and car park.

At its Ordinary Meeting on 22 May 2018 Council noted the successful operation of the Aireys Inlet Market in accordance with the license conditions. Council also resolved to undertake an EOI process to identify parties interested in operating a market at the location.

Council ran an EOI process seeking submissions; the matter was advertised in the Surf Coast Times on Thursday 31 May 2018 and on Council's website. Submissions closed on Thursday 28 June 2018, at which time one submission was received from Elizabeth Stapleton (the entity) operating as Aireys Inlet Market, with registered ABN 45 751 984 080.

An assessment panel, comprising officers from Economic Development & Tourism, Recreation & Open Space Planning, Facilities and Property reviewed the submission against the advertised criteria.

The evaluation panel has reviewed the submission against the EOI criteria and is recommending that Elizabeth Stapleton be the preferred Licensee and that a License Agreement be established with this entity.

Recommendation

That Council:

1. Notes the Expression of Interest process is complete and that one submission was received and has been reviewed against the advertised criteria.
2. Endorses Elizabeth Stapleton as the preferred Licensee for the purpose of operating a market at the Anderson Roadknight Hall and car park, 6 Great Ocean Road, Aireys Inlet.
3. Notes that the proposed license conditions are generally consistent with the parameters outlined in Council's resolution of 22 May 2018 and the advertised Expression of Interest, with the exception of a special condition that the number of permissible stalls is 65 of which 5 stalls will be available for community benefit at no charge to the stall users.

4.2 Aireys Inlet Market - Expressions of Interest for a License

Report

Background

The Aireys Inlet Market has been operating for over 10 years without a License Agreement, rather an annual booking directly with the Anderson Roadknight Reserve Section 86 Committee of Management (CoM).

When the current operator bought the business, Council resolved on 22 August 2017 to enter into an interim License Agreement with the operator concluding 30 June 2018 to ensure the continuation of the market and while Policy was developed for the use of Council property.

At its Ordinary Meeting on 22 May 2018 Council noted the successful operation of the Aireys Inlet Market in accordance with the interim licence conditions and resolved to:

1. Note that this report has been developed in accordance with the Use of Council Facilities Policy SCS-033 and Property Use Agreements Policy SCS-034 both of which are being considered at this Ordinary Meeting.
2. Note the successful operation of the Aireys Inlet Market in accordance with the interim licence conditions.
3. Note the Aireys Inlet Market Survey Report attached at Appendix 1.
4. Undertake an Expression of Interest process to identify parties interested in operating a market at the Anderson Roadknight Hall with the following key parameters:
 - 3 year Licence Agreement with options for 2 x 2 years.
 - Up to 17 markets per year with a minimum of 1 market per month and a maximum of 2 markets per month except for January during which a maximum of 4 markets may be held.
 - A rental fee to be determined by an independent valuation inclusive of outgoings.
 - Maximum of 50 stalls per market with at least 90% of stall holders being based in or originating from the G21 region.
5. Note that a report will be presented to Council following the Expression of Interest process which will include the following:
 - Details of all proposals received regardless of their conformity with the key parameters
 - An assessment of information provided within each proposal addressing the key parameters
 - An assessment of any other information provided by proponents.

Discussion

Council ran an EOI process to operate a market at the location. The EOI process seeking submissions was advertised in the Surf Coast Times on Thursday 31 May 2018 and on Council's website. Submissions closed on Thursday 28 June 2018, at which time one submission was received from Elizabeth Stapleton (the entity) operating as Aireys Inlet Market with the registered ABN 45 751 984 080.

An assessment panel, comprising officers from Economic Development & Tourism, Recreation & Open Space Planning, Facilities and Property reviewed the submission against the advertised criteria as follows:

Criterion	Weighting	Score
Proposed economic and social return / benefit to community	40%	6
Relevant experience and resources (previous work of this type)	20%	7
Environmental Management Plan	20%	4
Requirement for resources provided by Council	10%	6
Financial viability	10%	7
Total weighted score		6/10

Submitter requests:

Request	Description	Panel Assessment
Increase stall numbers within existing licence footprint	50 – 65 (including five free community stalls)	Panel recommends increase as it's safe to do so in existing footprint and may assist viability in the winter months

4.2 Aireys Inlet Market - Expressions of Interest for a License

Request	Description	Panel Assessment
Winter markets	Submitter willing to trial winter markets, with an opt out clause in April if cannot get interest from stallholders	Panel recommends a minimum of one market to be held over the winter months
Twilight market	Within existing dates	Panel supportive of twilight market if Event Management Plan is provided
G21 Region stall holders	Decrease to 80%	Panel recommends remaining at 90% to prioritise local/G21 based stallholders
Cancellation of market – Extreme and Code Red Fire Danger Days	Licence fee	Panel recommends waiving the Licence fees if market cancelled due to Extreme and Code Red Fire Danger Days

The panel recommends that Elizabeth Stapleton be deemed the preferred Licensee to operate the Market at the location after successfully meeting the above criterion.

The terms and conditions proposed for the Licence will be based upon the EOI, as follows:

- Licence Fee: To be based on a market valuation prepared by an independent valuer
- Term: Three years (with two further terms of two years each)
- Commencement Date: 1 October 2018 or earlier by agreement
- Permitted Use: Market
- Licence Location: Anderson Roadknight Hall and portion of car park, 6 Great Ocean Road, Aireys Inlet
- Insurance: \$20 million public liability insurance
- Additional costs: Where applicable, outgoings such as utilities and consumables will be charged in accordance with Policy SCS-034.
- Number of markets: January - Minimum one market with a maximum of four
 Remaining calendar months – Minimum one market per month, maximum of two per month.
- Special conditions: Cap of 65 stalls which includes 60 paid stalls and 5 free stalls.

Financial Implications

The fee for the Licence Agreement will be determined by the Chief Executive Officer and will be based on market valuation conducted by an independent valuer. The licence fee may be charged on either:

- (i) A 'per market' basis as per common valuation methodology; or
- (ii) A 'per stall' basis, another common methodology.

If a 'per stall' basis is deemed to be the most appropriate methodology, there should be a minimum amount set.

Revenue derived from the Licence Agreement will be returned to the Anderson Roadknight Hall Committee of Management to be re-invested back into the facility for the benefit of the local Aireys Inlet community.

Council Plan

Theme 2 Governance
 Objective 2.4 Transparency in decision making and access to information
 Strategy 2.4.3 Ensure decision-making is as transparent as possible.

Policy/Legal Implications

The recommendations in this report comply with the Local Government Act 1989, Use of Council Facilities Policy SCS-033 and the Property Use Agreements Policy SCS-034.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

4.2 Aireys Inlet Market - Expressions of Interest for a License

Risk Assessment

Community perception that the Community Hall is used for a commercial activity. Note that the market does not require a planning permit and the market is considered an appropriate use.

The Licensee is required to hold a current Certificate of Public Liability Insurance for \$20 million in accordance with the conditions of a Licence.

Social Considerations

The Aireys Inlet market has overwhelming support from the local community as evidenced by the previous public notice period for the interim Licence and the Aireys Inlet Value of Market Survey.

Community Engagement

The EOI seeking submissions was published in the Surf Coast Times on Thursday 31 May 2018 and on Council's website.

Environmental Implications

Aireys Inlet is classified as a high risk area in Council's Code Red and Extreme Fire Danger Preparedness Policy and Procedure MPP-021 and therefore all services after 10am at the Anderson Roadknight Hall will be cancelled on Extreme and Code Red Fire Danger Days.

Environmental management was considered within the EOI process and criteria and the submission has satisfactorily addressed this issue.

Options

There are a range of options for Council to consider at this time.

Option 1 – Do not enter a new license

This option is not recommended by officers. Without a license the Market would cease to operate until an alternative site is found and this would be considered a loss to the local and regional community as the market provides a range of economic and social benefits.

Option 2 – Determine a preferred licensee and formalise a license

This option is recommended by officers for the following reasons:

- This allows the Market to continue to operate and provide ongoing benefits to the local community and broader region.
- Provides security to a commercial business enabling it to continue to invest in marketing and development of the market.
- Provides some revenue for the Anderson Roadknight Hall Committee to re-invest back in to the facility.

If Council supports the option to enter a license, there are further considerations for Council that vary from the previous resolution and intention:

- a) Winter months: Council could choose to acquiesce to the applicant's request that the winter markets be waived if the number of bookings is insufficient.
- b) Number of stalls: Council could choose to maintain the previous cap on the number of stalls, ie 50 stalls, or accept the applicant's proposal to increase the number of stalls to 65.

Officers are not recommending waiving the condition that winter stalls should be required because waiving this requirement will substantially diminish the operator's motivation to introduce the winter markets. To offset the risk somewhat to the operator, an increased permissible number of stalls is recommended by officers, noting this does not require an expanded license area.

Conclusion

The submission from Elizabeth Stapleton offers an opportunity for the Market to continue to operate under appropriate terms and conditions.

4.3 Review of SCS-004 Place Naming Policy

Author's Title: Strategic Asset Manager
Department: Asset Management
Division: Governance & Infrastructure

General Manager: Anne Howard
File No: F11/1123
Trim No: IC18/1309

Appendix:

1. SCS-004 Place Naming Policy (D18/103591)

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 –
Section 80C:

Yes

No

Reason: Nil

Status:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Reason: Nil

Purpose

The purpose of this report is to adopt a revised Review of SCS-004 Place Naming Policy.

Summary

Council Policy Review of SCS-004 Place Naming Policy had been adopted in 2014 and was required to be reviewed. A review has been undertaken by Council's Place Naming committee with minor changes made and is presented to Council for adoption.

Recommendation

That Council adopt the revised SCS-004 Place Naming Policy.

4.3 Review of SCS-004 Place Naming Policy

Report

Background

Council Policy Review of SCS 004 – Place Naming Policy had been adopted in 2014. This Policy had been due for review however this had not been undertaken until 2018 and was required to be reviewed.

Discussion

A review has been undertaken by Council's Place Naming committee with minor changes made. The amended Policy was provided to Council at its 7 August 2018 Briefing with tracked changes.

Changes to the policy are minor and in summary are:

- Updating of relevant guidelines and supporting documents referenced in the Policy
- Reference to consulting with historical groups when looking at naming options.

Financial Implications

Not applicable.

Council Plan

Theme 5 High Performing Council

Objective 5.3 Provide quality customer service that is convenient, efficient, timely and responsive

Strategy Nil

Policy/Legal Implications

This Policy review will allow Council to better manage Place naming issues.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

Not applicable.

Social Considerations

Not applicable.

Community Engagement

Not applicable.

Environmental Implications

Not applicable.

Communication

The revised policy will be circulated to relevant Council staff

Options

Option 1 – Adopt the revised SCS 004 – Place Naming Policy

This option is recommended by officers as the revised policy will allow officers to better manage place naming queries.

Option 2 – Reject the revised SCS-004 Place Naming Policy

This option is not recommended by officers as the current policy refers to obsolete reference documents and would allow more room for error when undertaking the place naming process

Conclusion

The adoption of a revised SCS-004 Place Naming Policy will allow officer tasks with place naming clear guidelines in undertaking their role.

4.3 Review of SCS-004 Place Naming Policy

APPENDIX 1 SCS-004 PLACE NAMING POLICY

COUNCIL POLICY



Place Naming	Document No:	SCS - 004
	Approval Date:	28 August 2018
	Approved By:	Council
	Review Date:	28 August 2020
	TRIM Reference	D13/135648
Responsible Officer:		General Manager Governance & Infrastructure
Authorising Officer:		Chief Executive Officer

1. Purpose

To provide a Policy for initiating, approving or rejecting the naming of parks, reserves, roads, facilities and features throughout the Surf Coast Shire.

2. Scope

This policy covers new names or name changes to parks, reserves, roads, facilities and features throughout the Surf Coast Shire.

3. Application

This Policy applies to all decisions around naming of parks, reserves, roads, and facilities and features throughout the Shire Surf Coast Shire **4. Definitions**

- Parks/Reserve** means any land:
 (a) owned by Council; or
 (b) occupied by Council; or
 (c) of which Council has the care and management
 and which is used for sporting or recreational purposes, and includes:
 (i) sporting or recreational facilities
 (ii) parks and gardens;
 (iii) nature reserves
 (iii) all car parks, roads, footpaths, tracks and other areas within such land.
- Facility** means any structure or building.
- Feature** means any geographical place or attribute such as a mountain or watercourse
- Roads and Streets** means:
 (a) As per Schedule 10 in the Local Government Act 1989; or
 (b) Road Management Act 2004; or
 (c) Includes a road vested in the Crown; or
 (d) Includes common property or private road referred to council for naming where this common property or private road provides access to a number of properties.
- Municipal District** means the municipal district of the Surf Coast Shire Council
- Stakeholders** means:
 (a) Community Groups;
 (b) Service Organisations;
 (c) Sporting Bodies;
 (d) Surf Coast Shire Council;
 (e) Government Departments;
 (f) Committees of Management
 (g) Developers

COUNCIL POLICY



5. Policy

Council will consider the naming or renaming of a park, reserve, road, facility or feature upon application and following consideration of the merits of the application under the principles governing standardisation within the Naming rules for places in Victoria.

5.1 Naming

Names should have some relevance to the area in which streets are located. In this regard consideration should be given where appropriate to historical, cultural, heritage, environmental and botanical linkages. Aboriginal names may be adopted where these names are appropriate to the locality, provided that consultation occurs with the relevant Aboriginal groups, and there is agreement to the proposed name.

Council may undertake consultation with local historical groups or the broader community to assist it in determining names.

Naming after commercial businesses, organisations or living persons should be avoided as community attitudes and opinions can change over time.

The names must not cause offence on the basis of race, ethnicity, religion, disability, sexuality or gender.

In the event of naming after a commercial business, organisation or living person, that business, organisation or living person must have made some significant contribution to the community of the Surf Coast Shire, and the exceptional circumstances approved by Council. Documented history or evidence of contribution will be required by Council in these circumstances.

When naming after a person, that person must have made some significant contribution to the community of the Surf Coast Shire, and with the exception of unusual circumstances approved by Council, the person whose name is to be used shall be deceased.

The Place Naming process is:

1. Request received by Council staff;
2. Referred to Place Naming Committee for review and recommendation;
3. Referred to Council for consideration;
4. Public consultation (refer section 5.3); and
5. Council to make final determination.

5.2 Signage

Signage shall be in accordance with the requirements of Australian Standard AS 1742.5 "Street Name and Community Facility Name Signs".

5.3 Community Consultation

Council will give public notice of its intention to name or change the name of a road, park, reserve, facility or feature. The public notice will inform interested parties of their right to make written submissions in relation to the proposed name. Council will consider any submissions received.

Such notice shall be published in the newspaper applicable to the area concerned and posted to each owner abutting such road, park, reserve, facility or feature (if applicable).

5.4 Notice of Name Changes

After changing or naming any park, reserve, road, facility or feature where applicable notice may be forwarded to:

- The owners of abutting properties;
- All emergency services including Police, CFA, SES,;
- Other service– Australia Post, Powercor, Barwon Water, Telstra, ;
- State and Commonwealth Electoral;
- Melways, Google Maps, and Open Street Map
- The Registrar of Geographic Names.

COUNCIL POLICY



6. Records

Records shall be retained for at least the period shown below.

Record	Retention/Disposal Responsibility	Retention Period	Location
Application requests	Records Management	Ongoing	Relevant Trim File

7. Attachments

Management Procedure MPP-003 – Place Naming Guidelines

8. References

- 'Naming rules for places in Victoria', Statutory requirements for naming roads, features and localities 2016 Geographic Place Names Act 1998
- Local Law No. 1 of 2011 – Community Amenity
- MPP-003 Place Naming Guidelines Management Policy & Procedure
- Surf Coast Shire Place and Road name register – D13/19005
- Surf Coast Shire Corporate Style Guidelines - Signage

4.4 Waste Management Funding Applications/e-Waste Facility Funding

Author's Title: Coordinator Waste Management

General Manager: Anne Howard

Department: Engineering Services

File No: F18/769

Division: Governance & Infrastructure

Trim No: IC18/1312

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to obtain approval for:

1. An application to Sustainability Victoria for funding of e-waste recovery infrastructure.
2. The allocation of funding from the waste reserve for Council's contribution to the projects.
3. A process whereby officers can apply directly for funding for waste related opportunities that align with Councils' plans without the need to bring each opportunity to a Council meeting.

Summary

The landfill e-waste ban will be phased in over 12 months from 1 July 2019. The Victorian Government is providing grants for the upgrade of fixed collection and storage infrastructure. Surf Coast Shire has three locations eligible for funding, Anglesea, Lorne and Winchelsea Transfer Stations.

The Victorian Government funding covers 100% of infrastructure costs up to \$100,000 per site but does not cover project management, design, engineering or approval costs. An estimated \$15,000 per site is required from Council to cover these project-related costs. Councils are also able to contribute additional funds if they wish to combine projects and construct better facilities to benefit their communities. This is an option for Council to consider for the Anglesea Transfer Station facility.

Waste and resource management is an area experiencing significant and rapid change. It is important that Councils can access funding opportunities as they arise to ensure that the cost of these changes does not fully fall to Councils. To ensure timely consideration and application for future waste-related funding it is recommended that Chief Executive Officer be authorised to make application for waste-related funding opportunities as they arise.

Recommendation

That Council:

1. Endorse the proposed projects to establish e-waste facilities at the Anglesea, Lorne and Winchelsea Transfer Stations to enable it to prepare for the introduction of the ban on e-waste.
2. Allocate \$15,000 for each project from the waste reserve as its contribution towards projects costs not eligible for external funding.
3. Authorise the Chief Executive Officer to submit applications to Sustainability Victoria for external funding for e-waste facilities at each of the three eligible sites.
4. Endorse the incorporation of the wind and rain protection and problem materials facility projects to the scope of the Anglesea Transfer Station e-waste infrastructure project.
5. Allocate \$301,500 from the waste reserve towards the Anglesea Transfer Station e-waste infrastructure to incorporate wind and rain protection and managing problem materials.
6. Authorise the Chief Executive Officer to submit future funding applications:
 - a) For waste related projects that implement Council's planned waste infrastructure program or respond to changes in legislation or regulation.
 - b) Where the total project cost is up to \$200,000 (exc. GST) and Council's contribution doesn't exceed \$100,000 (exc. GST) and is funded from the waste reserve.
 - c) With budget allocations reported though the regular transfer table at the earliest meeting after any application is lodged.

4.4 Waste Management Funding Applications/e-Waste Facility Funding

Report

Background

On 26 April 2018, the Minister for Energy, Environment and Climate Change Lily D'Ambrosio announced that e-waste will be banned from landfill from 1 July 2019 and released the \$15 million e-waste Infrastructure Grants support package. To support the implementation of the ban, Sustainability Victoria (SV), on behalf of the Victorian Government is providing grants for the upgrade of fixed collection and storage infrastructure at over 130 sites identified across Victoria.

Surf Coast Shire has been identified to have three locations eligible for funding, Anglesea, Lorne and Winchelsea Transfer Stations. Each site is eligible for up to \$100,000 of funding. Funding allocation is not via a competitive process. Funds are allocated to each site providing an application is received by SV by the closure date.

Discussion

E-waste infrastructure

The landfill e-waste ban will be phased in over 12 months from 1 July 2019. Landfill operators must be seen to be making every conceivable effort to stop e-waste entering their sites. The Environment Protection Authority (EPA) requires e-waste to be stored in accordance with AS/NZS 5377:2013 Collection, Storage, Transport and Treatment of End-Of-Life Electrical and Electronic Equipment. Existing Council facilities do not comply with AS/NZS 5377:2013 and therefore the required EPA standards.

SV funding covers 100% of infrastructure costs up to \$100,000 per site but does not cover project management, design, engineering or approval costs. An estimated \$15,000 per site is required to cover these costs. Prior to applying, Council approval is required. Funding applications must be received by 3pm on 14 September 2018. Without accessing the available funding, Council will need to fully fund the required infrastructure. Upgrades to Council's existing facilities are not included in the 2018/19 CAPEX program.

SV allow applicants to contribute additional funds if they wish to combine projects and construct facilities with expanded uses to benefit their communities. This may be an option for Council to consider for the Anglesea Transfer Station facility. Council had previously initiated projects at Anglesea Transfer Station that did not proceed for various reasons. These include:

- Anglesea Transfer Station wind and rain protection (\$146,500) in 2017-18
- Anglesea Transfer Station problem materials facility (\$155,000) in 2017-18.

By combining these two projects this would require the allocation of \$301,500 from the waste reserve that would then be combined to the e-waste facility project to provide a greatly improved facility for the community.

Timely access to funding

Funding opportunities often have tight timeframes when they are announced they do not always fit Council's meeting cycles. Council's leverage funding for waste related applications comes from the waste reserve which is discrete and does not impact other projects or strategies. There is sufficient planning for waste management to enable Council to consider pre-authorising the Chief Executive Officer to lodge funding applications for waste projects that are identified in the next few years. This authorisation would be based on a maximum project size of \$200,000 with a maximum council contribution of \$100,000. Council's transfer table provides regular transparency for project funding.

Financial Implications

An estimated \$15,000 per site is required to cover project management, design, engineering and approval costs as well as the \$310,500 for the upgraded e-waste and weather protection at Anglesea. There are sufficient funds within the Waste Reserve to cover Council's contribution for this and other waste related funding opportunities as they arise.

Council Plan

Theme 2 Environmental Leadership
Objective 2.2 Improve the re-use of resources
Strategy 2.2.2 Develop and implement a waste reduction program to increase the life of the landfill

4.4 Waste Management Funding Applications/e-Waste Facility Funding

Theme	3 Balancing Growth
Objective	3.2 Ensure infrastructure is in place to support existing communities and provide for growth
Strategy	3.2.4 Ensure appropriate funding mechanisms are in place to support future growth including developer contributions

Policy/Legal Implications

The e-waste to landfill ban comes into effect on 1 July 2019 with the onus put onto landfill operators to comply.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

Failure to apply for the e-waste infrastructure funding will result in Council having to fully fund and construct infrastructure for managing e-waste.

Enabling the Chief Executive Officer to apply for waste related funding as they arise will reduce the risk of failing to submit application within the required timelines.

Social Considerations

Enabling applications for this and other funding opportunities will ensure the community have access to facilities they require to recover e-waste and other resources.

Community Engagement

No community engagement has been undertaken for this application by Council. SV have undertaken broader community consultation as part of their e-waste landfill ban implementation process.

Environmental Implications

The e-waste landfill ban and other waste related funding opportunities are based around resource recovery and ensuring these valuable resources do not enter landfill and therefore minimising harm to the environment.

Communication

Council will work with Sustainability Victoria on delivering a communications program covering implementation of the e-waste landfill ban. This will include what is e-waste and how and where it can be disposed for recycling.

Options

Option 1 – Apply for e-waste infrastructure funding without consideration of other infrastructure needs

This option not recommended by officers as it will not provide the best facility at Anglesea Transfer Station. Due to site restrictions a holistic view is required when developing any infrastructure at the site.

Option 2 – Apply for e-waste infrastructure funding and broaden the scope for the Anglesea facility

This option is recommended by officers as it will ensure the best possible facility is available to the community for resource recovery at Anglesea Transfer Station. Providing wind and rain protection and also a facility for the disposal of problem materials has been identified and endorsed by Council previously.

Option 3 – Authorisation of CEO for future funding opportunities

In addition to Option 2 above, this option is recommended by officers to ensure timely submission for future waste related funding opportunities.

Conclusion

Council is required to implement the state e-waste landfill ban from 1 July 2019. Sustainability Victoria has made funding available for each of Council's transfer stations for infrastructure to manage e-waste. There is the opportunity for Council to incorporate other projects to the scope of the proposed Anglesea e-waste facility to provide an improved resource recovery facility for the community.

To ensure timely consideration and lodging of future waste related funding applications, pre-authorising the Chief Executive Officer ensure timely submission for future waste related funding opportunities.

4.5 Project Budget Adjustments and Cash Reserve Transfers - August 2018

Author's Title: Coordinator Management Accounting **General Manager:** Anne Howard

Department: Finance **File No:** F18/850

Division: Governance & Infrastructure **Trim No:** IC18/1046

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 – Section 80C:

Yes No

Reason: Nil

Status:

Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c):

Yes No

Reason: Nil

Purpose

The purpose of this report is to present the project budget adjustments and cash reserve transfers for Council approval and ratify the project budget adjustments and cash reserve transfers relating to the finalisation of accounts for the prior year.

Summary

The project budget adjustments relating to August 2018 and the finalisation of accounts for the prior year are included in this report. All figures in this report are exclusive of GST.

Recommendation

That Council:

1. Approve the Project Budget Adjustments outlined in Tables 1 to 3 in this report.
2. Approve the following net change to cash reserves resulting from the project budget adjustments listed in this report:

Funding Sources	Transfers From/ (to) Reserve
Accumulated Unallocated Cash Reserve	214,000
Adopted Strategy Implementation Reserve	20,100
Grand Total	234,100

3. Ratify the following net changes to cash reserves resulting from the project budget adjustments relating to the finalisation of accounts for the prior year:

Funding Sources	Transfers From/ (to) Reserve
Accumulated Unallocated Cash Reserve	(80,261)
Asset Renewal Reserve	(21,720)
DCP Council Funds Reserve	(2,500)
Developer Contributions Reserve	51,880
Waste Reserve	(428,071)
Grand Total	(400,672)

4.5 Project Budget Adjustments and Cash Reserve Transfers - August 2018

Report

Background

Council allocates funding to projects through its annual budget or specific resolution.

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 a manner that demonstrates the diligence and transparency of the organisation's financial management principles.

Closure of projects is another important process for maintaining a well-managed program and involves financial review, asset management and project review activities. Projects reported for closure have been through Council's project review and closure process.

Discussion

The following budget transfers, detailed in Table 1, are newly initiated projects.

Table 1 – Newly Initiated Projects

Project Name	Funding Source	Basis for Variation	Project Allocation \$
Blackspot Program Anglesea – Forest Road from Gum Flats Road to Nortons Road	Grant Funded	Successful Blackspot Program grant application	477,000
Blackspot Program Mount Duneed – Horseshoe Bend Road from McCanns Road to west of Thompson Creek	Grant Funded	Successful Blackspot Program grant application	476,000
Blackspot Program Lorne – William Street from Otway Street to Smith Street	Grant Funded	Successful Blackspot Program grant application	124,000
Djila Tjarri Skate Bowl Leak Investigation	Accumulated Unallocated Cash Reserve	Newly initiated project to undertake investigation to determine method to eliminate water leaking into the skate bowl	80,000

The following budget transfers, detailed in Table 2, are required where it has been identified that projects require adjustments to their approved budgets to allow achievement of project scope and objectives; or there is a request to adjust scope of project.

Table 2 – Project Budgets Requiring Adjustment

Project Name	Funding Source	Basis for Variation	Project Allocation \$
Road Safety Strategy Implementation	Grant Funded	Income budget for grant funding was overstated by \$100 for life of project \$13,300 vs \$13,200 actual	(100)
Road Safety Strategy Implementation	Adopted Strategy Implementation Reserve	Income budget for grant funding was overstated by \$100 for life of project \$13,300 vs \$13,200 actual	100

4.5 Project Budget Adjustments and Cash Reserve Transfers - August 2018

Project Name	Funding Source	Basis for Variation	Project Allocation \$
Road Safety Strategy Implementation	Grant Funded	Successful grant application for child restraints, 'Looking After Our Mates' campaign and variable message signs	12,300
Road Safety Strategy Implementation	Adopted Strategy Implementation Reserve	Funds required for \$10K edge line-marking work scheduled in 2017/18 which was delayed due to adverse weather conditions and \$10K pre-work associated with successful Blackspot Funding grant applications	20,000
Anglesea Recreation and Sports Club Asset Protection	Contribution Funded	Agreed community contribution to project received	3,636
Bennett Street Kerb Renewal	Project Account	Funds extracted from 9555: Kerb Renewal Program to provide adequate budget for Bennett Street Kerb Renewal project	84,000
Adult Changing Places Facility Anglesea & Winchelsea	Contribution Funded	Great Ocean Road Coast Committee contribution of \$30K to the Anglesea facility project	30,000
Beach Road Path - Alleyne to Kooringa	Project Account	Annual Pathways Construction Program allocation (W22794 / GL 9734) redistributed to two specific projects	44,240
Winchelsea Pathway Project	Project Account	Annual Pathways Construction Program allocation (W22794 / GL 9734) redistributed to two specific projects	119,280
Winchelsea Town Entrance Sculptures	Accumulated Unallocated Cash Reserve	Change to fabrication method and installation, legal expenses and project management and contingency.	127,000
Stribling Reserve Stair Renewal	Accumulated Unallocated Cash Reserve	Opportunity to extend scope of renewal project to improve accessibility for prams and scooters.	7,000

The following budget transfers, detailed in Table 3 are a result of movements in the 2017-18 year end results and a correction to the funding source of a project transfer.

