

Minutes

Meeting of Council
Tuesday, 25 August 2020

Held in the via video conference
(Zoom)

Commencing at 6.00pm

Council:

Cr Rose Hodge (Mayor)
Cr David Bell
Cr Martin Duke
Cr Clive Goldsworthy
Cr James McIntyre
Cr Brian McKiterick
Cr Tony Revell
Cr Margot Smith
Cr Heather Wellington

MINUTES FOR THE MEETING OF SURF COAST SHIRE COUNCIL
HELD VIA VIDEO CONFERENCE (ZOOM)
ON TUESDAY 25 AUGUST 2020 COMMENCING AT 6.00PM

PRESENT:

Cr Rose Hodge (Mayor)
Cr David Bell
Cr Martin Duke
Cr Clive Goldsworthy
Cr James McIntyre
Cr Brian McKitterick
Cr Tony Revell
Cr Margot Smith
Cr Heather Wellington

In Attendance:

Chief Executive Officer – Anne Howard
General Manager Governance & Infrastructure – John Bertoldi
General Manager Culture & Community – Chris Pike
General Manager Environment & Development – Ransce Salan
Coordinator Governance – Julie Anderson
Governance Officer – Jocelyn Christensen

OPENING:

Cr Rose Hodge opened the meeting.

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:

Cr Martin Duke recited the pledge on behalf of all Councillors.

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:

Nil

CONFIRMATION OF MINUTES:

Council Resolution

MOVED Cr Clive Goldsworthy, Seconded Cr Tony Revell

That Council note the minutes of the Ordinary meeting of Council held on 28 July 2020 as a correct record of the meeting.

CARRIED 9:0

LEAVE OF ABSENCE REQUESTS:

Nil

CONFLICTS OF INTEREST:

Nil

PRESENTATIONS:

Cr Heather Wellington - took the opportunity to remember Ernie Fontaine, including Ernie's contribution to the community

Cr Brian McKitterick left the meeting at 6:09pm and returned at 6:11pm.

Cr Tony Revell - acknowledged the passing of Jack Richardson, former Captain of Aireys Inlet CFA.

Cr Tony Revell –acknowledged the contribution of David Morton who has retired after 20 years as Captain of Aireys Inlet CFA.

Procedural Motion

Council Resolution

MOVED Cr Heather Wellington, Seconded Cr Brian McKitterick

That Council accept the tabled Public Transparency Policy and that the tabled document replace Appendix 4 of Item 4.4.

CARRIED 9:0

Procedural Motion

Council Resolution

MOVED Cr Clive Goldsworthy, Seconded Cr Martin Duke

That Council note the amended recommendation for Item 4.10 which includes the name of the committee the Deans Marsh Community Hall and Memorial Reserve Community Asset Committee, and the recommendation include 3.8 adding the name of an additional committee member.

CARRIED 9:0

PUBLIC QUESTION TIME:

Questions with Notice (27 questions in total)

Question 1 and 2 received from Kate Douglas

Question 1: Quay 2 Street Barriers

In answering my questions I request an opinion from each Councillor or, at least, from Mayor Hodge. As you are the people VOTED into Office by the residents, to represent the residents, these are the opinions I wish to hear voiced; not those of Council Officers.

What, PRECISELY, was/is the problem Shire Council is trying to resolve by installing the barriers and what EXACT data was used to determine their necessity?

Anne Howard – Chief Executive Officer responded:

The problem faced by Council was 'how an early release of land titles could be allowed in the Quay 2 Estate without having an unplanned traffic impact on the existing Quay residents'.

The planning approval for the Quay 2 development was based on a Traffic Report provided by the developer. This report indicates that 6,800 vehicles per day will come and go from Quay 2 via traffic lights that are to be constructed at the intersection of the Surf Coast Highway, Coombes Road and the new Rosser Boulevard.

Council is aware that the early stages of Quay 2 had already contributed to higher traffic on local roads, notably Marine Drive. Council had traffic counts on a number of roads that showed this to be the case.