Table 3 – Ratification of Adjustments - Finalisation of Accounts for Prior Year

Project Name	Funding Source	Basis for Variation	Project Allocation \$
9523 - Anglesea Landfill Cell 3 Wall Liner Ext	Waste Reserve	Scope complete and savings can be returned to source.	(428,071)
9553 - Bridge Renewal Program	Asset Renewal Reserve	Scope complete and savings can be returned to source.	(21,720)
9584 - Hopkins St Construction & Seal	Project Savings Account	Adjustment to close of project.	(18,443)

4.5 Project Budget Adjustments and Cash Reserve Transfers - August 2018

Project Name	Funding Source	Basis for Variation	Project Allocation \$
9572 - Beal & Trebeck Crt Road Construct & Seal	Project Savings Account	Adjustment to close of project.	(9,488)
9329 - Future Concept Design Budget	Project Savings Account	Scope complete and savings can be returned to source.	(450)
9672 - Surf Coast Hwy to KMCC Pathway Link PC02	DCP Council Funds Reserve	Scope complete and savings can be returned to source.	(2,500)
9689 - Project Savings Account	Accumulated Unallocated Cash Reserve	Close out Projects savings account to the Accumulated Unallocated Cash Reserve	(28,381)
Reserve Transfer to Accumulated Unallocated Cash Reserve to Developer Contributions Reserve	Accumulated Unallocated Cash Reserve	Briody Drive developer contributions were transferred to Developer Contributions Reserve in error. Works were done in previous years and the funds should be returned to the Accumulated Unallocated Cash Reserve.	(51,880)
Reserve Transfer From Developer Contributions Reserve to Accumulated Unallocated Cash Reserve	Developer Contributions Reserve		51,880

Financial Implications

The proposed Project Budget Adjustments and Cash Reserve Transfers are outlined in this Report. Through this report all financial implications of the project budget adjustments and cash reserve transfers are clearly and transparently presented to Council and the community.

Council Plan

Theme 5 High Performing Council
 Objective 5.1 Ensure Council is financially sustainable and has the capability to deliver strategic objectives
 Strategy 5.1.1 Establish long-term financial principles and incorporate into the long-term financial plan

Policy/Legal Implications

Not applicable.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

Not applicable.

Social Considerations

Not applicable.

Community Engagement

Not applicable.

Options

Option 1 – Not approve transfers as recommended

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

Option 2 – Adopt officer recommendation

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

4.5 Project Budget Adjustments and Cash Reserve Transfers - August 2018

Environmental Implications

Not applicable.

Communication

Not applicable.

Conclusion

It is recommended that Council approve the Project Budget Adjustments and Cash Reserve Transfers for August 2018 and ratify the project budget adjustments relating to the finalisation of accounts for the prior year.

4.6 Quarterly Report - Councillor Allowances and Expenses - 1 April to 30 June 2018

Author's Title: Coordinator Governance & Corporate Planning **General Manager:** Anne Howard

Department: Governance & Risk

File No: F11/786

Division: Governance & Infrastructure

Trim No: IC18/1022

Appendix:

1. Surf Coast Shire - 2017-18 Annual Report Councillor Payment Summary (D18/85175)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 – Section 80C:

Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to present a summary of Councillor allowances and expenses paid during the period 1 April 2018 to 30 June 2018.

Summary

In order to ensure the highest levels of transparency and accountability, Council resolved to make Councillor allowances and expenses available to the public through a quarterly statement reported at Ordinary Council meetings, which is also published on Council's website.

Accordingly a report covering Councillor allowances and expenses for the period from 1 April 2018 to 30 June 2018 is attached at Appendix 1.

It should be noted that some payments e.g. travel costs, are included at the time they are paid out rather than when incurred, therefore figures quoted may include expenses from outside this reporting period. End of year receipting is still currently in progress and the figures in this report may therefore vary to those appearing in Council's final annual report.

Recommendation

That Council:

1. Notes the attached summary of Councillor allowances and expenses for the period 1 April 2018 to 30 June 2018 (Appendix 1).
2. Publishes the summary on Council's website.

4.6 Quarterly Report - Councillor Allowances and Expenses - 1 April to 30 June 2018

Report

Background

The Local Government Act 1989 provides that the Mayor and Councillors are paid an allowance and provided with appropriate tools and support to enable them to properly undertake their statutory obligations.

The provision of efficient communications equipment, reimbursement of official travel and telephone expenses and, if applicable, child care expenses is generally provided by municipalities across the state in order to assist Councillors to maximise their responsibilities.

The Local Government Act 1989 requires that Councils must adopt and maintain a policy in relation to the reimbursement of expenses for Councillors. Council has therefore adopted the Councillors Entitlements (Facilities & Expenses) Policy which sets out the level of resources and support that are provided to Councillors to enable them to effectively discharge their official duties.

The policy also sets out the procedures that apply in circumstances where Councillors require reimbursement of expenses incurred, and those circumstances where prior approval is required. A copy of the policy is available on Council's website.

Discussion

The attached report outlines Councillor allowances and expenses that have been paid during the period from 1 April 2018 to 30 June 2018 in the following categories:

- Councillor Allowances includes statutory allowances for the Mayor and Councillors
- Parking Costs includes reimbursement of parking fees whilst on official business
- Travel Expenses includes public transport costs and reimbursement to Councillors for kilometres travelled in their private vehicles associated with Council related travel
- Motor Vehicle includes costs associated with use of the mayoral vehicle
- Mobile Phone includes the costs associated with official Councillor mobile phone usage
- Internet includes cost of official internet provision and usage.

Any contributions that are paid by Councillors towards phone and internet usage are also included in the report.

Council resolved to report allowances and expenses on a quarterly basis and to post on Council's website to increase transparency and accountability. This is in addition to other reporting requirements such as the requirement to report in Council's annual report.

It should be noted that some payments e.g. travel costs are included at the time they are paid rather than when incurred, therefore figures quoted may include expenses from outside the reporting period.

End of year receipting is still currently in progress and the figures in this report may therefore vary to those appearing in Council's final annual report.

Financial Implications

Councillor allowances and expenses are covered within Council's operational budget.

Council Plan

Theme 5 High Performing Council

Objective 5.2 Ensure that Council decision-making is balanced and transparent and the community is involved and informed

Strategy Nil

4.6 Quarterly Report - Councillor Allowances and Expenses - 1 April to 30 June 2018

Policy/Legal Implications

The Local Government (Planning and Reporting) Regulations 2014 require Councils to disclose in the Annual Report the details of allowances and expenses for each Councillor, divided into certain defined categories. Council is exceeding this requirement by making quarterly disclosures at the Ordinary meeting and posting these on the website.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

Not applicable.

Social Considerations

Not applicable.

Community Engagement

Not applicable.

Environmental Implications

Not applicable.

Communication

The quarterly reports would be published on Council's website in addition to being included on the Ordinary Council meeting agenda.

Options

Option 1 – Reject proposed recommendations

This option is not recommended by officers as it is contrary to Council's earlier resolution.

Option 2 – Adopt proposed recommendations

This option is recommended by officers as it is consistent with Council's resolution.

Conclusion

Quarterly reporting of Councillor allowances and expenses provides an opportunity for transparency and openness in relation to these costs.

4.6 Quarterly Report - Councillor Allowances and Expenses - 1 April to 30 June 2018

APPENDIX 1 SURF COAST SHIRE - 2017-18 ANNUAL REPORT COUNCILLOR PAYMENT SUMMARY



Surf Coast Shire Councillor Payment Summary Between 1 April to 30 June 2018										
Councillor	Allowances (\$)	Expenses Reimbursed				Items Provided			Contributions	Total (\$)
		Parking (\$)	Phone (\$)	Travel (\$)	Company Director Education & Membership (\$)	Motor Vehicle (\$)	Mobile Phone (\$)	Internet (\$)	By Councillors (\$)	
Cr Brian McKitterick *	8,074	-	-	46	-	-	367	27	(105)	8,408
Cr Carol McGregor	8,074	-	-	2,556	-	-	316	58	-	11,004
Cr Clive Goldsworthy	8,074	-	-	3,510	-	-	379	60	-	12,023
Cr David Bell **	24,983	-	-	-	-	2,261	145	70	-	27,459
Cr Heather Wellington	8,074	-	-	-	-	-	72	59	-	8,205
Cr Libby Coker	8,074	-	-	-	-	-	164	78	-	8,316
Cr Margot Smith	8,074	-	-	2,479	-	-	163	65	-	10,780
Cr Martin Duke	8,074	-	-	206	-	-	181	96	-	8,557
Cr Rose Hodge	8,074	-	-	-	-	-	306	26	(140)	8,266
Total	89,575	-	-	8,798	-	2,261	2,092	540	(245)	103,020

Notes:

* Cr Brian McKitterick (Mayor period: 08/11/2016 - 08/11/2017).

** Cr David Bell (Mayor period: 08/11/2017 - Present).

Allowance figures include superannuation.

Contributions by Councillors are towards mobile phone and internet expenditure.

Figures exclude GST.

4.7 Review of Delegation from Council to Members of Council Staff

Author's Title: Team Leader Governance
Department: Governance & Risk
Division: Governance & Infrastructure

General Manager: Anne Howard
File No: F17/51
Trim No: IC18/1116

Appendix:

1. S6 Instrument of Delegation Council to Members of Council Staff (D18/104852)

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 –
Section 80C:

Yes

No

Status:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to present the S6 instrument of delegation from Council to members of Council staff (the instrument) for approval, pursuant to Sections 98 of the *Local Government Act 1989* (The Act).

Summary

The instrument was previously adopted by Council at the 27 February 2018 Ordinary Council meeting.

A review of the instrument was undertaken in July 2018 following an update issued by Maddocks lawyers in June 2018. The reviewed instrument is attached as Appendix 1 for Council's adoption.

The changes are summarised below:

- *Heritage Act 1995* repealed
- New provisions under *Heritage Act 2017*
- New provision under s.181H of the *Local Government Act 1989*
- New, amended and repealed provisions under *Planning and Environment Act 1987*
- Updated position titles in line with organisational structure
- Minor cosmetic changes.

Recommendation

That Council:

1. Notes that a review of the instrument of delegation from Council to members of Council staff (S6) has been undertaken in accordance with section 98 of the *Local Government Act 1989*.
2. Adopts the revised S6 instrument of delegation as shown in Appendix 1.
3. Authorises the Chief Executive Officer to execute the S6 instrument of delegation by affixing the common seal in accordance with Local Law No. 2 of 2018 Council Meeting Procedures & Common Seal.
4. Approves the S6 instrument of delegation to come into force immediately upon execution.
5. Approves that on the coming into force of the S6 instrument of delegation, the previous S6 instrument of delegation from Council to staff is revoked.

4.7 Review of Delegation from Council to Members of Council Staff

Report

Background

The *Local Government Act 1989* enables Council to delegate functions, duties or powers, other than exemptions under sections 86(4) 98(1) of the Act, to the Chief Executive Officer, Council staff and special committees established under Section 86.

The S6 instrument of delegation (the instrument) was previously adopted by Council at the 27 February 2018 Ordinary Council meeting.

Discussion

A review of the instrument was undertaken in July 2018 following an update issued by Maddocks lawyers in June 2018.

The changes are summarised below:

- *Heritage Act 1995* repealed
- New provisions under *Heritage Act 2017*
- New provision under s.181H of the *Local Government Act 1989*
- New, amended and repealed provisions under *Planning and Environment Act 1987*
- Updated position titles in line with organisational structure
- Minor cosmetic changes.

The reviewed instrument is therefore attached as Appendix 1 for Council's adoption.

Financial Implications

Council's Chart of Authorities sets out financial delegations and is separate to this process.

Council Plan

Theme	5 High Performing Council
Objective	Nil
Strategy	Nil

Policy/Legal Implications

Section 98(1) of the *Local Government Act 1989* states that a Council may by instrument of delegation delegate to a member of its staff any power, duty or function of a Council with certain exceptions.

The review of the instrument has ensured compliance with legislation.

Delegations provide a clear framework that ensures that staff are aware of and acting within their designated levels of authority.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

A thorough system of delegations minimises the likelihood of officers acting outside their authority and exposing Council to unacceptable risk.

Social Considerations

Not applicable.

Community Engagement

Under the Local Government (General) Regulations 2015 Council must make available for public inspection a register of delegations kept under sections 87 and 98 of the Act, including the dates on which the last reviews under sections 86(6) and 98(6) took place.

Environmental Implications

There are no environmental implications arising from this report.

4.7 Review of Delegation from Council to Members of Council Staff

Communication

Changes to the instrument will be communicated internally.

Conclusion

The instrument was reviewed in July 2018 following an update issued by Maddocks lawyers in June 2018. An updated instrument is therefore, attached for Council's adoption.

4.7 Review of Delegation from Council to Members of Council Staff

APPENDIX 1 S6 INSTRUMENT OF DELEGATION COUNCIL TO MEMBERS OF COUNCIL STAFF



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S6. Instrument of Delegation – Members of Staff

Surf Coast Shire Council

Instrument of Delegation

to

Members of Council Staff



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Instrument of Delegation

In exercise of the power conferred by section 98(1) of the *Local Government Act 1989* and the other 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:

Title Abbreviation	Meaning of the Title Abbreviation
CEO	Chief Executive Officer
GMCC	General Manager Culture & Community
GMGI	General Manager Governance & Infrastructure
GMED	General Manager Environment & Development
MF	Manager Finance
MES	Manager Engineering Services
SAM	Strategic Asset Manager
MPD	Manager Planning & Development
MBIRSBC	Manager Business Improvement, Ranger Services and Building Compliance
CFA	Coordinator Financial Accounting
CCW	Coordinator Civil Works
CDT	Coordinator Design & Traffic
CWM	Coordinator Waste Management
CEH	Coordinator Environmental Health
CSLUP	Coordinator Strategic Land Use Planning
CPC	Coordinator Planning Compliance
CRS	Coordinator Ranger Services
CSP	Coordinator Statutory Planning
PSP	Principal Strategic Planner, Principal Statutory Planner,



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SSP	Senior Statutory Planner / Senior Strategic Planner, Team Leader Para Planning and Subdivisions
PPIO	Principal Investigations Officer
SPIO	Senior Planning & Development Investigations Officer
PIO	Planning & Investigations Officer
PLSO	Property & Legal Services Officer
TLLL	Team Leader Local Laws
SP/PO	Strategic Planner/Planning Officer including: Administration, Statutory Planning Officer, Planning Enquiries Officer, Planning Subdivisions Officer, Statutory Planning Administrative Officer, Statutory Planning Customer Services Officer, Strategic Planning Administration Officer
EHO	Environmental Health Officer
MBS	Municipal Building Surveyor
BS	Building Surveyor
BI	Building Inspector

3. declares that:
 - 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 28 August 2018; 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; or
 - 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



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(a) policy; or

(b) strategy

adopted by Council; or

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, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; 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.

Executed by the Chief Executive Officer on behalf of the Surf Coast Shire Council pursuant to the Council resolution dated 28 August 2018.

*The COMMON SEAL of SURF COAST)
SHIRE COUNCIL was affixed in the)
presence of:)*

[

.....
Chief Executive Officer

.....
Mayor/Deputy Mayor

.....
Witness

.....
Date



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SCHEDULE



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Does not currently apply to Surf Coast Shire Council

CEMETERIES AND CREMATORIA ACT 2003

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)



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DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.41A(1)	power to declare a dog to be a menacing dog	MBIRSBC, CRS, GMED, TLLL	Council may delegate this power to a Council authorised officer



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ENVIRONMENT PROTECTION ACT 1970			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.53M(3)	power to require further information	CEH, EHO	
s.53M(4)	duty to advise applicant that application is not to be dealt with	CEH, EHO	
s.53M(5)	duty to approve plans, issue permit or refuse permit	CEH, EHO	refusal must be ratified by Council or it is of no effect
s.53M(6)	power to refuse to issue septic tank permit	CEH, EHO	refusal must be ratified by Council or it is of no effect
s.53M(7)	duty to refuse to issue a permit in circumstances in (a)-(c)	CEH, EHO	refusal must be ratified by Council or it is of no effect



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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19(2)(a)	power to direct by written order that the food premises be put into a clean and sanitary condition	CEH, EHO	If section 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	CEH, EHO	If section 19(1) applies
s.19(3)	power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	CEH, EHO	If section 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 section 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	CEO, CEH	If section 19(1) applies
s.19(6)(a)	duty to revoke any order under section 19 if satisfied that an order has been complied with	CEO, CEH, EHO	If section 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	CEO, CEH, EHO	If section 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).	CEH, EHO	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	CEH, EHO	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



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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & 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	CEH, EHO	where Council is the registration authority
s.19CB(4)(b)	power to request copy of records	CEH, EHO	where Council is the registration authority
s.19E(1)(d)	power to request a copy of the food safety program	CEH, EHO	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	CEH, EHO	where Council is the registration authority
s.19M(4)(a) & (5)	power to conduct a food safety audit and take actions where deficiencies are identified	Not applicable	where Council is the registration authority
s.19NA(1)	power to request food safety audit reports	CEH, EHO	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	Not applicable	
s.19UA	power to charge fees for conducting a food safety assessment or inspection	CEH	except for an assessment required by a declaration under section 19C or an inspection under sections 38B(1)(c) or 39.
s.19W	power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	CEH, EHO	where Council is the registration authority
s.19W(3)(a)	power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	CEH	where Council is the registration authority



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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	CEH	where Council is the registration authority
---	power to register, renew or transfer registration	CEH, EHO	where Council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see section 58A(2))
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	CEH, EHO	where Council is the registration authority
s.38AB(4)	power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under subsection (1)	CEH	where Council is the registration authority
s.38A(4)	power to request a copy of a completed food safety program template	CEH, EHO	where Council is the registration authority
s.38B(1)(a)	duty to assess the application and determine which class of food premises under section 19C the food premises belongs	CEH, EHO	where Council is the registration authority
s.38B(1)(b)	duty to ensure proprietor has complied with requirements of section 38A	CEH, EHO	where Council is the registration authority
s.38B(2)	duty to be satisfied of the matters in section 38B(2)(a)-(b)	CEH, EHO	where Council is the registration authority
s.38D(1)	duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by section 39	CEH, EHO	where Council is the registration authority



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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.38D(2)	duty to be satisfied of the matters in section 38D(2)(a)-(d)	CEH, EHO	where Council is the registration authority
s.38D(3)	power to request copies of any audit reports	CEH, EHO	where Council is the registration authority
s.38E(2)	power to register the food premises on a conditional basis	CEH, EHO	where Council is the registration authority; not exceeding the prescribed time limit defined under subsection (5)
s.38E(4)	duty to register the food premises when conditions are satisfied	CEH, EHO	where Council is the registration authority
s.38F(3)(b)	power to require proprietor to comply with requirements of this Act	CEH, EHO	where Council is the registration authority
s.39A	power to register, renew or transfer food premises despite minor defects	CEH, EHO	where Council is the registration authority only if satisfied of matters in subsections (2)(a)-(c)
s.40(2)	power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	CEH	
s.40C(2)	power to grant or renew the registration of food premises for a period of less than 1 year	CEH, EHO	where Council is the registration authority
s.40D(1)	power to suspend or revoke the registration of food premises	CEH	where Council is the registration authority
s.43F(6)	duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	CEH, EHO	where Council is the registration authority



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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.43F(7)	power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	CEH, EHO	where Council is the registration authority
s.46(5)	power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	CEH, EHO	where Council is the registration authority



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HERITAGE ACT 2017			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.84(2)	power to sub-delegate Executive Director's functions, duties or powers	CEO, GMED	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



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LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.181H	power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge	CEO ¹	

¹ The only member of staff who can be a delegate in Column 3 is the CEO. If a CEO wishes to sub-delegate these powers, he or she must use the S13 Instrument Delegation of CEO powers, duties and functions to Members of Council Staff.



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.4B	power to prepare an amendment to the Victoria Planning Provisions	GMED, MPD, CSLUP, CSP	if authorised by the Minister
s.4G	function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	GMED, MPD, CSLUP, CSP	
s.4H	duty to make amendment to Victoria Planning Provisions available	GMED, MPD, CSLUP, CSP, PSP, SSP, SP/PO	
s.4I	duty to keep Victoria Planning Provisions and other documents available	GMED, MPD, CSLUP, CSP, PSP, SSP, SP/PO	
s.8A(2)	power to prepare amendment to the planning scheme where the Minister has given consent under s.8A	GMED, MPD, CSLUP, CSP	
s.8A(3)	power to apply to Minister to prepare an amendment to the planning scheme	GMED, MPD, CSLUP, CSP	
s.8A(5)	function of receiving notice of the Minister's decision	GMED, MPD, CSLUP, CSP	
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	GMED, MPD, CSLUP, CSP	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.8B(2)	power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	GMED, MPD, CSLUP, CSP	
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	GMED, MPD, CSLUP, CSP	
s.12A(1)	duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under section 19 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>)	GMED, MPD, CSLUP, CSP	
s.12B(1)	duty to review planning scheme	GMED, MPD, CSLUP, CSP	
s.12B(2)	duty to review planning scheme at direction of Minister	GMED, MPD, CSLUP, CSP	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	GMED, MPD, CSLUP, CSP,	
s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	GMED, MPD, CSLUP, CSP	
s.17(1)	duty of giving copy amendment to the planning scheme	GMED, MPD, CSLUP, CSP, PSP, SSP, SP/PO	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.17(2)	duty of giving copy s.173 agreement	GMED MPD, CSLUP, CSP PSP, SSP, SP/PO	
s.17(3)	duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	GMED MPD, CSLUP, CSP PSP, SSP, SP/PO	
s.18	duty to make amendment etc. available	GMED MPD, CSLUP, PSP, SSP, SP/PO	
s.19	power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under section 19 to a planning scheme	GMED MPD, CSLUP, CSP, PSP, SSP, SP/PO	
s.19	function of receiving notice of preparation of an amendment to a planning scheme	GMED MPD, CSLUP, CSP, PSP, SSP, SP/PO	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 section 19	GMED MPD, CSLUP, CSP, PSP, SSP,	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.21(2)	duty to make submissions available	MPD, CSLUP,CSP, PSP, SSP, SP/PO	
s.21A(4)	duty to publish notice in accordance with section	MPD, CSLUP, CSP, PSP, SSP, SP/PO	
s.22	duty to consider all submissions	MPD, CSLUP, CSP, PSP, SSP, SP/PO	Except submissions which request a change to the items in s.22(5)(a) and (b). Except those referred to the Hearing of Submissions Committee.
s.23(1)(b)	duty to refer submissions which request a change to the amendment to a panel	MPD, CSLUP, CSP	
s.23(2)	power to refer to a panel submissions which do not require a change to the amendment	MPD, CSLUP, CSP	
s.24	function to represent Council and present a submission at a panel hearing (including a hearing referred to in section 96D)	GMED, MPD, CSLUP, CSP, PSP, SSP	
s.26(1)	power to make report available for inspection	GMED, MPD, CSLUP, CSP PSP	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.26(2)	duty to keep report of panel available for inspection	MPD, CSLUP, CSP, PSP, SSP, SP/PO	
s.27(2)	power to apply for exemption if panel's report not received	GMED, MPD, CSLUP, CSP	
s.28	duty to notify the Minister if abandoning an amendment	GMED, MPD, CSLUP, CSP	Note: the power to make a decision to abandon an amendment cannot be delegated
s.30(4)(a)	duty to say if amendment has lapsed	MPD, CSLUP, CSP, PSP	
s.30(4)(b)	duty to provide information in writing upon request	MPD, CSLUP, CSP, PSP, SSP	
s.32(2)	duty to give more notice if required	MPD, CSLUP, CSP, PSP, SSP, SP/PO	
s.33(1)	duty to give more notice of changes to an amendment	MPD, CSLUP, CSP, PSP, SSP, SP/PO	
s.36(2)	duty to give notice of approval of amendment	MPD, CSLUP, CSP, PSP, SSP, SP/PO	
s.38(5)	duty to give notice of revocation of an amendment	MPD, CSLUP, CSP, PSP	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.39	function of being a party to a proceeding commenced under section 39 and duty to comply with determination by VCAT	GMED, MPD, CSLUP, CSP, PSP	
s.40(1)	function of lodging copy of approved amendment	GMED, MPD, CSLUP, CSP, PSP, SPP, SP/PO	
s.41	duty to make approved amendment available	GMED, MPD, CSLUP, CSP, PSP, SSP, SP/PO	
s.42	duty to make copy of planning scheme available	GMED, MPD, CSLUP, CSP, PSP, SSP, SP/PO	
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	-	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.46AS(ac)	power to request the Victorian Planning Authority (VPA) to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria	GMED, MPD, CSLUP, CSP	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46AW	function of being consulted by the Minister	GMED, MPD, CSLUP, CSP	<u>where Council is a responsible public entity</u>
s.46AX	function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy power to endorse the draft Statement of Planning Policy	GMED, MPD, CSLUP, CSP	<u>where Council is a responsible public entity</u>
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	GMED, MPD, CSLUP, CSP, PSP	<u>where Council is a responsible public entity</u>
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	GMED, MPD, CSLUP, CSP, PSP	<u>where Council is a responsible public entity</u>
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 Council	GMED, MPD, CSLUP, CSP, PSP	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	GMED, MPD, CSLUP, CSP, PSP	
s.46GK	duty to comply with a Minister's direction that applies to Council as the planning authority	GMED, MPD, CSLUP, CSP, PSP	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46GN(1)	duty to arrange for estimates of values of inner public purpose land	GMED, MPD, CSLUP, CSP, PSP	
s.46GO(1)	duty to give notice to owners of certain inner public purpose land	GMED, MPD, CSLUP, CSP, PSP	
s.46GP	function of receiving a notice under s.46GO	GMED, MPD, CSLUP, CSP, PSP	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	GMED, MPD, CSLUP, CSP, PSP	
s.46GR(1)	duty to consider every submission that is made by the closing date for submissions included in the notice under s.46GO	GMED, MPD, CSLUP, CSP, PSP	
s.46GR(2)	power to consider a late submission duty to consider a late submission if directed to do so by the Minister	GMED, MPD, CSLUP, CSP, PSP	
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	GMED, MPD, CSLUP, CSP, PSP	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46GS(2)	duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	GMED, MPD, CSLUP, CSP, PSP	
s.46GT(2)	duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	GMED, MPD, CSLUP, CSP, PSP	
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	GMED, MPD, CSLUP, CSP, PSP	
s.46GT(6)	function of receiving, from the valuer-general, written notice of a determination under s.46GT(5)	GMED, MPD, CSLUP, CSP, PSP	
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	GMED, MPD, CSLUP, CSP, PSP	
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	GMED, MPD, CSLUP, CSP, PSP	where Council is the collecting agency



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46GV(3)(b)	power to enter into an agreement with the applicant	GMED, MPD, CSLUP, CSP, PSP	where Council is the collecting agency
s.46GV(4)(a)	function of receiving the inner public purpose land in accordance with s.46GV(5) and (6)	GMED, MPD, CSLUP, CSP, PSP	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)	GMED, MPD, CSLUP, CSP, PSP	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	GMED, MPD, CSLUP, CSP, PSP	
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	GMED, GMGI, MPD, MF	where Council is the collecting agency
s.46GX(1)	power to accept the works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	GMED, MPD, CSLUP, CSP, PSP	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	GMED, GMGI, MPD, MF	where Council is the collecting agency