Some community members had already been raising concerns through emails, phonecalls and site meetings about these issues and during the recent budget submission process we heard about the need for the road network to be properly completed to minimize impacts on Quay residents.

Other data considered advice from the developer about how quickly housing construction was occurring in the Quay 2 estate. Based on the current approvals and rates of construction, it is estimated that about 2/3 of the estate will have residents living there by Christmas, generating over 7,500 vehicles from the development plus another 100 blocks expected to be under construction.

So to summarise this response:

Council's problem was how to balance its support for two community groups:

1. Purchasers who wanted our help to release their titles as quickly as possible; and
2. Existing residents who saying that they were already worried about the increased traffic.

And when the decision was made to introduce the temporary road closures, the key information available to Council included:

- The Quay 2 traffic report
- Existing feedback from Quay residents
- Traffic counts in the area where we had them
- Development rates from the developer

Question 2: Quay 2 Street Barriers

Were alternative options considered or explored? If so, what were these alternatives and why were they deemed less appropriate than the complete blockage of four streets? I plan to have my property value re-appraised by a Real Estate Agent and my bank based upon the expected devaluation that the presence of these road blocks have created. The supporting letters of appraisal will support my request that my Rates Assessment Valuation be reviewed.

Anne Howard – Chief Executive Officer responded:

1. The first option was to support the Quay 2 developers request for release of lots – without any traffic mitigation, i.e. have four local roads open
 - The concern with this was that the traffic report indicated that somewhere in the order of 3,000 4,000 vehicles per day could use these roads that in the next 6-12 months that are not planned for.
2. The second option was to approve the Quay 2 developers request but close all roads connecting through to Fischer, i.e. the four temporary closures we currently have
 - This was felt to offer best protection for existing residents near local roads
3. The third option was to leave the existing arrangements at the time, i.e. leave Marine and Centreside open and leave Glengarry and Inshore closed because they had never been open or used by the community
 - But we had already had concerns from existing residents and this arrangement could have meant Marine and Centreside would carry traffic meant for the Highway, Glengarry and Inshore as well as well.
4. And we considered leaving roads to the higher volumes and instead using other traffic measures such as speed humps.
 - But the primary issue of concern was volumes of traffic rather than speed, and speed humps can cause other concerns such as noise.

It was felt that on balance, adopting an arrangement that mostly closely resembled the conditions of before Quay 2 was the best way to ensure the Quay residents weren't unreasonably impacted.

We have received a lot of feedback and have tried to let people know that we will let things settle for a few weeks, monitor actual traffic counts to see how they might differ from the traffic report, and then we can reassess whether further changes should be made.

Question 3 and 4 received from Adriana Falcone

Question 3: Quay 2 Street Barriers

I would like to know if traffic counts had been undertaken on Merrijig Drive before and after the road closures in Torquay. Please provide residents with all traffic counts taken over the past twelve months in the quay and quay2 estate and surrounding streets to see what the numbers were?

Anne Howard – Chief Executive Officer responded:

Council has traffic count data for a range of roads in the area, including Merrijig Drive, which give us an understanding of conditions prior to the closures.

Council has arranged for traffic counters to go out on the five roads that provide access and exit from Quay 2.

These counters will stay out for a week and will give us a measure of the actual traffic volumes currently generated from this estate.

Then we will move the counters to different locations on Merrijig Drive to measure how much traffic is going east or west.

With this new information, we will be able to review again what volumes we could expect if some of the side roads were to be opened up.

With respect to releasing the traffic volumes after we have measured them, I don't have any problem with that per se, however, the decisions made have not been solely on traffic counts, remember that the decisions was also based on community feedback and the Developer's traffic report.

Question 4: Quay 2 Street Barriers

Why is council failing to be transparent in the releasing of information regarding the barriers and counters? Is this because the figures are not accurate or a true representation of the traffic flow as no video was there to make sure the counters were not abused?

Anne Howard – Chief Executive Officer responded:

I don't think Council has lacked transparency with respect to this matter and I don't have any reason to think that the data from our traffic counters isn't valid data.