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46GY(1)	duty to keep proper and separate accounts and records	GMED, GMGI, MPD, MF	where Council is the collecting agency
s.46GY(2)	duty to keep the accounts and records in accordance with the <i>Local Government Act 1989</i>	GMED, GMGI, MPD, MF	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	GMED, GMGI, MPD, MF	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	GMED, GMGI, MPD, MF	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	GMED, MPD, CSLUP, CSP, PSP	Where Council is the collecting agency under an approved infrastructure contributions plan this provision does not apply where Council is also the relevant development agency



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46GZ(2)(b)	function of receiving the monetary component	GMED, GMGI, MPD, MF	where Council is the development agency under an approved infrastructure contributions plan this provision does not apply where Council is also the collecting agency
s.46GZ(4)	duty to use any land equalisation amounts to pay land credit amounts under s.46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s.46GZ(5)	GMED, GMGI, MPD, MF	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZ(5)	duty to forward any part of a land equalisation amount part of a land equalisation of part of a land equalisation or a development agency specified in the approved infrastructure contributions plan to that development agency	GMED, GMGI, MPD, MF	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	GMED, GMGI, MPD, MF	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



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	GMED, GMGI, MPD, MF	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 Council contributions plan as responsible for the use and development of that land	GMED, MPD, CSLUP, CSP	if any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> 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	GMED, GMGI, MPD, MF	where Council is the development agency under an approved infrastructure contributions plan this duty does not apply where Council is also the collecting agency
s.46GZA(1)	duty to keep proper and separate accounts and records	GMED, GMGI, MPD, MF	where Council is a development agency under an approved infrastructure contributions plan
s.46GZA(2)	duty to keep the accounts and records in accordance with the <i>Local Government Act 1989</i>	GMED, MPD, CSLUP, CSP, MF	where Council is a development agency under an approved infrastructure contributions plan



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46GZB(3)	duty to follow the steps set out in s.46GZB(3)(a) – (c)	GMGI, MF	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	GMED, GMGI, MPD, MF	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)	GMED, GMGI, MPD, MF	where Council is the development agency under an approved infrastructure contributions plan
s.46GZD(3)	duty to follow the steps set out in s.46GZD(3)(a) and (b)	GMED, GMGI, MPD, MF	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)	GMED, GMGI, MPD, MF	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZE(2)	Council 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	GMED, GMGI, MPD, MF	where Council is the development agency under an approved infrastructure contributions plan this duty does not apply where Council is also the collecting agency



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46GZE(2)	function of receiving the unexpended land equalisation amount	GMED, GMGI, MPD, MF	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)	GMED, GMGI, MPD, MF	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZF(2)	duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	GMED, GMGI, MPD, MF	where Council is the development agency under an approved infrastructure contributions plan
s.46GZF(3)	duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	GMED, GMGI, MPD, MF	where Council is the development agency under an approved infrastructure contributions plan
s.46GZF(3)	s.46GZF(3)(a) function of receiving proceeds of sale	GMED, GMGI, MPD, MF	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)	GMED, GMGI, MPD, MF	where Council is the collecting agency under an approved infrastructure contributions plan



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46GZF(6)	duty to make the payments under s.46GZF(4) in accordance with s.46GZF(6)(a) and (b)	GMED, GMGI, MPD, MF	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	GMED, GMGI, MPD, MF	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	GMED, GMGI, MPD, MF	Where Council is a collecting agency or development agency
s.46GZK	power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	GMED, GMGI, MPD, MF, PLSO	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)	GMED, GMGI, MPD, MF, CSP, CSLUP	
s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	GMED, MPD, CSP, CSLUP, PSP	
s.46N(2)(c)	function of determining time and manner for receipt of development contributions levy	GMED, MPD, CSP, CSLUP, PSP	
s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy	GMED, MPD, CSP, CSLUP, PSP	
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	GMED, MPD, CSP, CSLUP, PSP	



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	GMED, MPD, CSP, CSLUP, PSP	
s.46P(1)	power to require payment of amount of levy under section 46N or section 46O to be satisfactorily secured	GMED, MPD, CSP, CSLUP, PSP	
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	GMED, MPD, CSLUP, CSP	
s.46Q(1)	duty to keep proper accounts of levies paid	GMED, GMGI, MPD, MF, CSLUP, CSP, CFA	
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	GMED, GMGI, MPD, MF, SAM, CSLUP, CSP, CFA	
s.46Q(2)	duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc.	CEO, GMED, GMGI, MPD, MF, SAM, CSLUP, CSP, CFA	
s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	GMED, GMGI, MPD, MF, CSLUP, CSP, CFA	Only applies when levy is paid to Council as a 'development agency'



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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)	GMED, GMGI, MPD, MF, CSLUP, CSP, CFA	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	GMED,MPD, CSLUP, CSP	Must be done in accordance with Part 3
s46Q(4)(e)	duty to expend that amount on other works etc.	GMED, GMGI, MPD, MF, SAM, CSLUP, CSP, CFA	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	GMED, GMGI, MPD, MF, SAM, CSLUP, CSP, CFA	
s.46QD	duty to prepare report and give a report to the Minister	GMED, GMGI, MPD, MF	Where Council is a collecting agency or development agency
s.46V(3)	duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	Not delegated	Not applicable
s.46Y	duty to carry out works in conformity with the approved strategy plan	Not delegated	Not applicable



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.47	power to decide that an application for a planning permit does not comply with that Act	GMED, MPD, CSLUP, CSP,CPC, PSP, PPIO, SPIO, SPP, SP/PO	
s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	GMED, MPD, CSLUP, CSP,CPC, PSP, PPIO, SPIO, SPP, SP/PO	
s.49(2)	duty to make register available for inspection	GMED, MPD, CSLUP, CSP, PSP, SPP, SP/PO	
s.50(4)	duty to amend application	GMED, MPD, CSLUP, CSP, PSP, SPP, SP/PO	
s.50(5)	power to refuse to amend application	GMED, MPD, CSLUP, CSP, PSP	
s.50(6)	duty to make note of amendment to application in register	GMED, MPD, CSLUP, CSP, PSP, SPP, SP/PO	



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.50A(1)	power to make amendment to application	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	
s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	
s.51	duty to make copy of application available for inspection	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	
s.50A(4)	duty to note amendment to application in register	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	
s.52(1)(a)	duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	
s.52(1)(b)	duty to give notice of the application to other municipal Councils where appropriate	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	
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	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	
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	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	
s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	
s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	
s.52(3)	power to give any further notice of an application where appropriate	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.53(1)	power to require the applicant to give notice under section 52(1) to persons specified by it	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	
s.53(1A)	power to require the applicant to give the notice under section 52(1AA)	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	
s.54(1)	power to require the applicant to provide more information	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	
s.54(1A)	duty to give notice in writing of information required under section 54(1)	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	
s.54(1B)	duty to specify the lapse date for an application	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	
s.54A(3)	power to decide to extend time or refuse to extend time to give required information	GMED, MPD, CSP, CSLUP, PSP, SSP	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.54A(4)	duty to give written notice of decision to extend or refuse to extend time und section 54A(3)	GMED, MPD, CSP, CSLUP, PSP, SSP	
s.55(1)	duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	GMED, MPD, CSP, CSLUP	
s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	
s.57(5)	duty to make available for inspection copy of all objections	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	
s.57A(4)	duty to amend application in accordance with applicant's request, subject to section 57A(5)	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	
s.57A(5)	power to refuse to amend application	GMED, MPD, CSP, CSLUP, PSP	



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.57A(6)	duty to note amendments to application in register	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	
s.57B(1)	duty to determine whether and to whom notice should be given	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	
s.57B(2)	duty to consider certain matters in determining whether notice should be given	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	
s.57C(1)	duty to give copy of amended application to referral authority	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	
s.58	duty to consider every application for a permit	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	
s.58A	power to request advice from the Planning Application Committee	GMED, MPD, CSP, CSLUP, PSP	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.60	duty to consider certain matters	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	
s60(1A)	power to consider certain matters before deciding on application	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	
s.60(1B)	duty to consider number of objectors in considering whether use or development may have significant social effect	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	
s.61(1)	power to determine permit application to decide to grant a permit, to decide to grant a permit with conditions where there are no objections	GMED, MPD, CSP, CSLUP,PSP, SSP	The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>
s.61(1)	power to determine permit application to decide to grant a permit, to decide to grant a permit with conditions where there are objections	GMED, MPD, CSLUP, CSP	The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i> Note: Council has the ability to call in an application for a Council decision.



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.61(1)	power to determine permit application to decide to refuse a permit application	GMED, MPD, CSLUP, CSP	Note: Council has the ability to "call in" an application for a Council decision.
s.61(2)	duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	GMED, MPD, CSP, CSLUP, PSP	
s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	GMED, MPD, CSP, CSLUP	
s.61(3)(a)	duty not to decide to grant a permit to use coastal Crown land without Minister's consent	GMED, MPD, CSP, CSLUP, PSP	
s.61(3)(b)	duty to refuse to grant the permit without the Minister's consent	GMED, MPD, CSP, CSLUP, PSP	
s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	GMED, MPD, CSP, CSLUP	
s.62(1)	duty to include certain conditions in deciding to grant a permit	GMED, MPD, CSP, SLUP, PSP, SSP	
s.62(2)	power to include other conditions	GMED, MPD, CSP, CSLUP, PSP, SSP	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.62(4)	duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	GMED, MPD, CSP, CSLUP, PSP, SSP	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	GMED, MPD, CSP, CSLUP, PSP, SSP	
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 section 173 agreement	GMED, MPD, CSP, CSLUP, PSP, SSP	
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	GMED, MPD, CSP, CSLUP, PSP, SSP	
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 section ss.46N(1), 46GV(7) or 62(5)	GMED, MPD, CSP, CSLUP, PSP, SSP	
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 section 62(1)(a)	GMED, MPD, CSP, CSLUP, PSP, SSP	
s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	This provision applies also to a decision to grant an amendment to a permit - see section 75
s.64(3)	duty not to issue a permit until after the specified period	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	This provision applies also to a decision to grant an amendment to a permit - see section 75
s.64(5)	duty to give each objector a copy of an exempt decision	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	This provision applies also to a decision to grant an amendment to a permit - see section 75
s.64A	duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	This provision applies also to a decision to grant an amendment to a permit - see section 75A
s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under section 57	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	
s.66(1)	duty to give notice under section 64 or section 65 and copy permit to relevant determining referral authorities	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	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	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	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 section 64 or 65	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	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	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	
s.69(1A)	function of receiving application for extension of time to complete development	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.69(2)	power to extend time	GMED, MPD, CSP, CSLUP, PSP	
s.70	duty to make copy permit available for inspection	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	
s.71(1)	power to correct certain mistakes	GMED, MPD, CSP, PSP	
s.71(2)	duty to note corrections in register	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	
s.73	power to decide to grant amendment subject to conditions	GMED, MPD, CSP, PSP, SSP	The conditions and limitations that apply to section 61(1) also apply to decisions to amend a permit.
s.74	duty to issue amended permit to applicant if no objectors	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	
s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	
s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	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	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s.76A(6)	duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under section 64 or 76	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	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	GMED, MPD, CSP, CSLUP, PSP	
s.83	function of being respondent to an appeal	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.83B	duty to give or publish notice of application for review	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	
s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	GMED, MPD, CSP, CSLUP, PSP	
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	GMED, MPD, CSP, CSLUP, PSP	
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	GMED, MPD, CSP, PSP, SSP	
s.84(6)	duty to issue permit on receipt of advice within 3 working days	GMED, MPD, CSLUP, CSP, PSP, SSP	
s.84AB	power to agree to confining a review by the Tribunal	GMED, MPD, CSP, CSLUP, PSP	
s.86	duty to issue a permit at order of Tribunal within 3 working days	GMED, MPD, CSP, CSLUP, PSP, SSP	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	GMED, MPD, CSP, CSLUP, CPC	
s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	GMED, MPD, CSP, CSLUP, PSP, CPC	
s.91(2)	duty to comply with the directions of VCAT	GMED, MPD, CSP, CSLUP, PSP, CPC, SPIO	
s.91(2A)	duty to issue amended permit to owner if Tribunal so directs	GMED, MPD, CSP, CSLUP, CPC, PSP	
s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under section 90	GMED, MPD, CSP, CSLUP, SSP, CPC,	
s.93(2)	duty to give notice of VCAT order to stop development	GMED, MPD, CSP, CSLUP, CPC, PSP, PPIO, SSP, SPIO	
s.95(3)	function of referring certain applications to the Minister	GMED, MPD, CSP, CSLUP, PSP	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.95(4)	duty to comply with an order or direction	GMED, MPD, CSP, CSLUP, PSP, SSP	
s.96(1)	duty to obtain a permit from the Minister to use and develop its land	GMED, MPD, CSP, CSLUP, PSP, SSP	
s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	GMED, MPD, CSP, CSLUP	
s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	GMED, MPD, CSP, CSLUP	
s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under section 96C	GMED, MPD, CSP, CSLUP, PSP, SSP, SP/PO	
s.96F	duty to consider the panel's report under section 96E	Not Delegated	
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 section 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>)	Not Delegated	
s.96H(3)	power to give notice in compliance with Minister's direction	GMED, MPD, CSP, CSLUP, SSP, SP/PO	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.96J	power to issue permit as directed by the Minister	GMED, MPD, CSP, CSLUP	
s.96K	duty to comply with direction of the Minister to give notice of refusal	GMED, MPD, CSP, CSLUP	
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	GMED, MPD, CSP, CSLUP, SSP, SP/PO	
s.97C	power to request Minister to decide the application	GMED, MPD	
s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	GMED, MPD, CSP, CSLUP, SSP, SP/PO	
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	GMED, MPD, CSP, CSLUP, SSP, SP/PO	
s.97G(6)	duty to make a copy of permits issued under section 97F available for inspection	GMED, MPD, CSP, CSLUP, SSP, SP/PO	
s.97L	duty to include Ministerial decisions in a register kept under section 49	GMED, MPD, CSP, CSLUP, SSP, SP/PO	
s.97MH	duty to provide information or assistance to the Planning Application Committee	GMED, MPD, CSP, CSLUP, SSP, SP/PO	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.97MI	duty to contribute to the costs of the Planning Application Committee or subcommittee	GMED, MPD	
s.97O	duty to consider application and issue or refuse to issue certificate of compliance	GMED, MPD, CSP, CSLUP, CPC, SSP	
s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	GMED, MPD, CSP, CSLUP, CPC, SSP, SPIO	
s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	GMED, MPD, CSP, CSLUP, CPC, SSP, SPIO	
s.97Q(4)	duty to comply with directions of VCAT	GMED, MPD, CSP, CSLUP, CPC, SSP, SPIO	
s.97R	duty to keep register of all applications for certificate of compliance and related decisions	GMED, MPD, CSP, CSLUP, CPC, SSP, SPIO	
s.98(1)&(2)	function of receiving claim for compensation in certain circumstances	GMED, MPD, CSP, CSLUP, CPC, SSP, SPIO, SP/PO	
s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	GMED, MPD, CSP, CSLUP, CPC, SSP, SPIO	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.101	function of receiving claim for expenses in conjunction with claim	GMED, MPD, CSP, CSLUP, CPC	
s.103	power to reject a claim for compensation in certain circumstances	GMED, MPD, CSP, CSLUP, CPC	
s.107(1)	function of receiving claim for compensation	GMED, MPD, CSP, CSLUP, CPC	
s.107(3)	power to agree to extend time for making claim	GMED, MPD, CSP, CSLUP, CPC	
s.114(1)	power to apply to the VCAT for an enforcement order	GMED, MPD, CSP, CSLUP, CPC, SSP, SPIO	
s.117(1)(a)	function of making a submission to the VCAT where objections are received	GMED, MPD, CSP, CSLUP, CPC, SSP, SPIO	
s.120(1)	power to apply for an interim enforcement order where section 114 application has been made	GMED, MPD, CSP, CSLUP, CPC, SSP, SPIO	
s.123(1)	power to carry out work required by enforcement order and recover costs	GMED, MPD, CSP, CSLUP, CPC	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under section 123(1)	GMED, MPD, CSP, CSLUP, CPC	except Crown Land
s.129	function of recovering penalties	GMED, MPD, CSP, CSLUP, CPC	
s.130(5)	power to allow person served with an infringement notice further time	GMED, MPD, CSP, CSLUP, CPC	
s.149A(1)	power to refer a matter to the VCAT for determination	GMED, MPD, CSP, CSLUP, CPC, SSP, SPIO	
s.149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	GMED, MPD, CSP, CSLUP, CPC, SSP, SPIO	
s.156	duty to pay fees and allowances (including a payment to the Crown under subsection (2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under subsection (2B)power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4)	GMED, MPD, CSP, CSLUP	where Council is the relevant planning authority
s.171(2)(f)	power to carry out studies and commission reports	GMED, MPD, CSP, CSLUP, CPC, SSP, SPIO	
s.171(2)(g)	power to grant and reserve easements	GMED, MPD, CSP, CSLUP	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.172C	power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	GMED, GMGI	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)	GMED, GMGI	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)	GMED, GMGI	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 section 174	GMED	Where the Chief Executive Officer has a conflict of interest
s.173(1A)	power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	GMED	Where Council is the relevant responsible authority Note: this provision is not yet in force and will commence on 1 June 2018, if not proclaimed earlier
---	power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	GMED, MPD, CSP, CSLUP, CPC, SSP, SPIO, PIO, PO	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
---	power to give consent on behalf of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority	GMED, MPD, CSP, CSLUP, CPC, SSP, SPIO	
s.177(2)	power to end a section 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	GMED, MPD	
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	GMED	Where the Chief Executive Officer has a conflict of interest.
s.178A(1)	function of receiving application to amend or end an agreement	GMED, MPD, CSP, CSLUP, CPC, SSP, SPIO, PIO, PO	
s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	GMED	Requires agreement of the CEO unless the CEO has a conflict of interest. Prior to making a decision the CEO (or GMED where the CEO has a conflict of interest) must: (i) Consult with the Mayor, and (ii) Provide all Councillors 48 hours' notice of the intention to make an in-principle decision.
s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	GMED	Requires agreement of the CEO unless the CEO has a conflict of interest.
s.178A(5)	power to propose to amend or end an agreement	GMED	Requires agreement of the CEO unless the CEO has a conflict of interest.
s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	GMED, MPD, CSP, CSLUP	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	GMED, MPD, CSP, CSLUP	
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	GMED, MPD, CSP, CSLUP, CPC, SSP, SPIO, PIO, PO	
s.178C(4)	function of determining how to give notice under s.178C(2)	GMED, MPD, CSP, CSLUP, CPC, SSP	
s.178E(1)	duty not to make decision until after 14 days after notice has been given	GMED, MPD	
s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	GMED, MPD	If no objections are made under s.178D Must consider matters in s.178B Requires agreement of the CEO unless the CEO has a conflict of interest.
s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	GMED, MPD	If no objections are made under s.178D Must consider matters in s.178B. Requires agreement of the CEO unless the CEO has a conflict of interest.
s.178E(2)(c)	power to refuse to amend or end the agreement	GMED, MPD	If no objections are made under s.178D Must consider matters in s.178B Requires agreement of the CEO unless the CEO has a conflict of interest.
s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	GMED, MPD	After considering objections, submissions and matters in s.178B Requires agreement of the CEO unless the CEO has a conflict of interest.



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	GMED, MPD	After considering objections, submissions and matters in s.178B Requires agreement of the CEO unless the CEO has a conflict of interest.
s.178E(3)(c)	power to propose to amend or end the agreement in a manner that is substantively different from the proposal	GMED, MPD	After considering objections, submissions and matters in s.178B Requires agreement of the CEO unless the CEO has a conflict of interest.
s.178E(3)(d)	power to refuse to amend or end the agreement	GMED, MPD	After considering objections, submissions and matters in s.178B Requires agreement of the CEO unless the CEO has a conflict of interest.
s.178F(1)	duty to give notice of its decision under s.178E(3)(a) or (b)	GMED, MPD	
s.178F(2)	duty to give notice of its decision under s.178E(2)(c) or (3)(d)	GMED, MPD	
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	GMED, MPD	
s.178G	duty to sign amended agreement	GMED	Where the Chief Executive Officer has a conflict of interest
s.178G	duty to give copy to each other party to the agreement	GMED, MPD, CSP, CSLUP, CPC, SSP, SPIO, SP/PO	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	GMED, MPD, CSP, CSLUP, CPC, SSP, SPIO, SP/PO	
s.178I(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	GMED, MPD, CSP, CSLUP, CPC, SSP, SPIO SP/PO	
s.179(2)	duty to make available for inspection copy agreement	GMED, MPD, CSP, CSLUP, CPC, SSP, SPIO, SP/PO	
s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	GMED, MPD, CSP, CSLUP, CPC, SSP, SPIO SP/PO	
s.181(1A)(a)	power to apply to the Registrar of Titles to record the agreement	GMED, MPD, CSP, CSLUP, CPC, SSP, SPIO, SP/PO	
s.181(1A)(b)	duty to apply to the Registrar of Titles, without delay, to record the agreement	GMED, MPD, CSP, CSLUP, CPC, SSP, SPIO, SP/PO	
s.182	power to enforce an agreement	GMED, MPD, CSP, CSLUP, CPC, SSP, SPIO, PIO, PO	
s.183	duty to tell Registrar of Titles of ending/amendment of agreement	GMED, MPD, CSP, CSLUP, CPC, SSP, SPIO, PIO, PO	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	GMED, MPD	
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	GMED, MPD	
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	GMED, MPD, CSP, CSLUP, CPC, SSP, SPIO, PIO, PO	
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	GMED, MPD, CSP, CSLUP, CPC, SSP, SPIO, PIO, PO	
s.184G(2)	duty to comply with a direction of the Tribunal	GMED, MPD	
s.184G(3)	duty to give notice as directed by the Tribunal	GMED, MPD,	
s.198(1)	function to receive application for planning certificate	GMED, MPD, CSP, CSLUP, SSP	
s.199(1)	duty to give planning certificate to applicant	GMED, MPD, CSP, CSLUP, SSP, PO	
s.201(1)	function of receiving application for declaration of underlying zoning	GMED, MPD, CSP, CSLUP, SSP	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.201(3)	duty to make declaration	GMED, MPD, CSP, CSLUP, SSP	
-	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	GMED, MPD, CSP, CSLUP, CPC, SSP, SPIO, PIO, PO	
-	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	GMED, MPD, CSP, CSLUP, CPC, SSP, SPIO, PIO, PO	
-	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	GMED, MPD, CSP, CSLUP, CPC, SSP	Approval of development plans where there are no unresolved submissions objecting to the plan Approval of minor amendments to development plans previously approved by Council resolution where there were submissions objecting to the plan and the new plan makes no significant change to the plan that would require public notice of that change.
-	power to give written authorisation in accordance with a provision of a planning scheme	GMED, MPD, CSP, CSLUP, CPC, SSP	
s.201UAB(1)	function of providing the Victorian Planning Authority with information relating to any land within municipal district	GMED, MPD, CSP, CSLUP, SSP	
s.201UAB(2)	duty to provide the Victorian Planning Authority with information requested under subsection (1) as soon as possible	GMED, MPD, CSP, CSLUP, SSP	



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Does not currently apply to Surf Coast Shire Council
RAIL SAFETY (LOCAL OPERATIONS) ACT 2006



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RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.142D	function of receiving notice regarding an unregistered rooming house	CEH, EHO	
s.142G(1)	duty to enter required information in Rooming House Register for each rooming house in municipal district	CEH	
s.142G(2)	power to enter certain information in the Rooming House Register	CEH, EHO	
s.142I(2)	power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	CEH, EHO	
s.252	power to give tenant a notice to vacate rented premises if subsection (1) applies	GMGI	Where Council is the landlord
s.262(1)	power to give tenant a notice to vacate rented premises	GMGI	Where Council is the landlord
s.262(3)	power to publish its criteria for eligibility for the provision of housing by Council	GMGI, GMCC	
s.518F	power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	CEH, EHO, MBS, BS, BI	
s.522(1)	power to give a compliance notice to a person	CEH, EHO, MBS, BS, BI	
s.525(2)	power to authorise an officer to exercise powers in section 526 (either generally or in a particular case)	CEO only	



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RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.525(4)	duty to issue identity card to authorised officers	CEO only	
s.526(5)	duty to keep record of entry by authorised officer under section 526	CEH, EHO, MBS, BS, BI	
s.526A(3)	function of receiving report of inspection	CEH, EHO	
s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	CEH, EHO, MBS, BS, BI	



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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.11(1)	power to declare a road by publishing a notice in the Government Gazette	GMGI, SAM, MES	Obtain consent in circumstances specified in section 11(2)
s.11(8)	power to name a road or change the name of a road by publishing notice in Government Gazette	GMGI, SAM, MES	
s.11(9)(b)	duty to advise Registrar	GMGI, SAM, MES	
s.11(10)	duty to inform Secretary to Department Environment, Land, Water and Planning of declaration etc.	GMGI, SAM, MES	Clause subject to section 11(10A)
s.11(10A)	duty to inform Secretary to Department Environment, Land, Water and Planning or nominated person	GMGI, SAM, MES	Where Council is the coordinating road authority
s.12(2)	power to discontinue road or part of a road	GMGI, SAM, MES, PLSO	Where Council is the coordinating road authority
s.12(4)	power to publish, and provide copy, notice of proposed discontinuance	GMGI, SAM, MES, PLSO	Power of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(5)	duty to consider written submissions received within 28 days of notice	GMGI, SAM, MES	Duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies



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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.12(6)	function of hearing a person in support of their written submission	GMGI, SAM, MES	Function of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(7)	duty to fix day, time and place of meeting under subsection (6) and to give notice	GMGI, SAM, MES, PLSO	Duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(10)	duty to notify of decision made	GMGI, SAM, MES, PLSO	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	GMGI, SAM, MES	Power of coordinating road authority and obtain consent under section 13(3) and section 13(4) as appropriate
s.14(4)	function of receiving notice from VicRoads	GMGI, SAM, MES	
s.14(7)	power to appeal against decision of VicRoads	GMGI, SAM, MES	
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	GMGI, SAM, MES	
s.15(1A)	power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	SAM, MES	



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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.15(2)	duty to include details of arrangement in public roads register	SAM, MES	
s.16(7)	power to enter into an arrangement under section 15	SAM, MES	
s.16(8)	duty to enter details of determination in public roads register	SAM	
s.17(2)	duty to register public road in public roads register	SAM	Where Council is the coordinating road authority
s.17(3)	power to decide that a road is reasonably required for general public use	SAM, MES	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	SAM	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	SAM, MES	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	SAM	Where Council is the coordinating road authority
s.18(1)	power to designate ancillary area	SAM, MES	Where Council is the coordinating road authority, and obtain consent in circumstances specified in section 18(2)
s.18(3)	duty to record designation in public roads register	SAM	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	SAM	



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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19(4)	duty to specify details of discontinuance in public roads register	SAM	
s.19(5)	duty to ensure public roads register is available for public inspection	SAM	
s.21	function of replying to request for information or advice	SAM, MES	Obtain consent in circumstances specified in section 11(2)
s.22(2)	function of commenting on proposed direction	SAM, MES	
s.22(4)	duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	GMGI	
s.22(5)	duty to give effect to a direction under this section.	GMGI	
s.40(1)	duty to inspect, maintain and repair a public road.	SAM, CCW, MES	
s.40(5)	power to inspect, maintain and repair a road which is not a public road	SAM, MES, CCW	
s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	SAM, MES, CCW	
s.42(1)	power to declare a public road as a controlled access road	SAM, MES	Power of coordinating road authority and Schedule 2 also applies
s.42(2)	power to amend or revoke declaration by notice published in Government Gazette	SAM, MES	Power of coordinating road authority and Schedule 2 also applies