Question 5 and 6 received from Jessica Maxsted

Question 5: Quay 2 Street Barriers

What other solutions to the perceived issues did the Shire consider? Where is the DATA/ASSESSMENT that shows these were less effective than the road closures of 4 roads. The justification that all measures can't be assessed properly until the full traffic measures are in place so you won't bother until then is not acceptable. The Shire is well aware that the connection of Inshore is many years off completion. What solutions DID you consider OTHER than closing 4 ROADS and cutting off an entire section of the community. Shires master traffic plan is many years away from fruition, what solutions other than closing roads did you consider for the meantime?

Anne Howard – Chief Executive Officer responded:

I have covered other options considered in an earlier response. The assessment of the likely effectiveness was based on traffic modelling and will be reviewed when new information is available

Question 6: Quay 2 Street Barriers

Email exert from Ann Howard 11 August: 'We appreciate that the temporary road closures will create inconvenience and frustration for some residents while they are in place. Council understood this when it considered the matters that led to the traffic closures, however it was felt that on balance the temporary local road closures were an appropriate response to the various issues.' Please define and detail the "various issues"? How closing 4 roads was justified to be an "appropriate response" for these "various issues" and make public the DATA/ASSESSMENTS that led to/backed this decision.

Anne Howard – Chief Executive Officer responded:

The various issues referred to include:

- Concerns for people who were buying into the Quay 2 estate and whom were distressed by any potential delays to the release of titles in that development
- The developer who was seeking to promptly progress their development and had formally requested changes to staging of the works in the development
- Local members raising concerns on behalf of the Quay 2 developers and purchasers seeking Council's prompt release of Quay 2 titles
- Community members, mainly from existing residential areas adjacent to Quay 2, who had made submissions to the 2020-21 budget process and had expressed concern about local roads being impacted by the Quay 2 development until all of the roadworks were complete
- Feedback from other residents who had contacted Council over the previous 18-24 months raising concerns about the Quay 2 traffic impacts on local roads

Question 7 and 8 received from Emma Payne

Question 7: Quay 2 Street Barriers

What assessment was undertaken to determine the need for road closures? I lived in the Quay for 3 years and Quay2 for 18months and have never had anyone ask my opinion on issues with the roads and traffic concerns.

Anne Howard – Chief Executive Officer responded:

I have covered the reasoning behind the temporary road closures in my previous responses and I refer Emma to that advice.

Question 8: Quay 2 Street Barriers

What was the actually problem the SCS was trying to solve by implementing road closures? I live on Hunter and even during "high" traffic times, e.g. During construction of town homes, there really wasn't that much traffic that would indicate the need to change road access.

Anne Howard – Chief Executive Officer responded:

As per my earlier advice, Council was trying to balance various issues including:

1. Purchasers who wanted our help to release their titles as quickly as possible; and
2. Existing residents who saying that they were already worried about the increased traffic.

With respect to the traffic volumes Emma has previously experienced, these would have been expected to increase with the release of the balance of titles in the estate.

Question 9 and 10 received from Amanda Atkins

Question 9: Quay 2 Street Barriers

What assessment was undertaken of the impact on residents of the Road Closures and was there any community consultation prior to making this decision? Please provide residents with a copy of this assessment as well as commentary on the amount of feedback the community has provided to have these road blocks removed immediately

Anne Howard – Chief Executive Officer responded:

The decision to implement the road closures was made by the CEO to enable the Quay 2 development to progress and to assist purchasers of land in that estate.

The decision relates to managing compliance with a planning permit and as such it was appropriate to a senior officer to make the decision.

With respect to consultation, Council had already received many complaints about the increasing traffic volumes and took this into account. We did not undertake further consultation on the matter.

Officers have been contacted by about 40 different people about this matter, and the majority are unhappy with the road closures.

Question 10: Quay 2 Street Barriers

Was there any alternate options explored or considered? If so - what were they and why were they deemed less appropriate than to completely block off 4 streets?

Anne Howard – Chief Executive Officer responded:

I have outlined other options that were considered.

Question 11 and 12 received from Joel Norton

Question 11: Quay 2 Street Barriers

Please confirm how long council plans for our roads to be closed and what will trigger council to reopen them?

Anne Howard – Chief Executive Officer responded:

Council had expected to leave the temporary road closures in place until the intersection is constructed.

Given the feedback received over the last month, we may review this sooner when the new traffic counts are available to us in the next few weeks.

Question 12: Quay 2 Street Barriers

What are the results of Council monitoring the impact of these Road Closures? Please provide residents with copies of all monitoring reports on all local roads that have been closed as well as traffic counts for the past 12 months for Merrijig Drive before and after the road closures

Anne Howard – Chief Executive Officer responded:

I have outlined the plans for monitoring already. The new information will assist us in understanding what is happening and how that might be different to what was expected from the traffic report.

After that we can review the situation and assess if changes should be made.

Question 13 and 14 received from Cameron Rooney

Question 13: Quay 2 Street Barriers

How come there was no consultations with the residents of the quay or quay 2 over the installation of these barricades??

Anne Howard – Chief Executive Officer responded:

I believe that I addressed this in the response to Amanda Atkins questions

Question 14: Quay 2 Street Barriers

What data was used to support installing these, what was the traffic threshold that triggered installation and can I/we see these figures?!

Anne Howard – Chief Executive Officer responded:

This question has also been addressed.

Question 15 and 16 received from Liam Moody

Question 15: Quay 2 Street Barriers

The barriers on Centreside drive are currently on their 4th or 5th different set up due to the hazard they have posed for the last 6 weeks. Was a risk assessment conducted prior to implementing the barriers. If so can it be provided to Quay 2 residents. If not, why not?

Anne Howard – Chief Executive Officer responded:

Implementing road closures is not unusual for Council. A specific risk assessment was not undertaken, but officers did visit the specific sites to determine the most practical and effective locations and the waste collection contractors reviewed the proposals.

Unfortunately Council did not anticipate that drivers would so clearly disregard road rules or people's property, and take to driving up on the footpath and into people's private property to avoid any inconvenience.

Question 16: Quay 2 Street Barriers

Are the barriers due to an existing issue or an anticipated issue? Traffic counters were placed for a short time frame which would appear insignificant to collect appropriate data and as well as be susceptible to tampering. Will council provide the results of this data including any other counts within the last 12 months?

Anne Howard – Chief Executive Officer responded:

The road closures were primarily aiming to avoid an expected traffic problem as outlined already. The actual traffic volumes to be measured in the next fortnight will assist in further understanding how large or small that problem might really be.

Question 17 and 18 received from Laura Moody

Question 17: Quay 2 Street Barriers

Will Council be reviewing the rates notices of all Quay 2 residents due to the financial impact of these barriers on the value of the land?

Anne Howard – Chief Executive Officer responded:

Council continues to provide a broad range of services to all ratepayers and there is not proposed change to rates. The barriers are considered to be temporary and residents still benefit from a well-maintained road network. There would not be expected to be any impact on property values.

Question 18: Quay 2 Street Barriers

Was any consideration given to other options (speed humps etc) or was this a case of what was easiest for Council at the time of the decision? Council already had these barriers in possession and only after complaints, paid for minimal signage to be erected.

Anne Howard – Chief Executive Officer responded:

This has been addressed in previous responses.

Question 19 and 20 received from Tony Cammarere

Question 19: Quay 2 Street Barriers

As a local business owner, I find it incredibly frustrating that I have jobs on the Quay 2 side of the roadblock placed in Marine Drive, as well as jobs on the other side in Quay 1 side of the roadblock also in Marine Drive. I must therefore drive right around via Merrijig Drive to access my work. What sense does this make I must ask you as it involves unnecessary travel with jobs situated in the same street, yet I'm unable to access them using the road that's there and been built to use?

Anne Howard – Chief Executive Officer responded:

The reasoning behind the decision has been already outlined in previous responses.

Question 20: Quay 2 Street Barriers

Have traffic counts been undertaken on Merrijig Drive before and after the road closures? Please provide residents with all traffic counts taken over the past 12 months.

Anne Howard – Chief Executive Officer responded:

I have also addressed traffic counts in previous responses.