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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.42A(3)	duty to consult with VicRoads before road is specified	GMGI, SAM, MES	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	GMGI, SAM, MES, CDT	where Council is the coordinating road authority if road is a municipal road or part thereof and where road is to be specified a freight road
s.48EA	duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	GMGI, SAM, MES, CDT	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 section 48M	GMGI, MES, SAM	
s.49	power to develop and publish a road management plan	GMGI, SAM, MES	
s.51	power to determine standards by incorporating the standards in a road management plan	GMGI, SAM, MES	
s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	GMGI, SAM, MES	
s.54(2)	duty to give notice of proposal to make a road management plan	GMGI, SAM, MES	
s.54(5)	duty to conduct a review of road management plan at prescribed intervals	GMGI, SAM, MES	



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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.54(6)	power to amend road management plan	GMGI, SAM, MES	
s.54(7)	duty to incorporate the amendments into the road management plan	GMGI, SAM, MES	
s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	GMGI, SAM, MES	
s.63(1)	power to consent to conduct of works on road	SAM, MES, CCW	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	SAM, MES, CCW	Where Council is the infrastructure manager
s.64(1)	duty to comply with clause 13 of Schedule 7	SAM, MES	Where Council is the infrastructure manager or works manager
s.66(1)	power to consent to structure etc	SAM, MES	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	SAM, MES	Where Council is the coordinating road authority
s.67(3)	power to request information	SAM, MES	Where Council is the coordinating road authority
s.68(2)	power to request information	SAM, MES	Where Council is the coordinating road authority
s.71(3)	power to appoint an authorised officer	CEO	
s.72	duty to issue an identity card to each authorised officer	CEO	



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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.85	function of receiving report from authorised officer	SAM	
s.86	duty to keep register re section 85 matters	SAM	
s.87(1)	function of receiving complaints	SAM, MES	
s.87(2)	duty to investigate complaint and provide report	SAM, MES	
s.112(2)	power to recover damages in court	SAM, MES, CCW	
s.116	power to cause or carry out inspection	SAM, MES, CCW	
s.119(2)	function of consulting with VicRoads	GMGI, SAM, MES	
s.120(1)	power to exercise road management functions on an arterial road (with the consent of VicRoads)	GMCI, SAM, MES	
s.120(2)	duty to seek consent of VicRoads to exercise road management functions before exercising power in section 120(1)	SAM, MES, CCW	
s.121(1)	power to enter into an agreement in respect of works	GMCI, SAM, MES, CDT	
s.122(1)	power to charge and recover fees	GMCI, SAM, MES, CDT	
s.123(1)	power to charge for any service	GMCI, SAM, MES, CDT	



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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	SAM, MES	
Schedule 2 Clause 3(1)	duty to make policy about controlled access roads	Not Delegated	
Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	Not Delegated	
Schedule 2 Clause 4	function of receiving details of proposal from VicRoads	SAM, MES, CDT	
Schedule 2 Clause 5	duty to publish notice of declaration	SAM, MES, CDT	
Schedule 7, Clause 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	SAM, MES, CDT	Where Council is the infrastructure manager or works manager
Schedule 7, Clause 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	SAM, MES, CDT	Where Council is the infrastructure manager or works manager
Schedule 7, Clause 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	SAM, MES, CCW	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure



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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7, Clause 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	SAM, MES	Where Council is the infrastructure manager or works manager
Schedule 7, Clause 10(2)	where Schedule 7 Clause 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	SAM, MES	Where Council is the infrastructure manager or works manager
Schedule 7 Clause 12(2)	power to direct infrastructure manager or works manager to conduct reinstatement works	SAM, MES	Where Council is the coordinating road authority
Schedule 7 Clause 12(3)	power to take measures to ensure reinstatement works are completed	SAM, MES	Where Council is the coordinating road authority
Schedule 7 Clause 12(4)	duty to ensure that works are conducted by an appropriately qualified person	SAM, MES, CCW	where Council is the coordinating road authority
Schedule 7 Clause 12(5)	power to recover costs	SAM, MES	Where Council is the coordinating road authority
Schedule 7, Clause 13(1)	duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7, Clause 13(2)	SAM, MES	Where Council is the works manager
Schedule 7 Clause 13(2)	power to vary notice period	SAM, MES	Where Council is the coordinating road authority
Schedule 7, Clause 13(3)	duty to ensure works manager has complied with obligation to give notice under Schedule 7, Clause 13(1)	SAM, MES	Where Council is the infrastructure manager



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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7 Clause 16(1)	power to consent to proposed works	SAM, MES	Where Council is the coordinating road authority
Schedule 7 Clause 16(4)	duty to consult	GMGI, SAM, MES	Where Council is the coordinating road authority, responsible authority or infrastructure manager
Schedule 7 Clause 16(5)	power to consent to proposed works	GMGI, SAM, MES	Where Council is the coordinating road authority
Schedule 7 Clause 16(6)	power to set reasonable conditions on consent	GMGI, SAM, MES	Where Council is the coordinating road authority
Schedule 7 Clause 16(8)	power to include consents and conditions	GMGI, SAM, MES	Where Council is the coordinating road authority
Schedule 7 Clause 17(2)	power to refuse to give consent and duty to give reasons for refusal	SAM, MES	Where Council is the coordinating road authority
Schedule 7 Clause 18(1)	power to enter into an agreement	SAM, MES	Where Council is the coordinating road authority
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	SAM, MES	Where Council is the coordinating road authority
Schedule 7 Clause 19(2) & (3)	power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	SAM, MES	Where Council is the coordinating road authority
Schedule 7 Clause 20(1)	power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	SAM, MES	Where Council is the coordinating road authority



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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7A Clause 2	power to cause street lights to be installed on roads	MES, CDT	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
Schedule 7A Clause 3(1)(d)	duty to pay installation and operation costs of street lighting - where road is not an arterial road	MES, CDT	Where Council is the responsible road authority
Schedule 7A Clause 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	MES, CDT	Where Council is the responsible road authority
Schedule 7A Clause (3)(1)(f),	duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with clauses 3(2) and 4	MES, CDT	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal Council (re: operating costs)



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Does not currently apply to Surf Coast Shire Council

CEMETERIES AND CREMATORIA REGULATIONS 2005

These provisions apply to Councils appointed as a cemetery trust under section 5 of the *Cemeteries and Crematoria Act 2003*, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Note: these Regulations are due to expire on 28 June 2015



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PLANNING AND ENVIRONMENT REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING 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	GMED, MPD, CSP, CSLUP, SSP, PO	Where Council is not the planning authority and the amendment affects land within its municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	GMED, MPD, CSP, CSLUP, SSP, PO	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	GMED, MPD, CSP, CSLUP, SSP, PO	Where Council is the responsible authority
r.25(b))	function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	GMED, MPD, CSP, CSLUP, SSP, PO	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	GMED, MPD, CSP, CSLUP, SSP, PO	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.



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PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r.19	power to waive or rebate a fee relating to an amendment of a planning scheme	GMED, MPD, CSLUP	
r.20	power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	GMED, MPD CSP	
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	GMED, MPD, CSLUP, CSP	



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RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.7	function of entering into a written agreement with a caravan park owner	CEH, EHO, MBS, BS, BI	
r.11	function of receiving application for registration	CEH, EHO	
r.13(1)	duty to grant the registration if satisfied that the caravan park complies with these regulations	CEH, EHO	
r.13(2)	duty to renew the registration if satisfied that the caravan park complies with these regulations	CEH, EHO	
r.13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CEH	
r.13(4) & (5)	duty to issue certificate of registration	CEH, EHO	
r.15(1)	function of receiving notice of transfer of ownership	CEH, EHO	
r.15(3)	power to determine where notice of transfer is displayed	CEH, EHO	
r.16(1)	duty to transfer registration to new caravan park owner	CEH, EHO	
r.16(2)	duty to issue a certificate of transfer of registration	CEH, EHO	
r.17(1)	power to determine the fee to accompany applications for registration or applications for renewal of registration	CEH	
r.18	duty to keep register of caravan parks	CEH	



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RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.19(4)	power to determine where the emergency contact person's details are displayed	CEH, EHO	
r.19(6)	power to determine where certain information is displayed	CEH, EHO	
r.22A(1)	duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	CEH, EHO	
r.22A(2)	duty to consult with relevant emergency services agencies	CEH, EHO	
r.23	power to determine places in which caravan park owner must display a copy of emergency procedures	CEH, EHO	
r.24	power to determine places in which caravan park owner must display copy of public emergency warnings	CEH, EHO	
r.25(3)	duty to consult with relevant floodplain management authority	CEH, EHO	
r.26	duty to have regard to any report of the relevant fire authority	CEH, EHO	
r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	CEH, EHO	
r.39	function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	CEH, EHO, MBS, BS	
r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	CEH, EHO, MBS, BS	



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RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.40(4)	function of receiving installation certificate	CEH, EHO, MBS, BS	
r.42	power to approve use of a non-habitable structure as a dwelling or part of a dwelling	MBS, BS	
Schedule 3 clause 4(3)	power to approve the removal of wheels and axles from unregistrable movable dwelling	MBS, BS	



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ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.8(1)	duty to conduct reviews of road management plan	SAM, MES	
r.9(2)	duty to produce written report of review of road management plan and make report available	SAM, MES	
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)	MES, SAM	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 section 41 of the Act	SAM, MES	
r.13(1)	duty to publish notice of amendments to road management plan	MES, SAM	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	SAM, MES	
r.16(3)	power to issue permit	SAM, MES	Where Council is the coordinating road authority
r.18(1)	power to give written consent to re damage to road	SAM, MES, CDT,	Where Council is the coordinating road authority
r.23(2)	power to make submission to Tribunal	SAM, MES	Where Council is the coordinating road authority
r.23(4)	power to charge a fee for application under section 66(1) Road Management Act	MES,SAM	Where Council is the coordinating road authority



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ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.25(1)	power to remove objects, refuse, rubbish or other material deposited or left on road	SAM, MES, CCW, CWM	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))	SAM, MES	Where Council is the responsible road authority
r.25(45)	power to recover in the Magistrates' Court, expenses from person responsible	SAM, MES	



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ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015			
Note: these regulations are due to expire in 2025			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.15	power to exempt a person from requirement under clause 13(1) of Schedule 7 to the Act to give notice as to the completion of those works	SAM, MES	Where Council is the coordinating road authority and where consent given under section 63(1) of the Act
r.22(2)	power to waive whole or part of fee in certain circumstances	SAM, MES	Where Council is the coordinating road authority

4.8 Instrument of Appointment and Authorisation - Planning and Environment Act 1987

Author's Title: Team Leader Governance
Department: Governance & Risk
Division: Governance & Infrastructure

General Manager: Anne Howard
File No: F17/51
Trim No: IC18/1263

Appendix:

1. S11A Instrument of Appointment and Authorisation - Planning and Environment Act 1987 (D16/116812)

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 – Section 80C:

Yes

No

Reason: Nil

Status:

Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c):

Yes

No

Reason: Nil

Purpose

The purpose of this report is to seek Council's endorsement for authorised officers under the *Planning & Environment Act 1987* through the updated instrument of authorisation and appointment. This request results from recent staff changes.

Summary

The Chief Executive Officer appoints the majority of authorised officers under section 224 of the *Local Government Act 1989*, in reliance of Council's delegation to the Chief Executive Officer. However the appointment of authorised officers under the *Planning and Environment Act 1987* cannot be delegated and must be made through resolution of Council.

The attached instrument of authorisation and appointment has been reviewed and updated following recent staff changes.

The updated instrument of appointment and authorisation under the *Planning and Environment Act 1987* is attached for Council's endorsement.

Recommendation

That Council in the exercise of the powers conferred by section 224 of the *Local Government Act 1989* and the legislation referred to in the attached instrument of appointment and authorisation ('the instrument'), resolves that:

1. The members of Council staff referred to in the instrument as shown in Appendix 1 be appointed and authorised as set out in the instrument.
2. The Chief Executive Officer is authorised to execute the instrument by affixing the common seal in accordance with Local Law No. 2 of 2018 Council Meeting Procedures & Common Seal.
3. The instrument comes into force immediately upon execution and remains in force until Council determines to vary or revoke it.

4.8 Instrument of Appointment and Authorisation - Planning and Environment Act 1987

Report

Background

The Chief Executive Officer appoints the majority of authorised officers under section 224 of the *Local Government Act 1989*, in reliance of Council's delegation to the Chief Executive Officer. However the appointment of authorised officers under the *Planning and Environment Act 1987* cannot be delegated and must be made through resolution of Council.

Discussion

Officers authorised to act under the *Planning and Environment Act 1987* have authorisation to enter sites, gather evidence or serve legal notices etc. if required, as appropriate to their level of experience and qualifications.

The specific authorisations provided through this instrument include:

1. under section 147(4) of the *Planning and Environment Act 1987* – appointment as an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under section 232 of the *Local Government Act 1989* authorisation generally to institute proceedings for offences against the Act and/or any regulations.

The attached instrument of authorisation and appointment has been reviewed and updated.

Summary of changes:

- Brendan Walsh and Trevor Britten of the Business Improvement Ranger Services and Building Compliance Department added following recent restructure of the department.

Financial Implications

Not applicable.

Council Plan

Theme 5 High Performing Council
Objective Nil
Strategy Nil

Policy/Legal Implications

The appointment of authorised officers under the *Planning and Environment Act 1987* ensures Council is compliant with the legislation and that officers are able to carry out their enforcement roles.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

The appointment of authorised officers under the *Planning and Environment Act 1987* ensures Council is compliant with the legislation and that officers are able to carry out their enforcement roles.

Social Considerations

Not applicable.

Community Engagement

Not applicable.

Environmental Implications

Not applicable.

4.8 Instrument of Appointment and Authorisation - Planning and Environment Act 1987

Options

Option 1 – Endorse the updated instrument of authorisation and appointment

This option is recommended by officers as it will ensure Environmental Health Officers and Local Laws Officers are appropriately authorised under the *Planning & Environment Act 1987*.

Option 2 – Not endorse the updated instrument of authorisation and appointment

This option is not recommended by officers as it will limit the authorisations and authority of Environmental Health Officers and Local Laws Officers.

Communication

The relevant parties will be notified and the Public Register of Authorised Officers updated.

Conclusion

By authorising the relevant officers to act under the *Planning and Environment Act 1987* Council will ensure they have the required authority to carry out their roles within legislated requirements.

4.8 Instrument of Appointment and Authorisation - Planning and Environment Act 1987

APPENDIX 1 S11A INSTRUMENT OF APPOINTMENT AND AUTHORISATION - PLANNING AND ENVIRONMENT ACT 1987



**Instrument of Appointment and Authorisation
(Planning and Environment Act 1987)**

In this instrument "officers" means -

William Cathcart
Ben Schmied
Michelle Watt
Maggie Juniper
Roger Cumow
Jennifer Davidson
Carol Mitchell
Sarah Smith
Cameron Hayes
Michelle Warren
Karen Hose
Jorgen Peeters
Sally Conway
Barbara Noelker
Claire Cowan
Andrew Hewitt
Karen Campbell
Bianca Wilkin
Trent Blackmore
Nick Helliwell
James Hamilton
Shaun Barling
Jozo Majic
Robert Pitcher
Trevor Doueal
Tony Rolfs
John Bauer
Luke Shanhun
Wayne Sandars
Ben O'Regan
Adam Lee
Sarah Farrer
Rhonda Gambetta
Jonathan Brett
Rochelle Humphrey
Callum Thompson
Brendan Walsh
Trevor Britten

By this instrument of appointment and authorisation Surf Coast Shire Council -

1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officers to be authorised officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under section 232 of the *Local Government Act 1989* authorises the officers generally to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked.

Executed by the Chief Executive Officer on behalf of the Surf Coast Shire Council pursuant to the Council resolution dated 28 August 2018.

The COMMON SEAL of SURF COAST)
SHIRE COUNCIL was affixed in the)
presence of:) [

.....
Chief Executive Officer

.....
Mayor/Deputy Mayor

.....
Witness

.....
Date

5. ENVIRONMENT & DEVELOPMENT

Nil

6. CULTURE & COMMUNITY

6.1 Positive Ageing Advisory Committee

Author's Title: Manager Aged & Family Services

General Manager: Chris Pike

Department: Aged & Family Services

File No: F18/1216

Division: Culture & Community

Trim No: IC18/1286

Appendix:

1. Positive Ageing Advisory Committee - Terms of Reference - August 2018 (D18/103162)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to consider the Positive Ageing Advisory Committee Terms of Reference and to be informed of the next steps for recruitment to the Advisory Committee.

Summary

Council's Business Improvement Unit over the last 18 months has undertaken a service review of Council's Positive Ageing Service in light of the aged care and disability services reforms, and presented its finding to Council on 24 July 2018. At this meeting Council requested to receive a report at its August 2018 meeting to state the process to establish a Positive Ageing Advisory Committee.

Terms of Reference and Expression of Interest documents have been developed that reflect the Positive Ageing Service Review – Community Engagement Findings and Recommended Options Paper recommendations.

The role of the Positive Ageing Advisory Committee is to collect and consider evidence, ideas and community input about how Council can best create an Age Friendly Surf Coast where older people are valued, supported and empowered to live well. The Committee will represent and advocate on behalf of older persons from the community. They will also provide input and recommendations into the planning stage of Council strategies, plans and policies which relate to older people.

Recommendation

That Council:

1. Adopts the Positive Ageing Advisory Committee Terms of Reference as attached to this report (Appendix 1).
2. Resolves to commence the Expression of Interest process for the Positive Ageing Advisory Committee.
3. Receives a report at its October 2018 Ordinary Meeting with recommendations on the membership of the Positive Ageing Advisory Committee.

6.1 Positive Ageing Advisory Committee

Report

Background

The Commonwealth Government has determined that reform is necessary to ensure that aged care and disability service system are best placed to meet the needs of an ageing population in an efficient, fair and sustainable way.

Council's Business Improvement Unit over the last 18 months has undertaken a service review of Council's Positive Ageing Service in light of these reforms, and presented its findings to Council on 24 July 2018.

At this Council meeting, Council requested to receive a report at its August 2018 meeting to state the process to establish the Positive Ageing Advisory Committee.

Council currently does not have a Positive Ageing Advisory Committee to provide advice to Council on Age Friendly Cities and service needs.

Officers are currently recruiting to fill the new position of Project Manager – Positive Ageing. This role will be the primary support person for the Committee and will coordinate the development and implementation of the Reform Readiness Plan.

Discussion

The aged care reforms have created a policy and funding environment where it is unlikely that local government can play a meaningful role in the future as a service provider because of underlying cost structures and legislative impediments. This is at a time when there are mounting pressures on local government to critically examine its roles and functions to ensure that best value is delivered by ratepayer funding in a financially constrained environment.

The Commonwealth Government has clearly stated that it is responsible for funding, coordinating and commissioning an integrated care system. These directions appear to be well set and there is no evidence to suggest a change away from the continued implementation of a demand-led, market based, and consumer directed home support model.

Local Government has a range of important roles and functions that it should continue to play, including leadership, advocacy and planning. The Age Friendly City initiative can assist in identifying and refining Council's future role and function in relation to aged care and people with a disability.

Council's current position has been informed by numerous reports and papers exploring Council's options in the face of national reforms. These include:

- the Dyson report
- the Positive Ageing Service Review Research Paper (Council meeting date 24 October 2017)
- the Positive Ageing Service Review Options Paper (Council meeting date 27 February 2018)
- written submissions and community feedback
- the 12 June 2018 hearing of submissions
- the Community Engagement Findings and Recommended Option Paper (Council meeting 24 July 2018).

At Council meeting on 24 July 2018, Council accepted the Community Engagement Findings and Recommended Option Paper and requested to receive a report at its August 2018 meeting to state the process to establish a Positive Ageing Advisory Committee.

A Terms of Reference has been developed which articulates the purpose, role and composition of the Positive Ageing Advisory Committee. The Advisory Committee will provide input and recommendations into the planning stage of Council strategies, plans and policies which relate to older people. Council will consider the Committee's recommendations when making decisions on these strategies, plans and policies.

In considering community support and health services, the Committee will consider Council's future role in providing services, programs and facilities to older people, within the context of the federal government's Aged Care Reforms and changing community needs.

6.1 Positive Ageing Advisory Committee

The Committee will provide advice to Council as it undertakes Reform Readiness Planning, which may include consideration of:

- Continuation of existing Council services to older people
- Expansion, growth, reduction or adaptation of existing Council services, including creating efficiencies and reviewing fees and charges for current Council services.
- Transitioning clients of identified existing Council services to other service providers over time
- Supporting the growth of the aged and disability service sector within Surf Coast Shire
- Establishing new or additional services, programs or facilities for older people
- Development of principles that will guide the planning of Council's future role in providing services and facilities for older people.

The Committee will comprise of a maximum of 15 individuals and organisational representatives from clients and family members to local community and Council officers.

The Expression of Interest process will be advertised widely through local media, Council's website and direct mail outs. It will seek to understand the interests of participants in joining the Advisory Committee, what skills and experiences they will bring and any conflict or relationship they may have with other key stakeholders. Applications will be assessed to ensure a variety of representatives are selected and if required conversations will be held with applicants to finalise the selection process.

At its October Council meeting a report will be presented to Council with the recommended Advisory Committee members for endorsement.

This report provides Council with a process and the associated documents to establish a Positive Ageing Advisory Committee.

Financial Implications

There are no significant financial implications in considering this report.

Council Plan

Theme 1 Community Wellbeing
Objective 1.4 Provide support for people in need
Strategy 1.4.2 Pursue Age Friendly City status

Theme 1 Community Wellbeing
Objective 5.4 Ensure the community has access to the services they need
Strategy 5.4.1 Review Council-delivered services to ensure they are of high quality and delivering best value

Theme 5 High Performing Council
Objective 5.2 Ensure that Council decision-making is balanced and transparent and the community is involved and informed
Strategy 5.2.2 Evolve our community engagement approach to inform strategic Council direction and decision-making

Policy/Legal Implications

There is no significant policy or legal implications arising from the report.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

There is a risk should Council decide not proceed with the creation of a Positive Ageing Advisory Committee. There is likely to be reputational damage if this is not supported as the community has told us that they want to provide input and recommendations into the planning stage of Council strategies, plans and policies which relate to older people, in particular the reform readiness planning for aged care and services for people with a disability.

6.1 Positive Ageing Advisory Committee

Social Considerations

Local Government in Victoria has a long history in the provision of aged care and services for people with a disability through various home support programs, and through this has built a strong social contract with its communities. The Aged Care Reform agenda has impacted on this social contract. The report recommendations are designed to address the communities desire to have a voice in the planning for services for aged care and people with a disability.

Community Engagement

A significant amount of community engagement has been undertaken as a part of the Positive Ageing Service Review program. In the most recent engagement undertaken in February 2018, 133 submissions were received, and 242 people contributed feedback at the community meetings. Thirteen authors spoke to their submissions at a Hearing of Submissions conducted in June.

To ensure the Positive Ageing Advisory Committee represents our diverse community, further engagement will occur with the launching of the Expression of Interest process for the Advisory Committee. This engagement will include:

- direct mail out to Surf Coast Shire Positive Ageing clients and relevant representative groups, such as U3A, Lions, Senior Citizens Groups, etc.
- advertisement in local newspapers, the Mayors column and media releases
- information on Council's website.

Environmental Implications

There are no environmental implications associated with this report.

Communication

Clients, stakeholders and the wider community will be informed of the outcome of this report and the Positive Ageing Advisory Committee recruitment process through the previously mentioned community engagement strategies.

Options

Option 1 – Council does adopt the Terms of Reference for the Positive Ageing Advisory Committee

This option is recommended by officers as it is aligned to Council's request at its meeting on the 24 July 2018 to establish a process for the establishment of a Positive Ageing Advisory Committee. It also respects the community's voice to have input into the future service planning for aged care and services for people with a disability.

Option 2 – Council does not adopt the Terms of Reference for the Positive Ageing Advisory Committee

This option is not recommended by officers as it does not align to Council's request at its meeting on the 24 July 2018 to establish a process for the establishment of a Positive Ageing Advisory Committee. It also does not respect the community's voice to have input into the future planning for services for aged care and services for people with a disability.

Option 3 – Council makes changes to the Terms of Reference for the Positive Ageing Advisory Committee

This option is not recommended by officers as further changes to the proposed Terms of Reference and Expression of Interest documents are not required based on evidence and benchmarking against other like Committees.

Conclusion

The Aged Care Reform has been, and continues to be a complex and drawn out process. It has created uncertainty for clients, community and service providers. As an outcome of the Positive Ageing Service Review process Council has decided to take a planned approach that considers current and future service needs of our community.

This approach will be guided by an Advisory Committee that represents clients, carers, community and service providers. The proposed recommendation in this report informs the role, purpose and formation of the Committee.

6.1 Positive Ageing Advisory Committee

APPENDIX 1 POSITIVE AGEING ADVISORY COMMITTEE - TERMS OF REFERENCE - AUGUST 2018



Positive Ageing Advisory Committee
Terms of Reference
August 2018

Purpose

The Positive Ageing Advisory Committee (the Committee) will collect and consider evidence, ideas and community input about how Council can best create an Age Friendly Surf Coast where older people are valued, supported and empowered to live well, including but not limited to these topics:

- Social inclusion, social and civic participation
- Built environment, transport and housing
- Community support and health services.

The Committee will represent and advocate on behalf of older persons from our community including people with a disability, people who identify as lesbian, gay, bisexual, transgender or intersex (LGBTIQ+), people of Aboriginal or Torres Strait Island background, people experiencing financial disadvantage (including people who are homeless or at risk of homelessness) and multicultural and multifaith communities.

The Committee will provide input and recommendations into the planning stage of Council strategies, plans and policies which relate to older people. Council will consider the Committee's recommendations when making decisions on these strategies, plans and policies.

In considering community support and health services, the Committee will consider Council's future role in providing services, programs and facilities to older people, within the context of the federal government's Aged Care Reforms and changing community needs. The Committee will provide advice to Council as it undertakes Reform Readiness Planning, which may include consideration of:

- Continuation of existing Council services to older people
- Expansion, growth, reduction or adaptation of existing Council services, including creating efficiencies and reviewing fees and charges for current Council services.
- Transitioning clients of identified existing Council services to other service providers over time

- Supporting the growth of the aged and disability service sector within Surf Coast Shire
- Establishing new or additional services, programs or facilities for older people
- Development of principles that will guide the planning of Council's future role in providing services and facilities for older people.

Composition

The Committee will comprise of a maximum of 15 individuals and organisational representatives, including:

- Up to three clients of Surf Coast Shire's positive ageing service
- Up to three family or carers of clients of Surf Coast Shire's positive ageing service
- Up to three local community members
- Up to two individuals with experience in working in organisations that support older people or people with a disability or someone with detailed knowledge/experience in the sector, that can demonstrate that their participation will not result in a conflict of interest.
- Council's Coordinator Positive Ageing
- Council's Project Manager Positive Ageing
- Council's Manager Aged & Family
- One Councillor; appointed by Council annually. Other Councillors may attend from time to time as observers.

Child Safe Standards

Surf Coast Shire is committed to being a child safe organisation and has zero tolerance for child abuse. The focus of our work is on children under the age of 18. We recognise our legal and moral responsibilities in keeping children and young people safe from harm and promoting their best interests.

Council requires all employees, contractors and volunteers to have a Working with Children Check and a complete national criminal history check (police check). As a member of the Advisory Committee you will be required to obtain a volunteer Working with Children Check and a police check. Council will cover any costs associated with these checks and the Volunteer Support Officer at Council can support volunteers with this process.

Term of Appointment and Vacancies

Community and organisational representatives will be appointed by resolution of Council for a term of three years. Members can reapply once, for a second term of three years.

When vacancies occur, Council shall be responsible for filling these through an open expression of interest process. Any person who fills a vacancy shall hold office for a three year term, commencing from the time of their appointment.

Meetings

The Committee will meet at least once every two months, with more frequent meetings in the early stages of the Committee. Sub-committees can be set up as needed, for specific tasks or projects for interested and available members.