Question 21 and 22 received from Joshua Cammerere

Question 21: Quay 2 Street Barriers

As a first home buyer, who purchased land in quay2 ,on the understanding that I would be able to access all roads that have been built in and around my community, I am concerned that, and have been lead to believe that these road closures that Council have put into place will have a detrimental affect on the value of my property and the ability to secure tenants. Will council decrease my land rates charges due to the decrease in property values due to road closures instituted by them without advising owners?

Anne Howard – Chief Executive Officer responded:

I refer to the earlier response to Laura Moody's questions.

Question 22: Quay 2 Street Barriers

Please confirm how long Council plans for our roads to be closed, and what will trigger them re-opening?

Anne Howard – Chief Executive Officer responded:

I have also addressed this in previous responses.

Question 23 and 24 received from Hayley Thomas

Question 23: Quay 2 Street Barriers

How many supporters had signed the 'Calm our traffic' petition submitted to Council from Quay Residents Association (and others?) and what were the EXACT demands or requests put forward under that petition? Will this be released to the affected community residents and stakeholders (less any personally identifying information) for transparency?

Anne Howard – Chief Executive Officer responded:

The "Calm our traffic" petition was mentioned in a media article a number of months ago. The petition was not submitted to Council.

All petitions are formally presented to a meeting of Council and so are visible to the broader community.

Question 24: Planning Permit 12/0281

What is the schedule/timeline for completion of Inshore Drive AND Surf Coast Highway/Coombes/Rosser Blvd intersection (noting this is not included on Planning Permit 12/0281 Plans Endorsed by Council in Aug 20), what is the projected cost of same and who will fund this over which financial years? What commercial arrangements are in place for design and construction of these roads/intersections and who is accountable for management through to completing (including ALL permits)?

Anne Howard – Chief Executive Officer responded:

Council does not have a timeframe from the developers regarding the completion of Inshore Drive and this is not considered a factor on Council's timing to remove the road closures.

Council expects that the intersection with the highway will not be open to traffic for 12-18 months.

The intersection construction is funded through funds collected under the Torquay Jan Juc Developer Contributions Plan. These funds are currently sitting with Council. The design and construction of the intersection is being undertaken by the Quay 2 developer as a condition under their Planning Permit and Council will provide the funds to the developer based on agreed milestones.

Question 25 and 26 received from Greg Dennis

Question 25: Quay 2 Street Barriers

What/where is the quantitative data behind the road closures? Points responded to by Mr J Bertoldi, made little sense. The traffic volume has increased in the last 18 months, hardly unexpected and by design, as the shire approved 4 - 500 houses in the area. These are now nearing completion, and will stabilise, per expectations, but the roads can't carry the volumes?

Anne Howard – Chief Executive Officer responded:

The information Council considered when it reached its decision has already been outlined in my previous responses.

Question 26: Quay 2 Street Barriers

Why did the old CEO only answer questions that suited him, some 25 questions went unanswered? And no response published post the meeting to explain, on the unanswered questions.

Anne Howard – Chief Executive Officer responded:

Council received 12 questions from 6 individuals at the July Council meeting regarding the road closures at Quay 2.

The CEO read and responded to each question at that meeting and this is captured in the meeting minutes.

I am not sure what unanswered questions Greg is referring to but we can look into this further if he lets us know.

Question 27 and 28 received from Susan Cammarere

Question 27: Quay 2 Street Barriers

Under council's draft community engagement policy, council commits to undertake community engagement when there will be a real or perceived change to existing services, programs or the use of public spaces and facilities, or when community members, business communities or other groups would have a particular interest in the outcome of a decision, project or development.

How can council in all conscience make that commitment in the "community engagement policy" when it ignored our community to implement changes that have severely impacted on our use of public facilities (i.e. roads) and when it must have been clear that the community would have an interest in the outcome of your decision? I therefore wonder... will council's community engagement policy mean anything at all?

Anne Howard – Chief Executive Officer responded:

As per my earlier responses, Council had already received input from a range of community members that demonstrated that there were different issues of concern before the decision was made. Council then issued letters to over 800 stakeholders and has responded to all requests received.