Meeting Procedures

- Quorum for decision making will be five Committee members external to Council.
- Members are expected to attend Committee meetings and contribute to outputs of the group.
- Three or more consecutive, unexplained non-attendances by a member without Committee approval will deem that member's position as having being vacated. The Committee shall allow the granting of leave of absence as required.
- Surf Coast Shire staff will be responsible for the taking of minutes and the preparation of the agenda.
- Committee members are required to send agenda items at least 10 business days prior to the meeting, to Surf Coast Shire staff who will prepare the agenda in consultation with the Chairperson.
- All agenda items should be covered in the meeting, where possible.
- Surf Coast Council staff will record the minutes of the meeting and present these to the Chairperson for approval, prior to sending out to the Committee members.
- Recommendations for action by Council may be included in the minutes.

Chairperson

At the first Positive Ageing Advisory Committee meeting of each year the Committee will call for nominations for the position of Chair and Deputy Chair. The Chair and Deputy Chair positions will not be held by Council officers. Should there be more than one nomination the members will elect the Chair or Deputy Chair by secret ballot by exhaustive preferential voting.

The role of the Chair will be to:

- Liaise with the responsible Council officer to set meeting agendas
- Chair the meeting and direct discussion
- Engage all members in Committee activities and to bring forward issues
- Communicate with Councillors and senior management in relation to Committee activities.

The Chairperson shall have a casting vote as well as a normal vote to resolve a deadlock.

Process for Raising Concerns

If a Committee member wishes to raise an issue of concern, make a complaint or provide advice relating to aged friendly cities or positive ageing, the following procedures should be followed:

- All issues of concern, complaints or advice relating to aged friendly cities or positive ageing by members of the Committee should be referred to the Chairperson in the first instance.
- The Chairperson will decide if a matter will be tabled at the next Committee meeting, or whether the matter will be dealt with prior to the next meeting. If the matter is dealt with prior to the next meeting, a summary of the conclusion of the matter will be communicated to members at the next meeting.
- If an issue or concern, complaint or provision of advice is to be tabled at a Committee meeting, the Committee can make a recommendation to Council.

Urgent Business

Business must not be admitted as urgent business unless:

- It relates to or arises out of a matter which has arisen since distribution of the agenda; and
- It cannot safely or conveniently be deferred until the next Committee meeting;
or
- The Committee resolves to admit an item considered to be urgent business.

Declaration of Interest

If a member of the Committee believes they have a conflict of interest in a matter before the Committee, then that member must declare their interest and not partake in any discussion or decision on the matter. The declaration will be recorded in the minutes of the meeting. A person may have a conflict of interest if they have a personal or private interest that might compromise their ability to act in the public interest.

Council's Role

Council will as soon as practicable after a Committee member is appointed, organise an induction program for the Committee member focusing of, but not limited to, the roles and responsibilities of the Committee and its relationship with Council and the relevant area of interest.

The Committee will be supported by the Project Manager Positive Ageing, who will attend meetings of the Committee, prepare the agenda with the Chairperson, take minutes and arrange for the circulation of agendas and minutes and other

coordination activities. Council will also provide a suitable venue for Committee meetings.

Council will give due consideration to the recommendations of the Committee. Council will, whenever possible, undertake to represent the community on a range of issues that are relevant to community support and health services for older people in the Shire,.

Reform Readiness Plan

The Committee will develop a Reform Readiness Plan that will inform Council's role in community support and services for older people and people with a disability. This Plan will be presented to Council for endorsement.

Change to Terms of Reference

These terms of reference shall be reviewed every three years and only be amended or varied by resolution of the Surf Coast Shire Council

6.2 Surf Coast Soccer Club Pavilion Project - Community Project Investigation

Author's Title: Recreation Planning Coordinator **General Manager:** Chris Pike
Department: Recreation & Open Space Planning **File No:** F16/1580
Division: Culture & Community **Trim No:** IC18/1317

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 – Section 80C:

Yes

No

Status:

Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c):

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to consider a Community Project Proposal for the Surf Coast Football (Soccer) Club Pavilion and consider allocating \$30,000 to investigate all design options to increase change facilities in the sporting precinct.

Summary

The Torquay Community and Civic Precinct (CCP) Masterplan 2011 is almost complete, with the construction of the final soccer pitch scheduled for 2018/19. The continued growth of local sporting club memberships has seen an increased demand for use of facilities especially on weekend match days.

There is a clear shortfall in change facilities in the precinct. The addition of the final soccer pitch will result in five sporting fields with only six change rooms to service the existing users training and competition needs (ten change rooms are required to activate all fields at the same time).

The Surf Coast Football Club (SCFC) submitted a Community Project Proposal for a new pavilion in November 2017, proposing that this be located between the existing synthetic and natural turf soccer pitches. The club then also submitted a letter to the Mayor in August 2018 requesting a letter of support from Council for use of land between the soccer pitches to develop a new pavilion.

Officers acknowledge the growing demand on the facilities located within the CCP, particularly Banyul Warri Fields and the Grant Pavilion. When considering Surf Coast Football Club's most recent request it was identified that there is a risk in supporting the project without proper investigation. Further planning is required to ensure the current and future demands of all users are being met.

The investigation should not be limited to the SCFC proposal but consider the merits of all potential satellite and centralised pavilion design options (i.e extend Grant Pavilion). This report is recommending that Council refer the Community Project Proposal – Surf Coast Soccer Pavilion for project investigation.

Recommendation

That Council:

1. Notes the progress of the Community Civic Precinct Masterplan adopted in 2011.
2. Does not support the Surf Coast Football request for use of land between the soccer pitches to develop a new pavilion at this time.
3. Refers the Community Project Proposal – Surf Coast Football (Soccer) Club Pavilion for project investigation.
4. Notes that the scope of this investigation includes an assessment of all design options to increase change facilities in the precinct including, but not limited to, the proposal put forward by Surf Coast Football Club.
5. Allocates \$30,000 from the Accumulated Unallocated Cash Reserve to complete the project investigation.
6. Receives a report at a future Ordinary Meeting on the findings of the project investigation.
7. Notes that any unspent funds will be returned to the Accumulated Unallocated Cash Reserve at the completion of the project.
8. Notes that officers will inform the Surf Coast Football Club regarding the outcomes of this report.

6.2 Surf Coast Soccer Club Pavilion Project - Community Project Investigation

Report

Background

In 2011 Council adopted the Torquay Community Civic Precinct Masterplan (CCP) which included five sports fields; two AFL ovals, three soccer pitches, four netball courts, a six change room/social pavilion and community playspace. This precinct was planned to service the growth in Torquay north and provide facilities for the existing and future sporting clubs in the area such as Surf Coast Football Club and Torquay Football Netball Club.

Since 2011 the precinct now also caters for the Geelong Galaxy Soccer Club, Surf Coast Suns Football Netball Club, Torquay Hockey Club and Aireys Inlet Cricket Club which has put increasing pressure on the existing shared Grant Pavilion.

Council's 2018-19 Capital Works program includes the construction of the final soccer pitch which makes available five sports fields with only six change rooms at the precinct (shortfall of four).

In November 2017 the Surf Coast Football Club submitted a Community Project Proposal to develop a 'satellite' pavilion in the narrow section between the existing synthetic and natural turf soccer pitches to provide additional change rooms and social amenity for the club. The club then also submitted a letter to the Mayor in August 2018 requesting a letter of support from Council for use of land between the soccer pitches to develop a new pavilion.

Discussion

The current CCP Masterplan is almost complete with the final soccer pitch to be constructed in 2018-19. The shortfall in change facilities requires resolution with an understanding of the long term implications for future sports teams and community groups. Officers and key stakeholders will need to consider both the functional sporting participation outcomes as well as social and club identity outcomes when considering design options to increase change facilities in the precinct.

There are two pavilion development style options to service tenant clubs change room and social space needs into the future including:

Satellite Pavilion: Supporting a soccer pavilion between existing soccer pitches will influence future change room developments in the precinct. The Surf Coast Suns Football and Netball Club continues to grow at a rapid rate and will one day establish a senior team.

Centralised Pavilion: This option may include an extension of the existing Grant Pavilion to expand change room facility and social spaces (option for two levels over looking playing fields).

Both of these development options have their pro's and con's which require further investigation and assessment.

Officers would not recommend providing the Surf Coast Football Club with a letter of support to develop a soccer pavilion between the existing soccer pitches without key stakeholder consultation and a full investigation of change room facility design options within the sporting precinct.

Financial Implications

This report is recommending that Council allocate \$30,000 to complete an assessment of all design options to increase change facilities in the precinct and is not limited to the proposal put forward by Surf Coast Football Club.

Any unspent funds will be returned to the Accumulated Unallocated Cash Reserve at the completion of the project.

Council Plan

Theme	1 Community Wellbeing
Objective	1.1 Support people to participate in and contribute to community life
Strategy	1.1.1 Develop and implement a program to support communities of place and interest, and to provide opportunities for them to identify and achieve their community aspirations

6.2 Surf Coast Soccer Club Pavilion Project - Community Project Investigation

Theme	1 Community Wellbeing
Objective	1.2 Support people to be healthy and active
Strategy	Nil

Policy/Legal Implications

There is no policy or legal implications relating to the recommendations within this report.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

There is a reputation risk if Council does not proactively investigate all options to resolve the impending shortfall of change facilities in the sporting precinct. Providing a letter of support for a club to develop a pavilion without detailed drawings, soil testing, site survey or quantity surveyor estimate presents a significant risk to Council and is not in line with Council's Community Project Development Process or Project Management Framework.

Social Considerations

Council understands the need for adequate change facilities to service both training and competition sport in the precinct. Council also appreciates the importance of a 'home base' to establish and grow a clubs identity to support long term sustainability. These two elements form part of regular discussions with all stakeholders in the sporting precinct.

By supporting the recommendations in this report, Council will be in a better position to make an informed decision regarding each user groups needs and preference to increase change facilities in the precinct.

Community Engagement

The Surf Coast Football Club has submitted a Community Project Proposal in November 2017 with officers undertaking preliminary discussions with the club. Engagement with other stakeholders regarding the satellite soccer pavilion proposal has not occurred, however this will be included as part of the project proposal investigation.

Environmental Implications

There are no environmental implications relating to the recommendations in this report.

Communication

Communication with the Surf Coast Football Club has been undertaken in a consistent manner with all community project proposal applicants that have registered their proposals with Council.

As per the Community Project Development process, once this proposal is referred for detailed investigation, further communication would be undertaken with the Surf Coast Football Club throughout the investigation period. Other stakeholders will be identified and included in communications where appropriate.

Recommendations relating to this investigation will be presented to Council at the next Quarterly Report scheduled for December 2018 or in advance of that time pending the conclusion of the investigation.

Officers will inform the Surf Coast Football Club regarding the outcomes of this report.

Options

Option 1 – Do not provide a letter of support and refer the Community Project Proposal – Surf Coast Soccer Pavilion for Project investigation with an allocation of \$30,000 to complete the investigation

This option is recommended by officers as it helps resolve an identified shortfall of change facilities whilst ensuring Council understands the implications for all existing and future uses of the facilities.

Option 2 – Do not provide a letter of support and do not refer the Community Project Proposal – Surf Coast Soccer Pavilion for Project investigation

This option is not recommended by officers as it acknowledges an identified change facility short fall without any proactive action to find a solution to support the existing and future clubs at the precinct.

6.2 Surf Coast Soccer Club Pavilion Project - Community Project Investigation

Option 3 – Provide a letter of support to the Surf Coast Football Club for use of land between the soccer pitches to develop a new pavilion

This option is not recommended by officers as the feasibility of developing a soccer pavilion between the existing soccer pitches is unknown and not in line with Council's Community Project Development Process or Project Management Framework.

Conclusion

Council understands the growing needs of the community and is being proactive in its approach to plan for future growth that will impact the facilities at Banyul Warri Fields. Further planning is required to ensure the current and future demands of all users are being met. The investigation and assessment of design options to increase change room facilities in the precinct will support Council to make an informed decision.

6.3 Annual Performance Reporting (Council Plan incorporating the Health and Wellbeing Plan) end of year 30 June 2018

Author's Title: Coordinator Governance & Corporate Planning **General Manager:** Chris Pike

Department: Governance & Risk **File No:** F16/396
Division: Governance & Infrastructure **Trim No:** IC18/1054

Appendix:

1. Council Plan 2017 - 2021 - Year One Action Plan (D17/106679)
2. Council Plan 2017 - 2021 - Plan on a Page (D17/51596)
3. Council Plan 2017 - 2021 End of year performance report - Strategic Indicators 2017-18 (D18/88608)

Officer Direct or Indirect Conflict of Interest:
 In accordance with Local Government Act 1989 – Section 80C:

Yes No

Reason: Nil

Status:
 Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c):

Yes No

Reason: Nil

Purpose

The purpose of this report is to present the 2017-18 performance report for the Council Plan (incorporating the Health and Wellbeing Plan) 2017-21 (the Council Plan), year one actions and strategic indicators.

Summary

The *Local Government Act 1989* together with the *Local Government (Planning and Reporting) Regulations 2014* specify Councils' performance reporting requirements including those against the Council Plan.

Council adopted the Council Plan (refer Appendix 1) in June 2017 and adopted an action plan to deliver strategies contained in the Plan in September 2017, (refer appendix 2).

In February 2018 Council received a progress report against Council Plan strategies and measures for the six months up to 31 December 2017.

This 2017-18 performance report provides a high level summary of performance for the first year of the Council Plan; more information will be included in the Surf Coast Shire Annual Report 2017-18.

Table 1 – Status report on Council Plan actions and strategic indicators

Status	Actions		Strategic Indicators	
	No.	%	No.	%
Work in progress (refer #1 below)	79	59	4	40
Met or exceeded	16	12	4	40
Not met	1	1	2	20
No action planned 2017-18	38	28	-	-
Total	134	100	10	100

#1 A review of the actions identified as work in progress at 30 June 2018 has confirmed that these will continue to be delivered through the priorities identified in the year two action plan adopted by Council in July 2018.

Recommendation

That Council receives and notes the 2017-18 performance report for the Council Plan, (incorporating the Health and Wellbeing Plan) 2017-21, including year one actions and strategic indicators as per Appendices 1 and 3.

6.3 Annual Performance Reporting (Council Plan incorporating the Health and Wellbeing Plan) end of year 30 June 2018

Report

Background

This is the 2017-18 performance report to Council against the Council Plan (incorporating the Health and Wellbeing Plan) 2017-21 (the Council Plan), actions and strategic indicators.

The information is provided to Council to enable progressive performance monitoring against delivery of the Council Plan.

Performance against Council Plan strategies and strategic indicators is also required to be reported in the Annual Report each year in accordance with the *Local Government (Planning and Reporting) Regulations 2014*.

Discussion

Council adopted the Council Plan in June 2017 (refer Appendix 1). The Plan contains five themes, each of which includes a number of strategic objectives and strategies. It also includes 10 strategic indicators used to measure Council's overall success in delivering the Plan.

In September 2017 Council endorsed an action plan to deliver the strategies in the Council Plan (refer Appendix 2). The action plan also identifies where no action was planned for 2017-18.

A six month progress report was presented to Council in February 2018.

A summary of the end of year results in delivering against the action plan is included below. A more detailed report for strategic indicators is attached at appendix three.

Figure 1 – Council Plan end of year progress report for 2017-18.

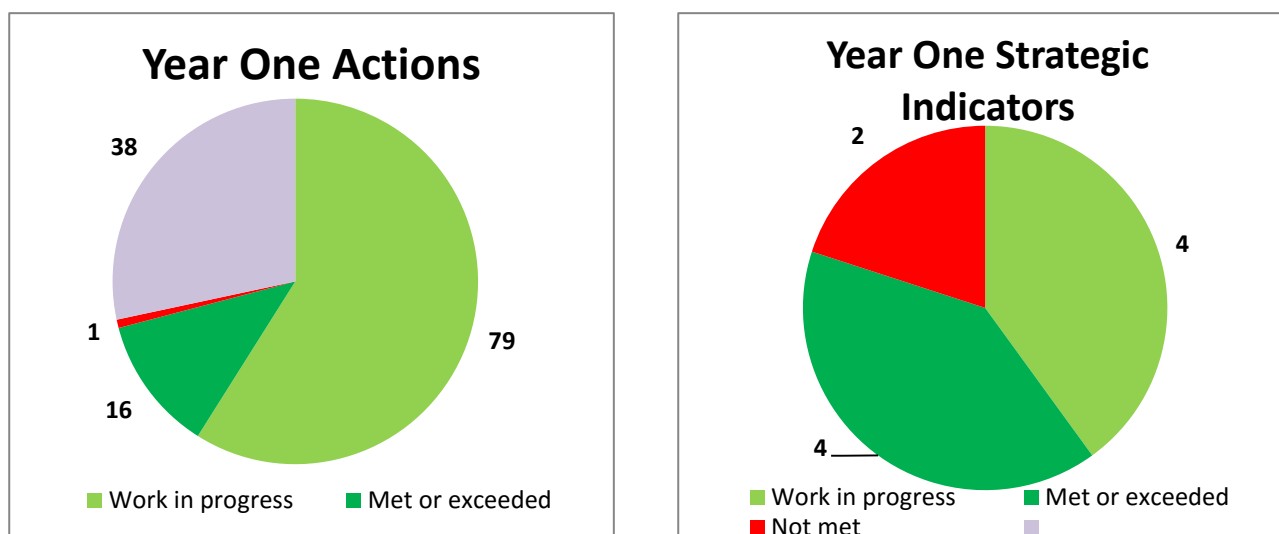


Table 2 – Summary Table Council Plan actions and strategic indicators

Status indicator	Work in progress #1	Met or exceeded	Not met	No action planned 2016 -17	Total
Strategies	79	16	1	38	134
Strategic Indicators	4	4	2	-	10

6.3 Annual Performance Reporting (Council Plan incorporating the Health and Wellbeing Plan) end of year 30 June 2018

Table 3 – Strategies where actions identified as “not met”

Objective	Strategy	Action	Comment
(B) Support people to be healthy and active	5. Implement health and wellbeing impact assessments as part of infrastructure and project planning	5.1 Develop appropriate Health Impact Assessment (HIA) tools and techniques and determine how to embedded these into the Project Delivery Framework	This strategy has been deferred to 2019-20 as there are considered to be higher priorities for the evolution of Council's Project Delivery Framework at this point in time.

Table 4 – Comments where targets for strategic indicators identified as “not met” (refer Appendix 3)

Strategic Indicator	Timing	Actual 30 June 2017	Target 30 June 2018	30 June 2018 end-of-year	
				Result	Comment
2. 25% of energy is from renewable sources by 2020	Annual	6%	12%	9%	This result was impacted by the growth experienced within our municipality. Between 2016 and 2017 the Shire's total energy consumption grew by approximately 8GWh per annum (6%). Growth in renewable generation accounted for approximately 2.5GWh of this.
4. Maintain satisfaction in planning for population growth in Torquay / Jan Juc	Annual	Annual Community Satisfaction Rating for Population Growth 2017 = 51	51	49	Council has a range of strategic planning initiatives that are aimed at understanding and addressing population growth. It is anticipated that these will assist in addressing community satisfaction.

Table 5 – Year one Council Plan action plan performance report @ 30 June 2018 (refer Appendix 2)

Themes & Objective	Strategies	2017-18 Actions #1	Progress December year-to-date			Progress 30 June 2018 end-of-year				
Community Wellbeing										
a) Support people to participate in and contribute to community life	3	9	6			3	3	3		3
b) Support people to be healthy and active	4	9	4			5	3		1	5
c) Improve community safety	2	2	2				2			
d) Provide support for people in need	4	7	5			2	4	1		2

**6.3 Annual Performance Reporting (Council Plan incorporating the Health and Wellbeing Plan)
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Themes & Objective	Strategies	2017-18 Actions #1	Progress December year-to-date				Progress 30 June 2018 end-of-year			
Environmental Leadership										
e) Drive the use of renewable energy	2	2	2				2			
f) Improve the re-use of resources	4	12	8			4	9	2		1
g) Support local food production	1	1	1				1			
h) Retain and enhance rural land for appropriate and sustainable use	3	4	3			1	3			1
Balancing Growth										
i) Ensure infrastructure is in place to support existing communities and provide for growth	6	20	17			3	15	2		3
j) Strengthen township boundaries and support unique township character	3	4	1			3		1		3
k) Understand and manage the impact of population and visitation growth in neighbouring municipalities and our own shire	4	6	2			4	3			3
Vibrant Economy										
l) Support the creation and retention of jobs in existing and new businesses to meet the needs of a growing community	4	8	5			3	5			3
m) Facilitate high quality events throughout the year	1	5	4			1	3	1		1

Work in progress	Met to exceeded	Not met	No action 2017-18
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6.3 Annual Performance Reporting (Council Plan incorporating the Health and Wellbeing Plan) end of year 30 June 2018

Themes & Objective	Strategies	2017-18 Actions #1	Progress December year-to-date			Progress 30 June 2018 end-of-year				
n) Strengthen the vitality of town centres	1	2	1			1	1			1
o) Support key industry sectors such as surfing, tourism, home-based, construction and rural businesses	4	14	9			5	9			5
High Performing Council										
p) Ensure Council is financially sustainable and has the capability to deliver strategic objectives	4	8	7			1	5	1		2
q) Ensure that Council decision-making is balanced and transparent and the community is involved and informed	3	6	4			2	4	1		1
r) Provide quality customer service that is convenient, efficient, timely and responsive	5	10	6			4	4	2		4
s) Ensure the community has access to the services they need	4	5	5			0	3	2		
December year-to-date	62	134	92	0	0	42	79	16	1	38

Work in progress	Met to exceeded	Not met	No action 2017-18
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Note #1: 2017 – 2018 actions endorsed by Council on 26 September 2017

The end of year Performance Report for 2017-18 including key indicators contained in the Local Government (Planning & Reporting) Regulations 2014 will be presented to a special meeting of Council scheduled for 11 September 2018.

Final performance reports for service related performance indicators for 2017-18 will be reported to Council in the Surf Coast Shire Council Annual Report 2017-18, in October 2018.

Financial Implications

There are no additional costs associated with reporting the performance.

Council Plan

Theme 5 High Performing Council
Objective Nil
Strategy Nil

Policy/Legal Implications

This report complies with the Local Government Act 1989 and Local Government (Planning and Reporting) Regulations 2014.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

There is a reputational risk to Council if it does not comply with its legislative obligations.

6.3 Annual Performance Reporting (Council Plan incorporating the Health and Wellbeing Plan) end of year 30 June 2018

Social Considerations

Ensuring performance against strategies and measures is reported ensures transparency and public accountability.

Community Engagement

Considerable community engagement was undertaken in the development of the Council Plan 2017-21. Council's progress in delivering the strategies and reporting its performance against the measures will be presented to a public Council meeting six-monthly and reported in the Surf Coast Shire Annual Report each year.

Environmental Implications

There are no specific environmental implications associated with this report. Reports are made available to the public and other stakeholders electronically via the Surf Coast Shire website.

Communication

This report will be incorporated into Council minutes and made available to the public and other stakeholders via the Surf Coast Shire website www.surfcoast.vic.gov.au

Options

Option 1 – Council do not receive and note this report

This option is not recommended by officers as it is contrary to the requirements of the Local Government (Planning and Reporting) Regulations 2014.

Option 2 – Council defer receiving and noting this report

This option is not recommended by officers as performance reporting is most useful when it is timely.

Option 3 – Council receive and note this report

This option is recommended by officers as this would support the timely consideration of end of year performance results and open and transparent reporting to the community in Council's annual report.

Conclusion

This report provides information on Council's performance in delivering against the 2017-21 Council Plan strategies and strategic indicators endorsed by Council in June 2017 and the year one action plan to deliver the Council Plan in 2017-18 in accordance with statutory reporting requirements.

Together these will provide a transparent reporting mechanism to the community in relation to Council's performance.

**6.3 Annual Performance Reporting (Council Plan incorporating the Health and Wellbeing Plan)
end of year 30 June 2018**

APPENDIX 1 COUNCIL PLAN 2017 - 2021 - YEAR ONE ACTION PLAN

6.3 Annual Performance Reporting (Council Plan incorporating the Health and Wellbeing Plan) end of year 30 June 2018

2017 – 2018 Action Plan to deliver the Council Plan (incorporating the Health and Wellbeing Plan) 2017 - 2021

Strategic Objective	Strategy No.	Strategy Description (What we will do - actions / programs)	Action	Year 1
COMMUNITY WELLBEING:				
Support people to participate in and contribute to community life	1	Develop and implement a program to support communities of place and interest, and to provide opportunities for them to identify and achieve their community aspirations	Investigate "asset-based community development" as a methodology to build community capacity and inform development of Council's capacity building policy and framework.	✓
			Review community led partnerships or capacity building as part of project delivery framework	✓
			Investigate a social benefits measurement framework for community capacity and development	✓
			Present Community Project Proposal Master List to Council on a quarterly basis to determine priority projects for feasibility investigation.	✓
			Release an online annual small grants program in September and March	✓
	2	Facilitate and support high levels of volunteering in the community	Identify how Council can strengthen volunteering in the community and implement findings	
			Strengthen Council's attraction and retention of volunteers to support Council services.	✓
	3	Work in partnership with the community to review, update and continue to implement the heritage, arts and culture strategy	Review, update and adopt new Heritage, Arts and Culture strategy	
			Implement new Heritage, Arts and Culture strategy	
Support people to be healthy and active	4	Develop and implement local programs to support Healthy Eating and Active Living	Implement G21 healthy eating and active living priorities of relevance to the Surf Coast community.	✓
			Advocate for healthy food and drink options in local children's and young people settings.	✓
			Increase participation opportunities for women in both formal and informal recreation and leisure activities.	✓
	5	Implement health and wellbeing impact assessments as part of infrastructure and project planning	Develop appropriate Health Impact Assessment (HIA) tools and techniques and determine how to embed these into the Project Delivery Framework	✓
			Embed Health Impact Assessments (HIA) into project proposal process.	
			Conduct Health Impact Assessments (HIA), as required for appropriate projects	
			Evaluation of Health Impact Assessment (HIA) process and update as required	
6	Develop and implement an alcohol, tobacco and drug strategy based on local evidence and best practice	Develop and implement an Alcohol, Tobacco and Drug strategy		
7	Reinforce policies to manage electronic gaming machines	Review the Gaming Policy as part of the planning scheme review		
Improve community safety	8	Understand community safety issues and needs, and design an appropriate local response	Investigate, develop and implement a community safety plan.	✓
	9	Continue to build community resilience to prepare for emergencies	Deliver community engagement events and other programs that help the community prepare for, respond to and recover from high risk emergencies	✓
Provide support for people in need	10	Work in partnership with community and agencies to improve young people and their families' access to the services and support they need	Strengthen partnerships with local services to provide integrated and/or outreach services	✓
			Develop and implement new strategies for Early Years & Youth.	
	11	Pursue Age Friendly City status	Develop an implementation plan to achieve Age Friendly City status.	✓
			Implement Age Friendly City Plan	
	12	Contribute to the delivery of the Strategic Plan for prevention and addressing violence against women and children in the G21 region	Develop and implement a Council plan for preventing violence against women that aligns with the G21 Strategic Plan.	✓
13	Implement the Accessible and Inclusive	Deliver a program of access improvements in existing Council buildings	✓	

6.3 Annual Performance Reporting (Council Plan incorporating the Health and Wellbeing Plan) end of year 30 June 2018

Strategic Objective	Strategy No.	Strategy Description (What we will do - actions / programs)	Action	Year 1
		Surf Coast Shire Strategic Plan	Pursue funding for a Changing Places accessible change facility in the Shire	✓
ENVIRONMENTAL LEADERSHIP:				
Drive the use of renewable energy	14	Implement the Renewable Energy Roadmap	Work with the community, businesses and relevant organisations to deliver the priority Roadmap actions.	✓
	15	Support the work of the Renewable Energy Taskforce	Facilitate the Renewable Energy Task Force in accordance with the approved Terms of Reference and regularly report progress to Council.	✓
Improve the re-use of resources	16	Develop and implement organic waste diversion pilot program	Investigate the effectiveness of kerbside food diversion programs already implemented by other Council's	✓
			Develop a plan for implementing the preferred food diversion, including audits, location(s), consultation	
			Implement a trial kerbside food diversion program	
	17	Develop and implement a waste reduction program to increase the life of the landfill	Work with contractors to recycle e-waste	
			Promote the use of recycled materials in Council infrastructure projects and investigate ways to include these materials as part of procurement processes	✓
			Divert clean fill from landfill through establishing a daily cover approach that is not dependent on importing earth	✓
			Undertake a feasibility assessment into a community and business education program relating to increasing recycling compliance and reducing waste	✓
	18	Review and expand Plastic Wise Program	Continue to ensure markets and events are transitioning away from single use plastics.	✓
			Develop an action plan to transition away from single use plastics in sporting clubs.	✓
			Support local groups championing the transition away from single use plastics.	✓
19	Work in partnership with relevant stakeholders to investigate the feasibility of recycled water to support agriculture in the Thompson Valley and other rural areas	Establish a regular meeting with Barwon Water to review current projects and studies for recycled water. Partner with and/or assist with water recycling projects within the Surf Coast where appropriate.	✓	
		Complete a feasibility study to identify high value options for using recycled water, including potential infrastructure cost sharing by water users.		
Support local food production	20	Develop and implement a local food program in partnership with community	Continue research and collaboration with internal and external stakeholders to develop a local food program and identify priority projects/programs annually.	✓
Retain and enhance rural land for appropriate and sustainable uses	21	Finalise and implement the Rural Hinterland Strategy	Complete Hinterland Futures Strategy	✓
			Implement Hinterland Futures Strategy action plan	
	22	Develop partnerships to better manage interfaces between public and private land	Continue to work with Landcare, community groups, private landholders & local businesses on weed & rabbit management and revegetation work	✓
23	Effectively manage pests, plants and animals on Council land	Develop a new Council Pest Plant & Animal Strategy and implement Council's Rabbit Management Policy	✓	
BALANCING GROWTH:				
Ensure infrastructure is in place to support existing communities and provide for growth	24	Advocate for better public transport, including buses, and investigate the provision of community transport and transport connections	Investigate the needs and barriers of isolated and vulnerable community members in accessing public transport.	
			Strengthen representation of Council needs through the G21 Transport Pillar priorities and action plan review	✓
			Advocate for better public transport by delivering actions in Council's Advocacy Program	✓
	25	Explore the potential public transport link to Torquay and the level of rail service on the Warrnambool line	Participate in State Government planning for transit corridor to Torquay	✓
			Incorporate findings from State Government plan for transit corridor to Torquay into Planning Scheme and other related plan	
			Advocate for improved levels of service on the Warrnambool line	✓
			Leverage advocacy effort for public transport and transit corridor via the G21 Transport Pillar	✓

6.3 Annual Performance Reporting (Council Plan incorporating the Health and Wellbeing Plan) end of year 30 June 2018

Strategic Objective	Strategy No.	Strategy Description (What we will do - actions / programs)	Action	Year 1
	26	Conduct a review of the existing pathway strategy and implement recommendations	Conduct a biennial review of Council's Pathway Strategy.	
	27	Ensure appropriate funding mechanisms are in place to support future growth including developer contributions	Implement the Torquay/ Jan Juc Development Contributions Plan (DCP) review and develop a Development Contributions Plan / Infrastructure Contributions Plan (ICP) for Spring Creek Urban Growth Area.	✓
	28	Work with the community and stakeholders to implement the Anglesea Futures program	Participate in project management and community engagement activities and input into the Land Use Plan	✓
	29	Advocate for supporting infrastructure	Implement actions in Council's Advocacy Program to advocate for supporting infrastructure.	✓
			Implement the Kurrabee Myaring Community Centre (KMCC) major infrastructure project.	✓
			Implement the Anglesea Bowling Club Redevelopment project.	✓
			Implement the Stribling Change rooms Design project.	✓
			Implement the Stribling Lighting and Electronic Scoreboard project.	✓
			Implement the Spring Creek Netball Pavilion Upgrade project.	✓
			Implement the Winchelsea Netball Pavilion Upgrade project.	✓
			Lead the G21 Regional Hockey Strategy development.	✓
Implement the Surf Coast Multi-purpose Indoor Stadium Project.	✓			
Implement the Anglesea Cricket Club Change room Upgrade Project.	✓			
Strengthen township boundaries and support unique township character	30	Work with the community to identify and define desired town footprints and ensure that Township Structure Plans reflect this	Complete the Strengthening Town Boundaries Discussion Paper.	✓
			Implement the recommendations of the Strengthening Town Boundaries discussion paper.	
	31	Encourage in-fill development and direct growth to designated areas	Develop an urban consolidation plan for Torquay / Jan Juc.	
32	Develop a communications strategy to explain the implications of living in different planning zones	Complete a communications strategy to improve knowledge of planning and planning initiatives.		
Understand and manage the impact of population and visitation growth in neighbouring municipalities and our own shire	33	Advance a Winchelsea and Moriac Development Program	Complete an investigation into a Development Contributions Plan (DCP) for Winchelsea.	
			Identify the social, economic and physical drivers for urban growth in Winchelsea and Moriac.	
	34	Advance a strategic plan for Lorne	Develop a new structure plan for Lorne that includes economic, social and place making aspects.	✓
	35	Conduct an impact analysis of Torquay's growth including Armstrong Creek	Conduct a study into the impacts of population growth in and near to Torquay and identify strategic priorities to ensure balanced outcomes.	
Conduct a Torquay and Jan Juc Social Infrastructure Needs Study			✓	
36	Explore the impact of increased traffic on the road network including inland transport routes	Complete a biennial review of traffic volumes on key roads in the local road network and review against adopted strategies and plans to ensure that strategic priorities are correct		
VIBRANT ECONOMY:				
Support the creation and retention of jobs in existing and new businesses to meet the needs of a growing community	37	Support and build capability of businesses and business / tourism groups	Work with Great Ocean Road Regional Tourism (GORRT) and Trader Groups to promote the benefits of tourism partnerships with local businesses.	✓
			Meet regularly with trader groups to identify collaborative opportunities, including considering Destination Action Plans in Surf Coast	✓
	38	Investigate how the strategic road network impacts on commercial transport	Compare the Hinterland Strategy and the Strategic Road Network Plan to ensure that key infrastructure has been identified and planned for	
			Ensure the currency of the priorities identified in Strategic Road Network Plans on an annual basis to assist in understanding commercial priorities	✓
			Advocate and pursue appropriate grants to support identified commercial road network priorities	✓
39	Facilitate and enable stronger relationships between industry and education	Investigate a graduate program, traineeships or apprenticeships at Council		

6.3 Annual Performance Reporting (Council Plan incorporating the Health and Wellbeing Plan) end of year 30 June 2018

Strategic Objective	Strategy No.	Strategy Description (What we will do - actions / programs)	Action	Year 1
	40	Plan for industrial and commercial zones in growing communities	Monitor industrial land in growth townships every two years.	✓
			Include an assessment of commercial land in every structure plan to ensure adequate supply to meet population needs.	
Facilitate high quality events throughout the year	41	Further develop diverse, major and signature events, communication and promotion program	Promote the further development of the Surf Coast brand and developed a supporting suite of digital and promotional collateral	
			Review the Surf Coast Events Policy	✓
			Release an annual funding program to support events in Surf Coast Shire	✓
			Facilitate high quality events in collaboration with key stakeholders including Cadel Evans Great Ocean Road Race, Rip Curl Pro, Surf Coast Century, Amy Grand Fondo, Falls Festival, Aireys Open Mic Etc.	✓
			Conduct an annual promotion of the key environmental, economic & social benefits of events	✓
Strengthen the vitality of town centres	42	Identify and support the economic and social drivers of town centres within the shire	Complete the Torquay Town Centre revitalisation project	✓
			Implement the recommendations of the Torquay Town Centre revitalisation project.	
Support key industry sectors such as surfing, tourism, home-based, construction and rural businesses	43	Work with key stakeholders to encourage visitors to stay longer and spend more in the shire	Leverage Visitor Centres to collaboratively market Surf Coast and the regions key attractions and events	✓
			Identify and develop cultural tourism products and experiences at visitor centres	
			Work with Great Ocean Road Regional Tourism (GORRT) to identify the most efficient ways to engage with and service visitors on a regional basis.	✓
			Complete the concept plan for the Great Ocean Road Experience project.	✓
			Work with Great Ocean Road Regional Tourism (GORRT) to enhance digital platforms to effectively market the regions	✓
	44	Develop and implement an industry development and attraction program	Provide support, advocacy and information to businesses who are seeking to start up and or thrive	✓
			Develop a regular series of workshops to assist key industry sectors i.e. marketing, business security, exports etc.	✓
			Develop and implement a surf industry programme	
			Analyse and report on the contribution of home based business to the economy	
			Implement Planning actions from Hinterland Futures Strategy	
	45	Advocate for and drive the Great Ocean Road visitor economy	Advocate for the Great Ocean Road visitor economy in Council's advocacy program	✓
			Continue to promote the Great Ocean Road Visitor Economy as a regional priority through regional advocacy opportunities	✓
	46	Develop and implement an agribusiness strategy	Participate in the completion of the G21 Agribusiness Strategy	✓
Implement agribusiness actions from Hinterland Futures Strategy and G21 Agribusiness Strategy as relevant to Surf Coast Shire				
HIGH PERFORMING COUNCIL:				
Ensure Council is financially sustainable and has the capability to deliver strategic objectives	47	Establish long-term financial principles and incorporate into the long-term financial plan	Review outcomes of the Local Government Act changes and establish key planning principles to inform the long-term financial plan	
	48	Develop and implement an organisational capability and capacity program	Analyse the current and future workforce needs and competencies based on Council Plan, strategies and objectives	✓
			Develop and implement strategies to address workforce gaps	✓
			Implement the People & Culture strategy	✓
	49	Develop innovative funding partnerships with community, business and government	Identify examples of public/private partnerships undertaken by other Councils or public authorities and present an overview to Council.	✓
	50	Build on relationships with agencies and key stakeholders for the benefit of the community	Strengthen existing and identify and formalise new partnerships with relevant organisations	✓
			Develop an Memorandum of Understanding (MoU) with the Great Ocean Road Coast Committee and Parks Victoria for the ongoing management and maintenance of the Surf Coast Walk	✓
			Work with Deakin University to support a PhD student investigations into the visitor economy	✓

6.3 Annual Performance Reporting (Council Plan incorporating the Health and Wellbeing Plan) end of year 30 June 2018

Strategic Objective	Strategy No.	Strategy Description (What we will do - actions / programs)	Action	Year 1
Ensure that Council decision-making is balanced and transparent and the community is involved and informed	51	Prepare for Local Government Act review recommendations	Assess the implications of the revised Local Government Act, consult with relevant stakeholders and develop plans for implementation.	
	52	Evolve our community engagement approach to inform strategic Council direction and decision-making	Include deliberative community engagement processes in key strategic processes and decisions.	✓
			Strengthen and extend Councillor and executive stakeholder group meetings	✓
			Implement actions from the 2017 community engagement audit.	✓
	53	Use technology to make Council decision-making more accessible	Identify and implement improved online access to Council meetings and decisions.	
			Redevelop website and review online engagement tools to make it easier for community members to engage with and understand Council's decision making	✓
Provide quality customer service that is convenient, efficient, timely and responsive	54	Implement Digital Transformation Program, including opportunities for customer self-service	Implement online planning applications	✓
	55	Investigate the feasibility of a certified quality system	Assess feasibility of Council working towards a certified quality system, including benefits analysis.	
	56	Improve how we manage customer requests and complaints	Redevelop website to make it easier for customers to deal with Council	✓
			Provide a new function for customers to lodge requests for service online	✓
			Establish and implement a dashboard report of customer request and complaints handling performance	✓
	57	Continued reforms in statutory planning service delivery	Implement new Information Technology (IT) platform and Planning E-Services	✓
			Conduct a Customer Focus review of the Surf Coast Planning Scheme	
			Develop a Marketing and Communications Plan for Statutory Planning Services	
	58	Further update and implement a customer service strategy	Review and update Customer Service strategy.	✓
			Implement new Customer Service strategy	
Ensure the community has access to the services they need	59	Review Council-delivered services to ensure they are of high quality and delivering best value	Present annual Business Improvement Program to Council for endorsement.	✓
	60	Conduct service reviews to identify best service delivery model	Deliver Council endorsed annual Business Improvement Program	✓
	61	Advocate for services that are best delivered by others	Advocate for other agencies or levels of governments to deliver services and infrastructure that are best delivered by them by implementing actions in the Council's Advocacy Program.	✓
			Complete State Election Advocacy Program	✓
	62	Review arrangements for governance of the coast	Participate in Victorian Government review of governance arrangements on the Surf Coast.	✓

6.3 Annual Performance Reporting (Council Plan incorporating the Health and Wellbeing Plan) end of year 30 June 2018

APPENDIX 2 COUNCIL PLAN 2017 - 2021 - PLAN ON A PAGE

6.3 Annual Performance Reporting (Council Plan incorporating the Health and Wellbeing Plan) end of year 30 June 2018



COUNCIL PLAN SUMMARY 2017-2021

(Incorporating the Health
and Wellbeing Plan)

COUNCIL VISION

An engaged, innovative and sustainable community.

COUNCIL PURPOSE

To help our community and environment to thrive.

ORGANISATION DIRECTION

Our organisation will be:

An innovative and flexible leader,
And a constructive partner,
That values the strengths of others;
A place where people can do their best
And be proud of their achievements

6.3 Annual Performance Reporting (Council Plan incorporating the Health and Wellbeing Plan) end of year 30 June 2018

COUNCIL PLAN APPROACH

While there are many highly valued things that Council does, this plan focuses on areas where Council is endeavouring to make a significant difference relative to the current situation. This year, our health and wellbeing objectives and actions are documented in the Council Plan for the first time.

COMMUNITY WELLBEING: Create an inclusive community where everyone can participate and contribute

Strategic Objective	Outcome (What we will see)	Strategy (What we will do – actions/programs)
a) Support people to participate in and contribute to community life	Local people participating in and contributing to local life (HW, SS, CP, CC, L)	<ol style="list-style-type: none"> 1. Develop and implement a program to support communities of place and interest, and provide a place for them to identify and achieve their community aspirations 2. Facilitate and support high levels of volunteering in the community 3. Work in partnership with the community to review, update and continue to implement the heritage, arts and culture strategy
b) Support people to be healthy and active	High levels of quality physical activity and health, including mental wellbeing (HW, SS, CP, CC, L)	<ol style="list-style-type: none"> 4. Develop and implement local programs to support <i>Healthy Eating and Active Living</i> 5. Implement health and wellbeing impact assessments as part of infrastructure and project planning 6. Develop and implement an alcohol, tobacco and drug strategy based on local evidence and best practice 7. Reinforce policies to manage electronic gaming machines
c) Improve community safety	People feel safe in their community (HW, SS, CP, CC, L)	<ol style="list-style-type: none"> 8. Understand community safety issues and needs, and design an appropriate local response 9. Continue to build community resilience to prepare for emergencies
d) Provide support for people in need	<p>Young people and their families are able to access the services and support they need (HW, SS, CP, CC, L)</p> <p>Older people are supported to live independent and meaningful lives (HW, SS, CP, CC, L)</p> <p>Culture, all abilities and diversity are celebrated (HW, SS, CP, CC, L)</p>	<ol style="list-style-type: none"> 10. Work in partnership with community and agencies to improve young people and their families' access to the services and support they need 11. Pursue <i>Age Friendly City</i> status 12. Contribute to the delivery of the <i>Strategic Plan for prevention and addressing violence against women and children in the G21 region</i> 13. Implement the <i>Accessible and Inclusive Surf Coast Shire Strategic Plan</i>

ENVIRONMENTAL LEADERSHIP: Preserve and enhance the natural environment

Strategic Objective	Outcome (What we will see)	Strategy (What we will do – actions/programs)
e) Drive the use of renewable energy	Surf Coast Shire is a state leader in the take up of renewable energy (L)	<ol style="list-style-type: none"> 14. Implement the Renewable Energy Roadmap 15. Support the work of the Renewable Energy Taskforce
f) Improve the re-use of resources	<p>More waste is diverted from landfill for reuse and recycling (CP, L)</p> <p>Recycled water is used to support agribusiness appropriate to the shire (L)</p>	<ol style="list-style-type: none"> 16. Develop and implement organic waste diversion pilot program 17. Develop and implement a waste reduction program to increase the life of the landfill 18. Review and expand Plastic Wise Program 19. Work in partnership with relevant stakeholders to investigate the feasibility of recycled water to support agriculture in the Thompson Valley and other rural areas
g) Support local food production	An increase in the production and consumption of locally grown food (HW, CC, CP, L)	<ol style="list-style-type: none"> 20. Develop and implement a local food program in partnership with community
h) Retain and enhance rural land for appropriate and sustainable uses	Rural land use is productive and sustainable and in keeping with environmental values of the shire (CP, L)	<ol style="list-style-type: none"> 21. Finalise and implement the Rural Hinterland Strategy 22. Develop partnerships to better manage interfaces between public and private land 23. Effectively manage pests, plants and animals on Council land

6.3 Annual Performance Reporting (Council Plan incorporating the Health and Wellbeing Plan) end of year 30 June 2018

BALANCING GROWTH: Provide for growth whilst ensuring the intrinsic values and character of the shire are retained

Strategic Objective	Outcome (What we will see)	Strategy (What we will do - actions/programs)
i) Ensure infrastructure is in place to support existing communities and provide for growth	Infrastructure demands, including public transport, are planned and provided for (HW, SS, CP, CC, L)	24. Advocate for better public transport, including buses, and investigate the provision of community transport and transport connections 25. Explore the potential public transport link to Torquay and the level of service on the Warrnambool line 26. Conduct a review of the existing pathway strategy and implement recommendations 27. Ensure appropriate funding mechanisms are in place to support future growth including developer contributions 28. Work with the community and stakeholders to implement the Anglesea Futures program 29. Advocate for supporting infrastructure
j) Strengthen township boundaries and support unique township character	Sprawl is contained and townships remain distinct communities with designated settlement breaks between (HW, SS, CP, CC, L)	30. Work with the community to identify and define desired town footprints and ensure that Township Structure Plans reflect this 31. Encourage in-fill development and direct growth to designated areas 32. Develop a communications strategy to explain the implications of living in different planning zones
k) Understand and manage the impact of population and visitation growth in neighbouring municipalities and our own shire	Measures are in place to limit negative impacts on amenity (HW, SS, CP, CC, L)	33. Advance a Winchelsea and Moriac Development Program 34. Advance a Strategic Plan for Lorne 35. Conduct an impact analysis of Torquay's growth including Armstrong Creek 36. Explore the impact of increased traffic on the road network including inland transport routes

VIBRANT ECONOMY: Support innovative, sustainable businesses and activities that create jobs and are valued by the community and visitors

Strategic Objective	Outcome (What we will see)	Strategy (What we will do - actions/programs)
l) Support the creation and retention of jobs in existing and new businesses to meet the needs of a growing community	Continued growth in local employment (HW, SS, CP, CC)	37. Support and build capability of businesses and business / tourism groups 38. Investigate how the strategic road network impacts on commercial transport 39. Facilitate and enable stronger relationships between industry and education 40. Plan for industrial and commercial zones in growing communities
m) Facilitate high quality events throughout the year	Diverse series of events that deliver economic, environmental and social benefits to the community (HW, SS, CP, CC, L)	41. Further develop diverse, major and signature events and a communication and promotion program
n) Strengthen the vitality of town centres	Town Centres are a good place to be and an important part of community life (HW, SS, CP, CC, L)	42. Identify and support the economic and social drivers of town centres within the shire
o) Support key industry sectors such as surfing, tourism, home-based, construction and rural businesses	There are a number of strong industry sectors, which create a sustainable year-round economy (HW, SS, CP, CC, L)	43. Work with key stakeholders to encourage visitors to stay longer and spend more in the shire 44. Develop and implement an industry development and attraction program 45. Advocate for and drive the Great Ocean Road visitor economy 46. Develop and implement an agribusiness strategy

Healthy & Well (HW)

Safe & Secure (SS)

Capabilities to Participate (CP)

Connected to Culture & Community (CC)

Liveable (L)

6.3 Annual Performance Reporting (Council Plan incorporating the Health and Wellbeing Plan) end of year 30 June 2018

HIGH PERFORMING COUNCIL:

Deliver valued services to the community

Strategic Objective	Outcome (What we will see)	Strategy (What we will do – actions/programs)
p) Ensure Council is financially sustainable and has the capability to deliver strategic objectives	Council has a viable long-term financial plan (HW, CP, CC) Council has the capacity to deliver on new things (HW, CP, CC)	47. Establish long-term financial principles and incorporate into the long-term financial plan 48. Develop and implement an organisational capability and capacity program 49. Develop innovative funding partnerships with community, business and government 50. Build on relationships with agencies and key stakeholders for the benefit of the community
q) Ensure that Council decision-making is balanced and transparent and the community is involved and informed	Council uses a range of engagement approaches to inform its decision-making (HW, CP, CC) Council communicates its decisions clearly and widely (HW, CP, CC)	51. Prepare for Local Government Act review recommendations 52. Evolve our community engagement approach to inform strategic Council direction and decision-making 53. Use technology to make Council decision-making more accessible
r) Provide quality customer service that is convenient, efficient, timely and responsive	People are comfortable to approach Council for assistance, and have confidence in our response (HW, CP, CC) We see improvements in Council performance in areas of high importance to the community (HW, CP, CC)	54. Implement Digital Transformation Program, including opportunities for customer self-service 55. Investigate the feasibility of a certified quality system 56. Improve how we manage customer requests and complaints 57. Continued reforms in statutory planning service delivery 58. Further update and implement a customer service strategy
s) Ensure the community has access to the services they need	High quality services are available to the community (HW, SS, CP, CC, L)	59. Review Council-delivered services to ensure they are of high quality and delivering best value 60. Conduct service reviews to identify best service delivery model 61. Advocate for services that are best delivered by others 62. Review arrangements for governance of the coast

Healthy & Well (HW)	Safe & Secure (SS)	Capabilities to Participate (CP)	Connected to Culture & Community (CC)	Liveable (L)
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STRATEGIC INDICATOR	REGULARITY	COLLECTION METHOD	RELATED STRATEGIC OBJECTIVE
1. Improvements in overall quality of life, and reported on the following cohorts: People under 25 People over 65 People with Disabilities	Annually commencing 2018	Clinically valid method collected in partnership with research body	All strategic objectives relate to this indicator
2. 25% of energy is from renewable sources by 2020	Annually commencing 2017	Collection methods endorsed by the Renewable Energy Taskforce	c, e, f, h, k, p, r
3. An increase in housing in Winchelsea and Moriac	Annually commencing 2017	Internal Systems (Planning & GIS)	a, b, c, d, g, h, i, j, k, l, m, n, o, p
4. Maintain satisfaction in planning for population growth in Torquay / Jan Juc	Annually commencing 2017	Community Satisfaction Survey	h, i, j, k
5. Increased access to public transport including trains, public buses and community buses	Annually commencing 2017	PTV statistical information, internal records relating to community transport	a, b, c, d, h, k, o, s
6. Rolling median annual unemployment rate for the Shire does not exceed 3.5%	Biannually commencing 2017	Small area labour markets data source	a, b, d, g, i, j, l, m, n, o
7. Meet the financial benefit targets in the long term financial plan	Annually commencing 2017	Internal systems (Finance)	f, h, j, p, r, s
8. Increase in the number of digital transactions with Council including: Self Service Transactions Completion of forms	Biannually commencing 2017	Internal systems (Payment & Web)	p, q, r, s
9. Increased performance rating for Customer Service in the Annual Community Satisfaction in Local Government Survey	Annually commencing 2017	Community Satisfaction Survey	a, h, l, o, p, q, r, s
10. 80% of planning permit applications are determined within 60 statutory days by the end of the term of the plan	Biannually commencing 2017	Internal Systems (Planning)	q, r, s

6.3 Annual Performance Reporting (Council Plan incorporating the Health and Wellbeing Plan) end of year 30 June 2018

APPENDIX 3 COUNCIL PLAN 2017 - 2021 END OF YEAR PERFORMANCE REPORT - STRATEGIC INDICATORS 2017-18

Council Plan (Including the Health and Wellbeing Plan) 2017 – 2021
Strategic Indicators – end-of-year performance 30 June 2018

Strategic Indicator		Timing	Actual 30 June 2017	Target 30 June 2018	30 June 2018 end-of-year		
					Result	Comment	
1.	Improvements in overall quality of life and reported on the following cohorts:- People under 25 People over 65 People with disabilities	Annual	Baseline to be developed	To be developed	Baseline to be developed	Development of this indicator has been delayed to 2018-19.	
2.	25% of energy is from renewable sources by 2020	Annual	6%	12%	9%	This result was impacted by the growth experienced within our municipality. Between 2016 and 2017 the Shire's total energy consumption grew by approximately 8GWh per annum (6%). This includes 5.5 GWh of non-renewable energy and growth in renewable generation accounting for approximately 2.5GWh.	
3.	An increase in housing in Winchelsea and Moriac	Annual	<u>Lots per year</u> Moriac = 1 Winchelsea = 5 <u>Housing starts</u> Moriac = 1 Winchelsea = 14	To be developed	<u>Lots per year</u> Moriac = 1 Winchelsea = 28 <u>Housing starts</u> Moriac = 5 Winchelsea = 31	Winchelsea continued to reflect strong growth in both new lots created this year and housing starts, confirming market demand in Surf Coast's secondary growth area. Moriac is predicted to increase rapidly next year as a new development stage comes on line.	
4.	Maintain satisfaction in planning for population growth in	Annual	Annual Community Satisfaction Rating for Population	51	49	Council has a range of strategic planning initiatives that are aimed at understanding and	

Strategic Indicator		Timing	Actual 30 June 2017	Target 30 June 2018	30 June 2018 end-of-year	
					Result	Comment
	Torquay / Jan Juc		Growth 2017 = 51			addressing population growth. It is anticipated that these will assist in addressing community satisfaction.
5.	Increased access to public transport including trains, public buses and community buses.	Annual	Baseline to be developed	To be developed	Baseline to be developed	Council has sought baseline date from Public Transport Victoria (PTV) and V/line. Council is continuing to work with Government departments to deliver a public transport route between Anglesea and Waurm Ponds. This work has progressed with the development of options for the government to consider.
6.	Rolling median unemployment rate for the Shire does not exceed 3.5%	Twice yearly	Sept. 2017 2.5%	=/<3.5%	2.43%	The Surf Coast Shire unemployment rate as at March 2018 was 2.43%. End of year results are not available yet.
7.	Meet the financial benefits targets in the long term financial plan	Annual	\$453,000	\$550,000	\$557,793	This favourable result comprises recurrent savings from 12 review projects conducted during the year in the Business Improvement, Business Case, and Digital Transformation realms.
8.	Increase in the number of digital transactions with Council including a. self- service transactions (number of on-line forms available)	Twice yearly	Baseline to be developed	Target was not established in 2017-18	38	38 individual digital forms available on Council's website as at 30 June.

Strategic Indicator	Timing	Actual 30 June 2017	Target 30 June 2018	30 June 2018 end-of-year			
				Result	Comment		
b. Completion of forms					1,111	1,111 digital forms completed on Councils website for the quarter 1 April to 30 June 2018.	
9. Increased performance rating for Customer Service in the Annual Community Satisfaction in Local Government Survey	Annual	Annual Community Satisfaction Rating for Overall performance 2017 = 61	>61 (life of plan)		62	Annual Community Satisfaction Rating for Overall Performance increased by 1 point to 62.	
10. 80% of planning permit applications are determined within 60 statutory days by the end of the term of the plan	Twice yearly	PPARS result 71.02%	80%		82%	The 80% target has been exceeded as a result of implementing a program of customer focused improvement.	

Legend

Work in progress	Met or exceeded	Not met

6.4 MAV State Council Motions October 2018

Author's Title: Acting Manager Community Relations **General Manager:** Chris Pike

Department: Community Relations

File No: F18/854

Division: Culture & Community

Trim No: IC18/1318

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to adopt Council's motions for the Municipal Association of Victoria (MAV) State Council Meeting on 19 October 2018.