Question 28: Quay 2 Street Barriers

What is the result of Council's monitoring of the impact of the road closures? Please provide residents with copies of monitoring reports on all local roads that have been closed.

Anne Howard – Chief Executive Officer responded:

I have outlined the monitoring in my previous responses.

Question 29 and 30 received from Kerry Johnston

Question 29: Quay 2 Street Barriers

Why did the council instruct the developer to stop the construction of the Surf Coast Highway – Coombes Road - Rosser Boulevard intersection? Had this not occurred the intersection would have been completed by now and not required the road closures between the Quay and Quay 2 estates.

Anne Howard – Chief Executive Officer responded:

Council commenced planning and design of the intersection in 2019 because it was a project included in Council's Developer Contribution Plan.

The developer was also working on the intersection because it was a condition on their planning permit.

When this was identified, officers advised the developer of the issue and the matter was not resolved until July 2019.

The communication from Council resulted in the intersection not progressing for about 5 months.

Council has always acknowledged this issue occurred, but the impact of those five months was addressed with the developer through changes to the staging of the development.

Any impact from the five month delay has well and truly passed.

Question 30: Quay 2 Street Barriers

Why did council then decide not to continue the construction of the intersection themselves as previously organised with the developer? This has subsequently caused the closure of the four roads between the Quay and Quay 2 estates.

Anne Howard – Chief Executive Officer responded:

Council officers realized that the developer was more advanced in the delivery process than Council and was better positioned and resourced to deliver the works promptly.

Question 31 and 32 received from Michael Johnston

Question 31: Quay 2 Street Barriers

Would council please explain the rationale used by Surf Coast Shire management to link the completion of the Surf Coast Highway - Rosser Boulevard - Coombes Road intersection with the blocking of the four streets between the Quay and Quay 2 estates.

Anne Howard – Chief Executive Officer responded:

I have covered the reasoning behind the temporary road closures in my previous responses and so I believe that Michael's question has already been answered.

Question 32: Quay 2 Street Barriers

As council is considering its transparency policy at this meeting, could you explain why no community consultation was undertaken or, in the spirit of community transparency, no early notice was provided prior to closing the four streets between the Quay and Quay 2 estates.

Anne Howard – Chief Executive Officer responded:

As per my earlier responses, Council had already received input from a range of community members that demonstrated that there were different issue of concern before the decision was made. Council then issued letters to over 800 stakeholders and has responded all requests received.

Question 33 and 34 received Tylah Davies

Question 33: Quay 2 Street Barriers

As a resident that is directly impacted by these roadblocks, can council please explain why the locations were chosen on what geographical grounds? The one located at Centreside drive, is installed at the widest part of the street which has given motorists the opportunity to drive around them , damaging front gardens , footpaths and services coverings in the process. If the roadblocks are planned to be around for a period of time shouldn't a more appropriate location have been thought through?

Anne Howard – Chief Executive Officer responded:

As per my earlier response officers visited the specific sites to determine the most practical and effective locations and the waste collection contractors reviewed the proposals.

I am aware that Mr Davis has not only been frustrated by the road closures, but also by the behavior of some drivers trying to bypass the closures and we will continue to monitor the specific issues he has raised with us.

Question 34: Quay 2 Street Barriers

Can someone in council please tell me in black and white, the reason officers chose to block roads off in a residential area that has been opened up to the community for over 12 months? If the reason is because of roads not yet opened from the estate to SCH can council please give me a date of when the works is to be carried out and who is responsible to complete this ?

Local residents deserve to know a time frame major roads that connect the community are planned to be blocked off for. Can you please be very transparent in your answer.

Anne Howard – Chief Executive Officer responded:

I have covered the reasoning behind the temporary road closures in my previous responses and I refer Tylah to that advice

Question 35 and 36 received from Adam Johnston

Question 35: Quay 2 Street Barriers

Owner of an investment property in Quay 2. These closures have negatively effected my tenant's ability to conduct day to day activities around Torquay, so I'd like to know the legal basis for the road closures without prior consultation with rate payers and residents?

Anne Howard – Chief Executive Officer responded:

The Local Government Act gives Council powers to place and maintain obstructions or barriers on a road temporarily, without any requirement for consultation.

While the road closures may be there for an extended period, they are still viewed as temporary in that they are not a permanent installation and the roads will re-open and not remain closed into the future.

The CEO has delegated authority to exercise these powers

Question 36: Quay 2 Street Barriers

Although claiming to be a council championing transparency, how is it that 4 of the main thoroughfares into Quay 2 were closed without prior consultation with rate payers and residents?

Anne Howard – Chief Executive Officer responded:

I believe that I have already addressed this in previous responses, but I would also like to restate that only two of the roads have changed conditions and two of the roads have never been open to traffic.

Question 37 and 38 received from Nicholas Maxsted

Question 37: Quay 2 Street Barriers

Please explain why if there was too much traffic going down Marine Pde and Centreside Dr, the decision was made to keep Inshore Dr and Glengarry closed. If all 4 of these connections were to be open the traffic load would be spread. This way a proper study can be done on the traffic flow instead of hypothetical predictions which are what these closures seem to be based on.

Anne Howard – Chief Executive Officer responded:

As outlined earlier, opening all four roads is planned in the longer term, as per the Traffic Report. However, the expected volumes from the overall estate were of concern to Council, even if they were distributed across all four local roads.

We can review this again when we get new traffic count data.

Question 38: Quay 2 Street Barriers

If on the other hand the road closures are based upon dangerous driving in the area of Marine and Centreside, why haven't temporary measures been taken to slow traffic at these points instead of full closure? The barriers used to close the roads could narrow traffic in to one lane to reduce speeds.

Anne Howard – Chief Executive Officer responded:

I have previously explained that the primary concern was the volume of traffic, not just the speed. Restricting the roads to a single car width would most likely lead to confusion for drivers and potentially more bad driver behaviour through frustration of delays.

Question 39 and 40 received from Damien Iannazzo

Question 39: Quay 2 Street Barriers

When Council Officers reached resolution to release land titles in the later stages of the Quay 2 development, were Councillors fully informed that all four roads - Centreside, Marine, Inshore & Glengarry would be closed for 18+ months as a result of the releases?

Anne Howard – Chief Executive Officer responded:

The CEO outlined the proposal with Councillors at a briefing session held on 5 May 2020.

Council didn't write to residents until it had all the information it needed to finalise the release of the development and had expected timeframes for the intersection construction.

Question 40: Quay 2 Street Barriers

Can Council provide reasoning why increasing existing road capacity by 40%, by opening Inshore and Glengarry in addition to Merrijig, Centreside and Marine, is a better option for this section of the township than reducing road capacity by 66%, by closing Centreside and Marine?

Anne Howard – Chief Executive Officer responded:

Traffic volumes are generally driven by people's origin and destination decisions, as well as the shortest available distance they can travel and expected delays.

That is why all roads don't carry the same volumes. The reasoning behind different scenarios has been outlined earlier.

Question 41 and 42 received from Casey Sampson

Question 41: Quay 2 Street Barriers

As seen in the council-adopted 'Torquay North Daily Vehicle Projection Upon Build-Out Plan (2012)' the existing streets of Glengarry and Inshore have the capacity to carry 600 and 900 cars per day respectively so why were the Quay2 connections to these roads never opened and trialled when they were completed prior to the roadblocks being installed given they are capable of taking more traffic than Marine and Centreside where the "traffic issues" were occurring?

Anne Howard – Chief Executive Officer responded:

I am not familiar with this report. It predates my commencement with Council and I couldn't find it in my quick search today.

So I am going to take Mr Sampson's question on notice and we will follow this up with him in the next five days.

Question 42: Quay 2 Street Barriers

Prior to the decision being made, did officers or any councillors receive any input from members of the community about the perceived need to close the roads? I would like to know how was this sought/generated/invited and who from.

Anne Howard – Chief Executive Officer responded:

This has been covered in my previous responses.