Summary

Surf Coast Shire Council has an opportunity to put forward motions for consideration at the MAV State Council on 19 October 2018. Motions made at the meeting are subject to a vote by member Councils. The MAV then considers successful motions for follow up advocacy.

Four issues with currency for Surf Coast Shire and likely to be relevant to other member Councils are:

1. Improving the planning of large scale renewable energy facilities - Council's recent experience in making a submission on a renewable energy facility proposed for Surf Coast Shire highlighted flaws in the planning process. Currently individual aspects of large-scale renewable energy facilities are subject to separate planning processes.
2. Improving funding for infrastructure associated with state school developments - The aim of this motion is to seek a fairer approach to the funding of infrastructure associated with state school developments.
3. Reducing the maximum speed limit for unsealed roads - Council's *Surf Coast Road Strategy 2016-2021* identifies Safer Unsealed Roads as one of its strategic goals and advocating for a default maximum limit of 80kmh is an identified action in the strategy.
4. Expanding the Environment Protection Agency's Officer for the Protection of the Local Environment (OPLE) Pilot Program - Surf Coast Shire is one of 13 Councils taking part in the pilot program, which is proving to be extremely successful at managing low to medium risk pollution within local communities.

Recommendation

That Council endorses the following motions to be put forward for consideration at the MAV State Council Meeting on 19 October 2018:

1. That the MAV advocates to the State Government for a review of the planning and regulatory framework for large scale renewable energy facilities so that individual components of these facilities including wind turbines, solar panels and transmission lines are considered together rather than separately as they are at present.
2. That the MAV advocates to the State Government seeking a fairer approach to the funding of infrastructure associated with state school developments.
3. That the MAV advocates to the State Government to reduce the default maximum speed limit on gravel roads to 80kmh.
4. That the MAV advocates to the State Government for the continuation of the Environment Protection Agency's Officer for the Protection of the Local Environment Pilot Program and for the program to be rolled out Victoria-wide.

6.4 MAV State Council Motions October 2018

Report

Background

The MAV State Council meeting provides member Councils the opportunity twice annually to put forward motions to influence MAV's advocacy priorities and inform the MAV strategic work plan.

All MAV member Councils have the opportunity to put forward motions at the State Council meeting. An electronic voting system determines which motions are carried and become resolutions of the MAV State Council. Resolutions are assessed by the MAV Board to determine how they will be progressed.

At the State Council meeting on 18 May 2018 Surf Coast Shire Council put forward the following motion:
That the MAV advocate to Victorian Government to establish clarity in relation to rural drainage roles and responsibilities, through processes consistent with the principles of the Victorian State-Local Government Agreement and have these matters supported in legislation or a formalised intergovernmental agreement rather than through a series of policy level strategies issued by the Victorian Government

This motion was carried.

Discussion

The MAV is the legislated peak body for local government in Victoria. The MAV State Council provides a means for member Councils to collaborate on topics of mutual interest and to add weight to advocacy campaigns. Motions moved at the MAV State Council meeting reflect a consensus of member Councils so have the potential to achieve greater influence. Surf Coast Shire Council should seek to leverage MAV's ability to advocate on its behalf on issues of regional and state significance.

Motion One

That the MAV advocates to the State Government for a review of the planning and regulatory framework for large scale renewable energy facilities so that individual components of these facilities including wind turbines, solar panels and transmission lines are considered together rather than separately as they are at present.

Council's recent experience in making a submission on a renewable energy facility proposed for development in Surf Coast Shire highlighted flaws in the planning process. Under the current planning framework individual aspects of large-scale renewable energy facilities are subject to separate planning processes.

In the recent example known to Surf Coast Shire Council, wind turbines proposed for the site were the subject of a planning application to the Minister for Planning. The proposed installation of solar panels is expected to be the subject of a planning application to Council. Meanwhile transmission lines are not subject to planning controls of local or state government.

Consequently, the overall impacts of such a facility cannot be considered in a complete way. This creates uncertainty for the community and limits opportunities for meaningful consultation.

These issues are evident elsewhere in Victoria. Since 2017 there have been at least 10 applications made to the Minister for Planning for wind farm developments or wind farm related infrastructure.

Council's motion advocates for reforms that would enable a planning process that by logically grouping related infrastructure and provides for improved understanding of the impacts of specific renewable energy projects.

Motion Two

That the MAV advocates to the State Government seeking a fairer approach to the funding of infrastructure associated with state school developments.

Presently the State Government takes no responsibility for the provision of infrastructure outside of school gates. This includes roads, parking, footpaths and school crossings.

6.4 MAV State Council Motions October 2018

School developments require appropriate supporting infrastructure to ensure they can be accessed in a safe and practical manner. School developments in greenfield sites can require the development of significant infrastructure.

The Victorian School Building Authority is responsible for delivering school developments, on behalf of the Department of Education and Training. In the current model, neither the authority nor the department has any responsibility for the provision of infrastructure outside the school boundary.

The cost of providing such infrastructure can be considerable and is currently borne exclusively by councils. An alternative model exists in the case of private developments where costs are covered, at least in part, by developers.

Council welcomes consideration of a model where the costs of ancillary infrastructure necessary for school developments are shared between state and local government.

Motion Three

That the MAV advocates to the State Government to reduce the default maximum speed limit on gravel roads to 80kmh.

The condition of gravel roads can change at short notice through factors such as weather and traffic volume. The current default limit of 100kmh does not allow for these factors.

Council's *Surf Coast Road Strategy 2016-2021* identifies Safer Unsealed Roads as one of its strategic goals and advocating for a default maximum limit of 80kmh is an identified action in the strategy.

Council developed its *Surf Coast Road Strategy 2016-2021* in partnership with VicRoads and Victoria Police.

The strategy takes into account VicRoads crash data across a five year period ending June 2015.

The strategy is aligned to the State Government's adopted Safe System philosophy, which comprises four elements: safe roads, safe speeds, safe vehicles and safe people.

Motion Four

That the MAV advocates to the State Government for the continuation of the Environment Protection Agency's Officer for the Protection of the Local Environment Pilot Program and for the program to be rolled out Victoria wide.

The Minister for Environment and Climate Change recently extended the OPLE Pilot Program for a further seven months until 31 July 2019.

Surf Coast Shire is one of 13 Councils taking part in the pilot program, which is aimed at managing low to medium risk pollution. It involves an EPA officer being embedded within councils to respond to pollution reports and provide proactive education programs to business and the community.

The OPLE program is well regarded across the local government sector and in the pilot phase has already delivered positive community outcomes.

Financial Implications

Motion One, Three and Four are not likely to have financial implications for Council. If Motion Two results in changes to how ancillary school infrastructure is funded there would be cost savings.

Council Plan

Theme	2 Environmental Leadership
Objective	2.1 Drive the use of renewable energy
Strategy	Nil

Theme	3 Balancing Growth
Objective	3.2 Ensure infrastructure is in place to support existing communities and provide for growth
Strategy	3.2.4 Ensure appropriate funding mechanisms are in place to support future growth including developer contributions

6.4 MAV State Council Motions October 2018

Theme	1 Community Wellbeing
Objective	1.3 Improve community safety
Strategy	Nil

Policy/Legal Implications

Advocating via the MAV is a way to influence government policy. The Local Government Act 1989 articulates that a role of a council includes 'advocating the interests of the local community to other communities and governments'.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

Putting motions to MAV State Council meetings does not present any significant risks. There is a general risk that the more issues Council advocates for, the more diluted the advocacy effort could become. This risk also applies to the MAV each time it advocates for motions passed at its State Council Meetings. There is an opposite risk that Council would not be representing the interests of its community if it didn't raise motions at the MAV State Council Meeting.

Social Considerations

Historically wind farm proposals have been a matter of contention in communities. A more cohesive planning process, as proposed in Motion One, could assist in better outcomes for communities and support the delivery of renewable energy. Motion Four seeks the continuation of a program that aims to improve amenity for local communities.

Community Engagement

Council has not specifically engaged with community members to determine the three motions detailed in this report. In the case of Motion One Council has an understanding of community sentiment through the work it undertook to prepare a submission on a local wind farm application. Motion Three is informed by engagement undertaken to prepare Council's road safety strategy.

Environmental Implications

Motion One concerns how large-scale renewable energy are considered. A system that provides for improved community engagement and understanding could assist in acceptance of renewable energy developments. Motion Four supports the management of pollution.

Communication

The motions will be emailed to the MAV. Council will communicate the MAV State Council motion to the community via communication channels which may include the website and media articles.

Options

Option 1 – That Council put the recommended motions to the MAV State Council Meeting on 19 October 2018

This option is recommended by officers as the motions seek the MAV to advocate on four matters of significance to Surf Coast Shire.

Option 2 – That Council resolves not to put motions to the MAV State Council Meeting on 19 October 2018

This option is not recommended by officers as it would result in Council missing the opportunity to have MAV advocate on matters of significance to Surf Coast Shire.

Option 3 – That Council put forward alternative motions to the MAV State Council Meeting on 19 October 2018

This option is not recommended by officers as the motions proposed by officers are matters of significance to Surf Coast Shire.

Conclusion

The recommended motions seek the MAV's advocacy support for four matters of significance to Surf Coast Shire - an improved planning and regulatory framework for renewable energy projects; a fairer approach to funding of ancillary school infrastructure; a default maximum speed limit of 80kmh for unsealed roads, and the continuation of a program that addresses local pollution.

Putting forward these motions to the MAV State Council is an effective way for Council to leverage MAV's ability to advocate on Council's behalf.

6.5 Musical Mornings 2018-19 Fees and Charges

Author's Title: Manager Aged & Family Services

General Manager: Chris Pike

Department: Aged & Family Services

File No: F16/1686

Division: Culture & Community

Trim No: IC18/1328

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to revise the fee set for the Musical Mornings program for clients on a Home Care Package as documented in the 2018-19 Budget.

Summary

Clients of Council's Positive Ageing Service who wish to access the Musical Mornings program pay a fee. This fee is determined by the type of funding the client receives, either through Commonwealth Home Support Program or Home Care Package funding.

An administration error has occurred in the development of the 2018-19 fees and charges. The cost for the Musical Morning program for clients on a Home Care Package has been set as \$665 (excluding GST) for a five event season (i.e. total package of five sessions) in the adopted 2018-19 budget. The correct fee is \$332.50 (excluding GST) for the five event season. In addition the program is listed under its previous name – Morning Melodies – as opposed to the correct title of Musical Mornings.

Recommendation

That Council adopts the following revised Aged and Disability Services fee for 2018-19:

1. Musical Mornings – Includes Meal & Transport (Home Care Package Clients) – Five Event Season – \$332.50 (excluding GST).

6.5 Musical Mornings 2018-19 Fees and Charges

Report

Background

As a part of the Positive Ageing programs, Council offers several social support activities to connect older people and people with a disability with their community.

The Musical Mornings program has run for a number of years and although numbers have decreased, it is still a popular social support activity for our older people and people with a disability.

Discussion

Clients of Council's Positive Ageing Service who wish to access the Musical Mornings program pay a fee. This fee is determined by the type of funding the client receives, either through Commonwealth Home Support Program or Home Care Package funding.

An administration error has occurred with the development of the 2018-19 fees and charges. The cost for the Musical Morning program for clients on a Home Care Package has been recorded as \$665 for five sessions and Council has previously adopted this fee. The correct fee is \$332.50 for five sessions (or \$665 for 10 sessions), for Home Care Package clients.

Council currently has five Home Care Package clients who access the Musical Mornings program and so are affected by this error.

Financial Implications

There are no financial implications for this change as the 2018-19 revenue budget was calculated based on the correct amount of \$332.50 for five sessions.

Council Plan

Theme 5 High Performing Council
Objective 5.4 Ensure the community has access to the services they need
Strategy 5.4.1 Review Council-delivered services to ensure they are of high quality and delivering best value

Policy/Legal Implications

There is no significant policy or legal implications arising from the report.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

There is a risk that if this administration error is not corrected that the five Home Care Package clients will not be able to afford to attend the Musical Mornings social outings.

Social Considerations

There is a risk that if this administration error is not corrected that the five Home Care Package clients will not be able to afford to attend the Musical Mornings social outings.

Community Engagement

There is no significant community engagement implications arising from the report.

Environmental Implications

There is no significant environmental implications arising from the report.

Communication

Council's Positive Ageing team will directly contact the five clients affected by this administration error and provide them with the updated fee for the Musical Mornings program.

6.5 Musical Mornings 2018-19 Fees and Charges

Options

Option 1 - Council adopts the updated fee for the Musical Morning program for Home Care Package clients

This option is recommended by officers as it reflects the actual cost of providing the service to Home Care Package clients.

Option 2 - Council does not adopt the updated fee for the Musical Morning program for Home Care Package clients

This option is not recommended by officers as the adopted fee is twice the cost of providing the service to Home Care Package clients. This high cost may also inhibit clients ability to access the program.

Conclusion

An administration error has occurred with the development of the 2018-19 fees and charges. The cost for the Musical Morning program for clients on a Home Care Package has been recorded as \$665 for five sessions and Council has previously adopted this fee. The correct fee is \$332.50 for five sessions (or \$665 for 10 sessions), for Home Care Package clients. The intent of this report is to correct this error.

7. URGENT BUSINESS

Nil

8. PROCEDURAL BUSINESS

8.1 Assemblies of Councillors

Author's Title: Administration Officer, Governance & Risk **General Manager:** Anne Howard

Department: Governance

File No: F18/221

Division: Governance & Infrastructure

Trim No: IC18/1150

Appendix:

1. Assembly of Councillors - Councillor Briefings - 17 July 2018 (D18/94177)
2. Assembly of Councillors - Councillor Briefings - 24 July 2018 (D18/94181)
3. Assembly of Councillors - Responsible & Planning Authority - 24 July 2018 (D18/94185)
4. Assembly of Councillors - Councillor OHS & EO Workshop - 24 July 2018 (D18/94207)
5. Assembly of Councillors - Councillor Briefings - 7 August 2018 (D18/92646)
6. Assembly of Councillors - Inverleigh Wind Farm Submission - 14 August 2018 (D18/102142)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 – Section 80C:

Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to receive and note the Assembly of Councillors records received since the previous Council Meeting.

Summary

The Local Government Act 1989 section 80A(2) states that the Chief Executive Officer must ensure that the written record of an assembly of Councillors is as soon as practicable reported at an Ordinary Meeting of Council and incorporated in the minutes of that Council Meeting.

Recommendation

That Council receives and notes the Assembly of Councillors records for the following meetings:

1. Councillor Briefings - 17 July 2018.
2. Councillor Briefings - 24 July 2018.
3. Responsible & Planning Authority – 24 July 2018.
4. Councillor OHS& EO Workshop – 24 July 2018.
5. Councillor Briefings – 7 August 2018.
6. Inverleigh Wind Farm Submission – 14 August 2018.

8.1 Assemblies of Councillors

APPENDIX 1 ASSEMBLY OF COUNCILLORS - COUNCILLOR BRIEFINGS - 17 JULY 2018



Assembly of Councillors Record

Description of Meeting: Councillor Briefings Meeting
Responsible Officer: Anne Howard – General Manager Governance & Infrastructure
Date: 17 July 2018
In Attendance: Yes (✓) No (X) N/R (Not Required)


Councillors		Officers		Externals	
Cr. David Bell, Mayor	✓	Chief Executive Officer - Keith Baillie	✓		
Cr. Libby Coker (Arrived at 10:16am)	✓	General Manager Governance & Infrastructure - Anne Howard	✓		
Cr. Martin Duke	✓	General Manager Environment & Development - Ransce Salan	✓		
Cr. Clive Goldsworthy	X	General Manager Culture & Community - Chris Pike	✓		
Cr. Rose Hodge	✓	Team Leader Governance - Candice Holloway (minutes)	✓		
Cr. Carol McGregor	X	Manger Governance & Risk - Wendy Hope	✓		
Cr. Brian McKiterick (Leave of Absence)	X	Manager Engineering Services - Ian Stewart	✓		
Cr. Margot Smith	X	Principal Planner - Michelle Warren	✓		
Cr. Heather Wellington	X	Coordinator Business and Tourism Strategy - Simon Loone	✓		
		Manager Planning & Development - Bill Cathcart	✓		
		Manager Community Relations - Damian Waight	✓		
		Senior Strategic Planner - Sally Conway	✓		
		Trina Hughes – Property & legal Services Officer	✓		
		Sophie Stickland – Property & legal Services Officer	✓		

MEETING COMMENCED	9.34am	MEETING CONCLUDED	12.12pm
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Matters considered at the meeting
1. Confirmation of Councillor Briefing Minutes 3 July 2018
2. Conflicts of Interest
3. Quarterly Report - Governance - April to July 2018
4. Road Service - Customer Request Overview - April - June 2018 Quarter
5. 6. Planning Permit Application 17/0374: 86-92 The Esplanade, Torquay – Development of 48 Residential Apartments
6. Calling-In of Planning Permit Applications to Council (MPP-011)
7. Advocacy Priorities
8. Funding Projects in Torquay Town Centre
9. G21 Learning Strategy
10. Surf Coast Planning Scheme Amendment C120 - Growing Winchelsea Implementation
11. Other Business

Councillor/Officer Declarations of Interest		
Councillor/Officer	Left Meeting (Yes/No)	Type & Details of Interest(s) Disclosed
Nil		Nil Declared



Responsible Officer Signature: 	Print Name: Anne Howard
Date: 20 July 2018	
To be completed on conclusion of session and provided to Governance Administration Officer.	

General Information:

An assembly of Councillors means a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be -

- (a) the subject of a decision of the Council; or
 - (b) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee— but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation;
- The CEO must also ensure that the written record of an assembly of Councillors is kept for 4 years after the date of the assembly, and made available for public inspection at the Council offices for 12 months after the date of the assembly [s80A(2)].
 - The CEO must ensure that at an assembly of Councillors, a written record is kept of the names of all Councillors and members of Council staff attending the meeting, the matters considered at the meeting, and any conflict of interest disclosures made by a Councillor attending [s.80A(1)].
 - A Councillor must disclose the conflict of interest either immediately before the matter is considered, or where the Councillor realises he or she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware he or she has a conflict of interest [s.80A(4)].
 - A Councillor attending an assembly of Councillors must disclose a conflict of interest and leave the assembly while a matter is being considered, if he or she knows that the particular matter is one that if it was to be considered and decided by Council, he or she would have to disclose a conflict of interest* under the Act [s.80A(3)].

8.1 Assemblies of Councillors

APPENDIX 2 ASSEMBLY OF COUNCILLORS - COUNCILLOR BRIEFINGS - 24 JULY 2018



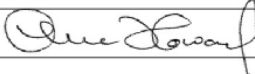
Assembly of Councillors Record

Description of Meeting: Councillor Briefings Meeting
Responsible Officer: Anne Howard – General Manager Governance & Infrastructure
Date: 24 July 2018
In Attendance: Yes (✓) No (X) N/R (Not Required)

Councillors		Officers		Externals	
Cr. David Bell, Mayor	✓	Chief Executive Officer - Keith Baillie	✓		
Cr. Libby Coker	✓	General Manager Governance & Infrastructure - Anne Howard	✓		
Cr. Martin Duke	✓	General Manager Environment & Development - Ransce Salan	✓		
Cr. Clive Goldsworthy	✓	General Manager Culture & Community - Chris Pike	✓		
Cr. Rose Hodge	✓	Team Leader Governance - Candice Holloway (minutes)	✓		
Cr. Carol McGregor	✓	Manager Planning & Development - Bill Cathcart	✓		
Cr. Brian McKiterick (Leave of Absence)	X				
Cr. Margot Smith	✓				
Cr. Heather Wellington	✓				

MEETING COMMENCED	4.41pm	MEETING CONCLUDED	5.25pm
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Matters considered at the meeting
1. Conflicts of Interest
2. Agenda Review - 24 July 2018 Council Meeting Agenda
3. Digital Transformation Program Update

Councillor/Officer Declarations of Interest		
Councillor/Officer	Left Meeting (Yes/No)	Type & Details of Interest(s) Disclosed
Nil declared.		
Responsible Officer Signature: 		Print Name: Anne Howard
Date: 27 July 2018		
To be completed on conclusion of session and provided to Governance Administration Officer.		

General Information:

An assembly of Councillors means a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be -

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8.1 Assemblies of Councillors

**APPENDIX 3 ASSEMBLY OF COUNCILLORS - RESPONSIBLE & PLANNING AUTHORITY - 24
JULY 2018**



Assembly of Councillors Record

Description of Meeting: Responsible & Planning Authority Briefing Meeting
Responsible Officer: Ransce Salan – General Manager Environment & Development
Date: 24 July 2018
In Attendance: Yes (✓) No (X) N/R (Not Required)

Councillors		Officers		Externals	
Cr. David Bell, Mayor	✓	Chief Executive Officer - Keith Baillie	✓		
Cr. Libby Coker	✓	General Manager Governance & Infrastructure - Anne Howard	✓		
Cr. Martin Duke	✓	General Manager Culture & Community - Chris Pike	✓		
Cr. Clive Goldsworthy	✓	General Manager Environment & Development - Ransce Salan	✓		
Cr. Rose Hodge	✓	Team Leader Governance – Candice Holloway (minutes)	✓		
Cr. Carol McGregor	✓	Manager Development & Planning - Bill Cathcart	✓		
Cr. Brian McKiterick (Leave of Absence)	X	Coordinator Statutory Planning - Michelle Watt	✓		
Cr. Margot Smith	✓	Senior Strategic Planner - Sally Conway	✓		
Cr. Heather Wellington	X				

MEETING COMMENCED	3.05pm	MEETING CONCLUDED	4.41pm
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Matters considered at the meeting
1. Planning Application 17/0370 – Use of the land for a Helicopter landing site – 420 Coombes Road, Freshwater Creek
2. Planning Permit Application 17/0374: 86-92 The Esplanade, Torquay – Development of 48 Residential Apartments
3. Surf Coast Planning Scheme Amendment C120 – Implementation of Growing Winchelsea

Councillor/Officer Declarations of Interest		
Councillor/Officer	Left Meeting (Yes/No)	Type & Details of Interest(s) Disclosed
Nil declared.		
Responsible Officer Signature:		Print Name: Ransce Salan
Date: 27 July 2018		
To be completed on conclusion of session and provided to Governance Administration Officer.		

General Information:

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- (b) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee— but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation;
- The CEO must also ensure that the written record of an assembly of Councillors is kept for 4 years after the date of the assembly, and made available for public inspection at the Council offices for 12 months after the date of the assembly [s80A(2)].
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- A Councillor must disclose the conflict of interest either immediately before the matter is considered, or where the Councillor realises he or she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware he or she has a conflict of interest [s.80A(4)].
- A Councillor attending an assembly of Councillors must disclose a conflict of interest and leave the assembly while a matter is being considered, if he or she knows that the particular matter is one that if it was to be considered and decided by Council, he or she would have to disclose a conflict of interest* under the Act [s.80A(3)].

8.1 Assemblies of Councillors

**APPENDIX 4 ASSEMBLY OF COUNCILLORS - COUNCILLOR OHS & EO WORKSHOP - 24
JULY 2018**



Assembly of Councillors Record

Description of Meeting: Councillor OHS & EEO Workshop
Responsible Officer: Anne Howard – General Manager Governance & Infrastructure
Date: 24 July 2018
In Attendance: Yes (✓) No (X) N/R (Not Required)

Councillors		Officers		Externals	
Cr. David Bell, Mayor	✓	Chief Executive Officer - Keith Baillie	✓	Johanna Betteridge - Betteridge Consulting	✓
Cr. Libby Coker	✓	General Manager Governance & Infrastructure - Anne Howard	✓		
Cr. Martin Duke	✓	General Manager Environment & Development - Ransce Salan	✓		
Cr. Clive Goldsworthy	✓	General Manager Culture & Community - Chris Pike	✓		
Cr. Rose Hodge	✓	Leanne Perryman, Manager People and Culture	✓		
Cr. Carol McGregor	✓	Sam Liston, Coordinator Workplace Health and Safety Surf Coast Shire	✓		
Cr. Brian McKiterick (Leave of Absence)	X	Wendy Hope, Manager Governance and Risk	✓		
Cr. Margot Smith	✓				
Cr. Heather Wellington	X				

MEETING COMMENCED	1.00pm	MEETING CONCLUDED	2.45pm
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Matters considered at the meeting		
1. Draft WHS Policy for Councillors		
Councillor/Officer Declarations of Interest		
Councillor/Officer	Left Meeting (Yes/No)	Type & Details of Interest(s) Disclosed
Responsible Officer Signature:		Print Name: Anne Howard
Date: 27 July 2018		
To be completed on conclusion of session and provided to Governance Administration Officer.		

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- A Councillor attending an assembly of Councillors must disclose a conflict of interest and leave the assembly while a matter is being considered, if he or she knows that the particular matter is one that if it was to be considered and decided by Council, he or she would have to disclose a conflict of interest* under the Act [s.80A(3)].

8.1 Assemblies of Councillors

APPENDIX 5 ASSEMBLY OF COUNCILLORS - COUNCILLOR BRIEFINGS - 7 AUGUST 2018



Assembly of Councillors Record

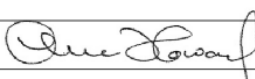
Description of Meeting: Councillor Briefings Meeting
Responsible Officer: Anne Howard – General Manager Governance & Infrastructure
Date: 7 August 2018
In Attendance: Yes (✓) No (X) N/R (Not Required)

Councillors		Officers		Externals	
Cr. David Bell, Mayor	✓	Chief Executive Officer - Keith Baillie	✓		
Cr. Libby Coker	✓	General Manager Governance & Infrastructure - Anne Howard	✓		
Cr. Martin Duke	✓	General Manager Environment & Development - Ransce Salan	✓		
Cr. Clive Goldsworthy	✓	General Manager Culture & Community - Chris Pike	✓		
Cr. Rose Hodge	✓	Team Leader Governance - Candice Holloway (minutes)	✓		
Cr. Carol McGregor	✓	Engineering Services Manager - Ian Stewart	✓		
Cr. Brian McKiterick (Leave of Absence)	X	Manager Recreation & Open Space Planning - Shaan Briggs	✓		
Cr. Margot Smith	✓	Property & Legal Services Officer -Trina Hughes	✓		
Cr. Heather Wellington	X	Property & Legal Services Officer -Sophie Stickland	✓		
		Coordinator Recreation Planning - Jarrod Westwood	✓		
		Coordinator Business and Tourism Strategy - Simon Loone	✓		
		Economic Development Officer - Scott Jardine	✓		
		Business Support Officer - Gretchen Gibson	✓		
		Co-ordinator Waste Management - Neil Brewster	✓		
		Waste and Sustainability Officer - Sally Sneddon	✓		
		Manager Community Relations - Damian Waight	✓		
		Coordinator Environmental Sustainability - Lauren Watt	✓		
		Coordinator Communications and Community Relations - Darryn Chiller	✓		
		Sustainability Officer - Lachlan McLean	✓		
		Business Improvement Officer - Trevor Britten	✓		

MEETING COMMENCED	11.08am	MEETING CONCLUDED	3.39pm
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Matters considered at the meeting
1. Confirmation of Councillor Briefing Minutes & Responsible & Planning Authority Briefing
2. Conflicts of Interest
3. Process for Considering the Opening and Closure of Coalmine Road, Anglesea
4. Lorne Men's Shed - Request for Lease



5. Aireys Inlet Market - Expressions of Interest for a Licence		
6. SurfCoast Localised Local Business Directory		
7. Surf Coast Shire Business Barometer Survey 2018 - Key Findings		
8. Anglesea Food Organics Collection Pilot		
9. Community Satisfaction Survey Results - 2018		
10. Inverleigh Wind Farm Submission		
11. Review of SCS-004 – Place Naming Policy		
12. Other Business		
Councillor/Officer Declarations of Interest		
Councillor/Officer	Left Meeting (Yes/No)	Type & Details of Interest(s) Disclosed
Cr David Bell	Yes	Cr David Bell declared an indirect conflict of interest in agenda item 2.3 (briefing item 5) Aireys Inlet Market – Expressions of Interest for a Licence under Section 78B of the Local Government Act 1989 – conflicting duty. The nature of the interest being Cr David Bell has a licence for the Torquay Farmers Market on run Council managed land. Cr David Bell left the meeting at 11:52am and returned at 12:11pm. Cr David Bell was absent whilst this matter was being discussed.
Responsible Officer Signature:		 Print Name: Anne Howard
Date: 10 August 2018		
To be completed on conclusion of session and provided to Governance Administration Officer.		

General Information:

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8.1 Assemblies of Councillors

**APPENDIX 6 ASSEMBLY OF COUNCILLORS - INVERLEIGH WIND FARM SUBMISSION - 14
AUGUST 2018**

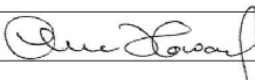


Assembly of Councillors Record

Description of Meeting: Inverleigh Wind Farm Submission
Responsible Officer: Anne Howard, General Manager Governance and Infrastructure
Date: 14 August 2018
In Attendance: Yes (✓) No (X) N/R (Not Required)

Councillors		Officers		Externals	
Cr. David Bell, Mayor	✓	Chief Executive Officer - Keith Baillie	✓		
Cr. Libby Coker	✓	General Manager Governance & Infrastructure - Anne Howard	✓		
Cr. Martin Duke	✓	General Manager Environment & Development - Ransce Salan	✓		
Cr. Clive Goldsworthy	X	General Manager Culture & Community - Chris Pike	✓		
Cr. Rose Hodge	✓				
Cr. Carol McGregor	✓				
Cr. Brian McKiterick (Leave of Absence)	X				
Cr. Margot Smith	✓				
Cr. Heather Wellington	X				

MEETING COMMENCED	4.20 pm	MEETING CONCLUDED	4:40 pm
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Matters considered at the meeting		
1. Inverleigh Wind Farm Submission, Councillor Discussion		
Councillor/Officer Declarations of Interest		
Councillor/Officer	Left Meeting (Yes/No)	Type & Details of Interest(s) Disclosed
Nil		Nil disclosed
Responsible Officer Signature: 		Print Name: Anne Howard
Date: 17 August 2018		
To be completed on conclusion of session and provided to Governance Administration Officer.		

General Information:

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8.2 Section 86 Committee Minutes

Author's Title: Administration Officer, Governance & Risk **General Manager:** Anne Howard

Department: Governance

File No: F18/221

Division: Governance & Infrastructure

Trim No: IC18/1149

Appendix:

1. Hearing of Submissions Committee Meeting - 3 July 2018 (D18/83000)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 – Section 80C:

Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to receive and note the minutes of the Section 86 Committee meetings as appended.

Summary

The minutes provided in this report are draft unless otherwise identified. Committees do not re-issue minutes if any corrections are made at the time of adoption, rather note these corrections in the agenda item confirming adoption of the minutes at the following committee meeting.

Any corrections to draft minutes of material significance made by the committees will be provided to Council for noting in a subsequent report.

Recommendation

That Council receives and notes the following minutes of the Section 86 Committee meetings:

1. Hearing of Submissions Committee Meeting – 3 July 2018.

8.2 Section 86 Committee Minutes

APPENDIX 1 HEARING OF SUBMISSIONS COMMITTEE MEETING - 3 JULY 2018



Minutes

Hearing of Submissions Committee Tuesday, 3 July 2018

Held in the
Council Chambers
1 Merrijig Drive, Torquay
Commencing at 5.00pm

Council:

Cr David Bell (Mayor)
Cr Libby Coker
Cr Martin Duke
Cr Clive Goldsworthy
Cr Rose Hodge
Cr Carol McGregor
Cr Brian McKiterick (Leave of Absence)
Cr Margot Smith
Cr Heather Wellington

MINUTES FOR THE HEARING OF SUBMISSIONS MEETING OF SURF COAST SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, 1 MERRIJIG DRIVE, TORQUAY
ON TUESDAY 3 JULY 2018 COMMENCING AT 5.00PM

PRESENT:

Cr Clive Goldsworthy (Deputy Mayor)
Cr Martin Duke
Cr Rose Hodge
Cr Carol McGregor
Cr Heather Wellington

In Attendance:

General Manager Environment and Development – Ransce Salan
Manager Planning & Development – Bill Cathcart
Senior Strategic Planner - Sally Conway
Principal Planner - Michelle Warren
Coordinator Strategic Planning - Karen Hose
Coordinator Statutory Planning - Michelle Watt

27 members of the public
0 members of the press

APOLOGIES:

Cr David Bell
Cr Libby Coker
Cr Margot Smith

Committee Resolution

MOVED Cr Martin Duke, Seconded Cr Heather Wellington

That apologies be received from Cr David Bell, Cr Libby Coker and Cr Margot Smith.

CARRIED 5:0

Not In Attendance:

Chief Executive Officer – Keith Baillie

CONFIRMATION OF MINUTES

Committee Resolution

MOVED Cr Rose Hodge, Seconded Cr Martin Duke

That the Hearing of Submissions Committee note the minutes of the meeting held on 12 June 2018 as a correct record of the meeting.

CARRIED 5:0

CONFLICTS OF INTEREST:

Nil declared.

SUBMITTERS HEARD

1. Environment and Development

- 1.1 Surf Coast Planning Scheme Amendment C120 - Implementation of Growing Winchelsea

Order of submitters heard:

1. Christine Phillips.

- 1.2 Planning Permit Application 17/0374: 86-92 The Esplanade, Torquay – Development of 48 Residential Apartments

Order of submitters heard:

1. David Merrett.
2. David Merrett (on behalf of 16 submitters).
3. Richard Glawitsch.
4. John Foss.

BUSINESS:

1. PLANNING MATTERS	4
1.1 <i>Surf Coast Planning Scheme Amendment C120 - Growing Winchelsea Implementation</i>	4
1.2 <i>Planning Permit Application 17/0374: 86-92 The Esplanade, Torquay – Development of 48 Residential Apartments</i>	7

1.1 Surf Coast Planning Scheme Amendment C120 - Growing Winchelsea Implementation

APPENDIX 1 ORDER OF SPEAKERS



Hearing of Submissions
Tuesday 3 July 2018
5:00pm
Council Chambers
1 Merrijig Drive, Torquay

ORDER OF SPEAKERS

Planning and Development

1.1 Surf Coast Planning Scheme Amendment C120 - Growing Winchelsea
Implementation

Submitter Name	
1.	Christine Phillips

1.2 Planning Permit Application 17/0374: 86-92 The Esplanade, Torquay – Development of 48 Residential Apartments

Author's Title: Statutory Planner **General Manager:** Ransce Salan
Department: Planning & Development **File No:** 17/0374
Division: Environment & Development **Trim No:** IC18/954

Appendix:

1. Order of Speakers (D18/79096)

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 – Section 80C:

Yes No

Reason: Nil

Status:

Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c):

Yes No

Reason: Nil

Purpose

The purpose of this report is to hear submissions relating to application 17/0374; the construction of 48 residential apartments at 86-92 The Esplanade, Torquay.

Summary

In April 20018 the application relating to the construction of 48 residential apartments at 86-92 The Esplanade, Torquay was publicly exhibited in accordance with the *Planning and Environment Act 1987*.

Summary of Submissions

A total number of 70 submissions were received including 70 objections and 0 in support, summarised as follows:

No.	Submitter	Position	Summary of Submission	Officer Response
1.	Individual	Objection	Grounds: fence, height, scale, bulk/design, landscaping/site coverage, neighbourhood character, density, overlooking	Grounds are within the ambit of considerations under the relevant planning provisions.
2.	Individual	Objection	Grounds: height, bulk/design, neighbourhood character, density	Grounds are within the ambit of considerations under the relevant planning provisions.
3.	Individual	Objection	Grounds: height, neighbourhood character, density	Grounds are within the ambit of considerations under the relevant planning provisions.
4.	Individual	Objection	Grounds: height, neighbourhood character, density, traffic, parking	Grounds are within the ambit of considerations under the relevant planning provisions.
5.	Individual	Objection	Grounds: height, neighbourhood character	Grounds are within the ambit of considerations under the relevant planning provisions.
6.	Individual	Objection	Grounds: bulk/design, density	Grounds are within the ambit of considerations under the relevant planning provisions.
7.	Individual	Objection	Grounds: height, neighbourhood character, traffic, parking, shadowing, view sharing, noise	Grounds are within the ambit of considerations under the relevant planning provisions.
8.	Individual	Objection	Grounds: height, scale, traffic, parking, shadowing	Grounds are within the ambit of considerations under the relevant planning provisions.
9.	Individual	Objection	Grounds: height, scale, neighbourhood character	Grounds are within the ambit of considerations under the relevant planning provisions.
10.	Individual	Objection	Grounds: height, scale, density, parking	Grounds are within the ambit of considerations under the relevant planning provisions.

1.2 Planning Permit Application 17/0374: 86-92 The Esplanade, Torquay – Development of 48 Residential Apartments

11.	Individual	Objection	Grounds: the fence, height, neighbourhood character, traffic, parking, overlooking, noise and energy efficiency	Grounds are within the ambit of considerations under the relevant planning provisions.
12.	Individual	Objection	Grounds: height	Grounds are within the ambit of considerations under the relevant planning provisions.
13.	Individual	Objection	Grounds: scale, traffic, parking	Grounds are within the ambit of considerations under the relevant planning provisions.
14.	Individual	Objection	Grounds: height and creation of a precedent	Grounds are within the ambit of considerations under the relevant planning provisions although the creation of precedents is a broader consideration.
15.	Individual	Objection	Grounds: height, neighbourhood character	Grounds are within the ambit of considerations under the relevant planning provisions.
16.	Individual	Objection	Grounds: height, neighbourhood character, density	Grounds are within the ambit of considerations under the relevant planning provisions.
17.	Individual	Objection	Grounds: height, bulk/design, neighbourhood character, traffic, parking, infrastructure, wrong location for affordable housing	Grounds are within the ambit of considerations under the relevant planning provisions.
18.	Individual	Objection	Grounds: height, neighbourhood character, density, noise	Grounds are within the ambit of considerations under the relevant planning provisions.
19.	Individual	Objection	Grounds: height, scale, bulk/design, neighbourhood character, setbacks, view sharing	Grounds are within the ambit of considerations under the relevant planning provisions although the scheme only includes view sharing consideration for those properties covered by the DDO13.
20.	Individual	Objection	Grounds: height, scale, bulk/design, landscaping/site coverage, setbacks, neighbourhood character, view sharing	Grounds are within the ambit of considerations under the relevant planning provisions although the scheme only includes view sharing consideration for those properties covered by the DDO13.
21.	Individual	Objection	Grounds: height, bulk/design, neighbourhood character, parking, shadowing, overlooking, view sharing, noise and the creation of a precedent	Grounds are within the ambit of considerations under the relevant planning provisions although the creation of precedents is a broader consideration.
22.	Individual	Objection	Grounds: height, scale, neighbourhood character, parking, views	Grounds are within the ambit of considerations under the relevant planning provisions.
23.	Individual	Objection	Grounds: height, scale, bulk/design, neighbourhood character, setbacks, traffic, parking, shadowing, overlooking, view sharing, noise, the creation of a precedent, storage, construction management	Grounds are within the ambit of considerations under the relevant planning provisions although precedents are a broad consideration.
24.	Individual	Objection	Grounds: scale, bulk/design, neighbourhood character, setbacks, parking, overlooking,	Grounds are within the ambit of considerations under the relevant planning provisions.

1.2 Planning Permit Application 17/0374: 86-92 The Esplanade, Torquay – Development of 48 Residential Apartments

			noise	
25.	Individual	Objection	Grounds: neighbourhood character, views, property values	Excepting property values which may not be considered under the planning scheme, the grounds are within the ambit of considerations under the relevant planning provisions.
26.	Individual	Objection	Grounds: scale, neighbourhood character, view sharing	Grounds are within the ambit of considerations under the relevant planning provisions.
27.	Individual	Objection	Grounds: height	Grounds are within the ambit of considerations under the relevant planning provisions.
28.	Individual	Objection	Grounds: height, scale, neighbourhood character	Grounds are within the ambit of considerations under the relevant planning provisions.
29.	Individual	Objection	Grounds: height, landscaping/site coverage, neighbourhood character, setbacks, traffic, parking, overlooking, open space	Grounds are within the ambit of considerations under the relevant planning provisions.
30.	Individual	Objection	Grounds: height, neighbourhood character, density, parking, overlooking, view sharing, noise, short term rentals	Grounds are within the ambit of considerations under the relevant planning provisions although use for short term rentals is broadly considered in the context of the residential zone.
31.	Individual	Objection	Grounds: height, bulk/density, landscaping/site coverage, neighbourhood character, parking, noise, lack of subdivision application	The responsible authority must consider the application before it and no application has been made for subdivision. The remaining grounds are within the ambit of considerations under the relevant planning provisions.
32.	Individual	Objection	Grounds: bulk/design, neighbourhood character, traffic, shadowing, overlooking, property values	Excepting property values which may not be considered under the planning scheme, the grounds are within the ambit of considerations under the relevant planning provisions.
33.	Individual	Objection	Grounds: height, creation of a precedent	Grounds are within the ambit of considerations under the relevant planning provisions although the creation of precedents is a broader consideration.
34.	Individual	Objection	Grounds: height, neighbourhood character, view sharing	Grounds are within the ambit of considerations under the relevant planning provisions although the scheme only includes view sharing consideration for those properties covered by the DDO13.
35.	Individual	Objection	Grounds: height, bulk/design, neighbourhood character, shadowing, creation of a precedent	Grounds are within the ambit of considerations under the relevant planning provisions although the creation of precedents is a broader consideration.
36.	Individual	Objection	Grounds: height, creation of a precedent	Grounds are within the ambit of considerations under the relevant planning provisions although the

1.2 Planning Permit Application 17/0374: 86-92 The Esplanade, Torquay – Development of 48 Residential Apartments

				creation of precedents is a broader consideration.
37.	Individual	Objection	Grounds: height, overlooking	Grounds are within the ambit of considerations under the relevant planning provisions.
38.	Individual	Objection	Grounds: height, neighbourhood character, traffic, parking, creation of a precedent, tree loss	Grounds are within the ambit of considerations under the relevant planning provisions although the creation of precedents is a broader consideration.
39.	Individual	Objection	Grounds: bulk/design, neighbourhood character, traffic, parking, short term accommodation	Grounds are within the ambit of considerations under the relevant planning provisions although use is considered in the context of the residential zone.
40.	Individual	Objection	Grounds: height	Grounds are within the ambit of considerations under the relevant planning provisions.
41.	Individual	Objection	Grounds: height, neighbourhood character, traffic, parking, noise, creation of a precedent, energy efficiency.	Grounds are within the ambit of considerations under the relevant planning provisions although the creation of precedents is a broader consideration.
42.	Individual	Objection	Grounds: height, scale, parking	Grounds are within the ambit of considerations under the relevant planning provisions.
43.	Individual	Objection	Grounds: neighbourhood character, traffic, parking, fire hazard	Grounds are within the ambit of considerations under the relevant planning provisions although whether the building is a fire hazard must be considered in context.
44.	Individual	Objection	Grounds: scale, landscaping/site coverage, traffic, creation of a precedent	Grounds are within the ambit of considerations under the relevant planning provisions although the creation of precedents is a broader consideration.
45.	Individual	Objection	Grounds: height, neighbourhood character, parking	Grounds are within the ambit of considerations under the relevant planning provisions.
46.	Individual	Objection	Grounds: height, scale	Grounds are within the ambit of considerations under the relevant planning provisions.
47.	Individual	Objection	Grounds: height, scale, neighbourhood character	Grounds are within the ambit of considerations under the relevant planning provisions.
48.	Individual	Objection	Grounds: height, bulk/design, landscaping/site coverage, density, parking, overlooking	Grounds are within the ambit of considerations under the relevant planning provisions.
49.	Individual	Objection	Grounds: height, bulk/design, neighbourhood character, traffic, parking, infrastructure	Grounds are within the ambit of considerations under the relevant planning provisions.
50.	Individual	Objection	Grounds: neighbourhood character, density, traffic, creation of a precedent	Grounds are within the ambit of considerations under the relevant planning provisions although the creation of precedents is a broader consideration.
51.	Individual	Objection	Grounds: height, bulk/design,	Grounds are within the ambit of

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			landscaping/site coverage, neighbourhood character, density, traffic, parking, noise	considerations under the relevant planning provisions.
52.	Individual	Objection	Grounds: height, landscaping/site coverage, neighbourhood character, traffic, parking	Grounds are within the ambit of considerations under the relevant planning provisions.
53.	Individual	Objection	Grounds: height, neighbourhood character, density	Grounds are within the ambit of considerations under the relevant planning provisions.
54.	Individual	Objection	Grounds: neighbourhood character, density, traffic, property values	Grounds are within the ambit of considerations under the relevant planning provisions.
55.	Individual	Objection	Grounds: height, neighbourhood character, parking, shadowing, overlooking	Grounds are within the ambit of considerations under the relevant planning provisions.
56.	Individual	Objection	Grounds: height, scale, traffic, shadowing, overlooking	Grounds are within the ambit of considerations under the relevant planning provisions.
57.	Individual	Objection	Grounds: height, neighbourhood character, traffic, shadowing	Grounds are within the ambit of considerations under the relevant planning provisions.
58.	Individual	Objection	Grounds: neighbourhood character, parking, overlooking, noise	Grounds are within the ambit of considerations under the relevant planning provisions.
59.	Individual	Objection	Grounds: traffic, parking, overlooking, noise, waste disposal	Grounds are within the ambit of considerations under the relevant planning provisions.
60.	Individual	Objection	Grounds: height, parking, shadowing, overlooking, noise	Grounds are within the ambit of considerations under the relevant planning provisions.
61.	Individual	Objection	Grounds: height, bulk/design, neighbourhood character, setbacks, parking, overlooking, noise, construction management	Grounds are within the ambit of considerations under the relevant planning provisions.
62.	Individual	Objection	Grounds: height, scale, bulk/design, neighbourhood character, traffic, parking, shadowing, building maintenance	Excepting the future maintenance of the building, the grounds are within the ambit of considerations under the relevant planning provisions.
63.	Individual	Objection	Grounds: neighbourhood character, density, traffic, parking, shadowing, overlooking	Grounds are within the ambit of considerations under the relevant planning provisions.
64.	Individual	Objection	Grounds: parking	Grounds are within the ambit of considerations under the relevant planning provisions.
65.	Individual	Objection	Grounds: height, traffic, shadowing, views, noise, infrastructure, creation of a precedent	Grounds are within the ambit of considerations under the relevant planning provisions although the creation of precedents is a broader consideration.
66.	Individual	Objection	Grounds: neighbourhood character, traffic	Grounds are within the ambit of considerations under the relevant planning provisions.
67.	Individual	Objection	Grounds: height, neighbourhood character, density, traffic, infrastructure, creation of a precedent, construction quality	Excepting construction quality which is a building matter, the grounds are within the ambit of considerations under the relevant

1.2 Planning Permit Application 17/0374: 86-92 The Esplanade, Torquay – Development of 48 Residential Apartments

				planning provisions although the creation of precedents is a broader consideration.
68.	Individual	Objection	Grounds: the fence, height, bulk/design, landscaping/site coverage, neighbourhood character, setbacks, parking, view sharing, fire risk, waste collection	Grounds are within the ambit of considerations under the relevant planning provisions although the scheme only includes view sharing consideration for those properties covered by the DDO13.
69.	Individual	Objection	Grounds: height, landscaping/site coverage, neighbourhood character, setbacks, parking, view sharing, limited storage	Grounds are within the ambit of considerations under the relevant planning provisions although the scheme only includes view sharing consideration for those properties covered by the DDO13.
70.	Individual	Objection	Grounds: height, scale, bulk/design, character, views	Grounds are within the ambit of considerations under the relevant planning provisions although the scheme only includes view sharing consideration for those properties covered by the DDO13.

The issues raised in the submissions will be considered in detail in a report to be presented to the 24 July 2018 Council meeting.

Recommendation

That the Hearing of Submissions Committee receive and note the submissions relating to Planning Permit Application 17/0374: 86-92 The Esplanade, Torquay – Development of 48 Residential Apartments, and forward to Council for consideration.

Committee Resolution

MOVED Cr Martin Duke, Seconded Cr Heather Wellington

That the Hearing of Submissions Committee receive and note the submissions relating to Planning Permit Application 17/0374: 86-92 The Esplanade, Torquay – Development of 48 Residential Apartments, and forward to Council for consideration.

CARRIED 5:0

1.2 Planning Permit Application 17/0374: 86-92 The Esplanade, Torquay – Development of 48 Residential Apartments

APPENDIX 1 ORDER OF SPEAKERS



Hearing of Submissions
Tuesday 3 July 2018
5pm
Council Chambers
1 Merrijig Drive, Torquay

ORDER OF SPEAKERS

Environment & Development

1.2 Planning Permit Application 17/0374 – 86-92 The Esplanade, Torquay – Construction of a Residential Apartment Building (48 Units)

	Submitter Name
1.	David Merrett
2.	Richard Glewitsch
3.	John Foss
4.	3226 Residents Association
5.	Jill Tickner and Brian Weppner

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Close: There being no further items of business the meeting closed at 5.56pm.

8.3 Advisory Committee Minutes

Author's Title: Administration Officer, Governance & Risk **General Manager:** Chris Pike

Department: Governance

File No: F18/221

Division: Governance & Infrastructure

Trim No: IC18/1308

Appendix:

1. All Abilities Advisory Committee Meeting Minutes - 2 August 2018 (D18/100142)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 – Section 80C:

Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to receive and note the minutes of the Advisory Committee meetings as appended.

Summary

The minutes provided in this report are draft unless otherwise identified. Committees do not re-issue minutes if any corrections are made at the time of adoption, rather note these corrections in the agenda item confirming adoption of the minutes at the following committee meeting.

Any corrections to draft minutes of material significance made by the committees will be provided to Council for noting in a subsequent report.

Recommendation

That Council receives and notes the minutes of the following Advisory Committee meetings:

1. All Abilities Advisory Committee Meeting – 2 August 2018.

8.3 Advisory Committee Minutes

APPENDIX 1 ALL ABILITIES ADVISORY COMMITTEE MEETING MINUTES - 2 AUGUST 2018

**All Abilities Advisory Committee (AAAC) Agenda
Thursday 2 August 2018, 11am – 1pm
Surf Coast Shire Council, 1 Merrijig Drive Torquay**

Attendees: Caroline Maplesden (Chairperson), Leone Mervin, Cr Rose Hodge, Janet Brown, Michael Chan, Richard Porter, Manny Pimentel, Damian Waight (Surf Coast Shire) - arrived at 11:30am, Kerri Deague (Surf Coast Shire), Kate Marshall, Dan Remnyi, Helen Shepherd, Laurel Wieland (new members) – invited to attend from 12:00 – 1:00pm

Apologies: Cr Heather Wellington

Ag. No.	Issue Topic	Time	Points of Discussion Details/ Decision	Agreement/ Action/Timeframe	Responsible
1.1	Welcome, introductions and acknowledgements	5	Our meeting is being held on the traditional lands of the Wadawurrung people and we acknowledge them as Traditional Owners. We pay our respects to their Elders, past and present.		C. Maplesden
1.2	Minutes from previous meeting	2	The minutes from 7 June were submitted at the Council meeting on 24 July 2018.	Accepted: J Brown Seconded: L Mervin Carried: All	C. Maplesden
1.3	Conflicts of Interest	2	Declaration of conflicts of interest	Nil	C. Maplesden
2	Business Arising				
2.1	Standard item – noteworthy items or new resources in the space of access and inclusion	10	L Mervin: Spoke about the importance of providing respectful and appropriate (person centred) support for an individual who had been identified as having aggressive behaviours, and was now responding well to support. Cr Rose Hodge: Encouraged input from AAAC for the feasibility study underway to determine if the recreation centre in Torquay could be repurposed as a theatre and arts space. J Brown spoke about NDIA 5 year anniversary event in Geelong.		All members
2.2	Pedestrian safety on footpaths, nature strips and parks. Update on progress	2	Carried forward to December meeting. A meeting with Great Ocean Road Coastal Committee (GORCC) has been arranged to identify their policies and enforcement protocols around pedestrian safety on footpaths on GORCC managed land.	Action: K Deague and R Porter are to attend the meeting with GORCC whilst C Maplesden is on leave	C. Maplesden
2.3	Adult Changing Places project update	5	Funding from the Victorian Government has been received. An internal Project Manager has been appointed. Project Planning and recruitment of architect is underway. GORCC have requested that construction of the Anglesea facility take place		D Waight

			after Easter 2019. The two facilities are scheduled for completion by June 30 2019.		
2.4	Campbell Page Community Employment Service	5	The service has been operating in Torquay at Kurrabee Myaring Community Centre (KMCC) since 2 July. The service will work with local employers, including Surf Coast Shire Council, and with community service providers to attract referrals and to create employment opportunities		K Deague
3.	New Business				
3.1	2017-18 Progress report. Access and Inclusion Plan	20	A report summary was circulated to members. The report notes that 36 out of the total 38 actions have been met or exceeded in the past year. The Access and Inclusion Plan improvements over the past year are evidence of a whole of council approach in the area of universal access for all.	Action: Send out the annual progress summary report to all council staff and EMT to celebrate achievements across the year	K Deague
3.2	New AAAC appointments and introductions	12pm	Four new members to AAAC were welcomed and introduced to existing members. Cr Rose Hodge spoke about council's commitment towards access and inclusion for all people in the Surf Coast Shire.	Action: K Deague will invite the new members to an induction session in the coming weeks	K Deague
3.3	Tour of Kurrabee Myaring Community Centre (KMCC)	12:30pm	The tour has been organised to showcase best practice design and delivery of the new community hub. Universal Design principles and practice were applied to the design and development of the building and outdoor area.		All
4.	Next meeting	2	Thursday 4 October 2018 – Council Offices 11am – 1pm		
Ground Rules for our Meeting					
<ul style="list-style-type: none"> We start on time and finish on time We all participate and contribute – everyone is given an opportunity to voice their opinions We use improvement tools that enhance meeting efficiency and effectiveness We actively listen to what others have to say, seeking first to understand then to be understood 				<ul style="list-style-type: none"> We follow-up actions for which we are assigned responsibility and complete them on time We give and receive open and honest feedback in a constructive manner We use data to make decisions (whenever possible) We strive to continually improve our meeting process and build time into each agenda for reflection 	
2018 meeting times: 11am – 1pm first Thursday of every second month commencing February 2018. Thursday 1 Feb Thursday 5 April Thursday 7 June Thursday 2 August Thursday 4 October Thursday 6 December					

9. NOTICE OF MOTIONS

Nil

10. CLOSED SECTION

Recommendation

That Council pursuant to section 89(2)(a) personnel matters, section 89(2)(d) contractual matters, section 89(2)(f) legal advice and section 89(2)(h) other matters of the Local Government Act 1989, close the meeting to members of the public at pm to resolve on matters pertaining to the following items:

- 10.1 **Chief Executive Officer 2017-18 Performance Review and 2018-19 Objectives** (section 89(2)(a) personnel matters)
- 10.2 **Winchelsea Tea Rooms - Lease** (section 89(2)(d) contractual matters)
- 10.3 **Award of Contract T18-042 - Bituminous Spray Sealing Works 2018-20** (section 89(2)(d) contractual matters)
- 10.4 **Charleson Farm - 265 Centre Road, Winchelsea South - Compliance with Planning and Environmental Health Requirements** (section 89(2)(f) legal advice)
- 10.5 **Rural Access Program Service Review** (section 89(2)(h) other matters)
- 10.6 **Confidential Audit & Risk Committee Minutes** (section 89(2)(a) personnel matters)
- 10.7 **Confidential Assemblies of Councillors** (section 89(2)(h) other matters)

Close: There being no further items of business the meeting closed at pm.