Question 43 and 44 received from Benjamin Greene

Question 43: Quay 2 Street Barriers

In reference to planning permit 12/0281-9, endorsement by Council on 14th August 2020; How can council continue to approve town planning for further subdivisions (i.e. Highlander Estate) with the approval based on the land owner in Inshore knocking down their home, when the land owner has no responsibility or commitment to do so in the next 18 months or ever, which would mean these roadblocks could be in place for an extensive number of years?

Anne Howard – Chief Executive Officer responded:

Mr Greene is correct in that the timing of developments is up to the permit holder not Council. However, I have previously mentioned that the removal of the road closures is not linked to the completion of Inshore Drive but the completion of the intersection of Rosser Boulevard and the Surf Coast Highway

Question 44: Quay 2 Street Barriers

Why are the unreasonable wants of a small group of residents in The Quay being met to return their streets to the traffic flow prior to growth when residents on the Esplanade, Fischer, Darian, Bristol, Cowrie, Beach and Spring St, to name a few, have also experienced traffic issues due to growth and I am sure would have loved to close roads but the solution was not close off surrounding streets but to implement long term solutions such as reducing speed limits, installing speed bumps and chicanes or placing regular speed cameras to help manage the traffic issues, because when the Inshore intersection opens the same traffic issues will be there for Marine Drive?

Anne Howard – Chief Executive Officer responded:

The difference is that the road closures are temporary because the infrastructure required under the planning permit is not yet in place.

Question 45 and 46 received from Cayley Reeves

Question 45: Quay 2 Street Barriers

Has council read all 96 comments and seen the 676 signatures (as of 25/8/20) to recognise that the council imposed road closures in Quay2 are opposed by far more Torquay residents than just 'several Quay2 residents' as councillors/officers have quoted to media recently?

Anne Howard – Chief Executive Officer responded:

I think this question refers to a petition that Council has not received yet.

Question 46: Quay 2 Street Barriers

Why has council rejected ideas for a decrease in rates for Quay2 residents when access to key municipal functions such as roads, schools, beach and main town centre has been hindered, therefore lowering property value?

Anne Howard – Chief Executive Officer responded:

I have responded to this question through my earlier comments. Pedestrians and cyclists are not impacted by the road closures and there should only be minor delays to vehicles, which means that all of the community can continue to enjoy reasonable access to roads, schools, beach and the main town.

Question 47 and 48 received from Paul Snow

Question 47: Quay 2 Street Barriers

Which Council officer made the decision to install the Quay 2 roadblocks?

Anne Howard – Chief Executive Officer responded:

I have already confirmed that the decision to implement the road closures was made by the CEO.

Question 48: Quay 2 Street Barriers

Under what authority did that officer make the decision to close our roads? As a local solicitor, I cannot find any legal authority under the Local Government Act, Roads Management Act or Public Health and Wellbeing Act which provides Council these legal power to install roadblocks unnecessarily? If there is no legal basis for the decision, then the rationale for the decision must be provided to the public (indicated under Councils own transparency and public consultation policies)

Anne Howard – Chief Executive Officer responded:

And I have already advised that the CEO exercised powers available to Council under the Local Government Act.

Question 49 and 50 received from Michael Collins

Question 49: Local Government Act 2020

Dear Mayor and Councillors, My question relates to the changes to the Local Government Act 2020 and in particular SCS051 Public Transparency Policy and that of Community Engagement. Do you think the changes to the Act will enhance Public Transparency and Engagement and prevent miscarriages of justice in relation to Council decisions? I would like to relate an experience of the Anglesea Community. At a previous meeting of the AACN (Alcoa Anglesea Community Network) the then CEO announced that the Council had enough information to move forward with a planning decision or to give advice to the Minister. The rhetoric out of that meeting was that the proposed uses for the former Alcoa Mine site had "overwhelming community support".

However, an independent survey conducted by DELWP, clearly shows there was not support for a major tourist or residential development. This information was obtained through Freedom of Information and involved intervention by the Information Commissioner as the survey results were suppressed.

Had the Council been asked to make a decision they may have done so without all the information necessary and misrepresented the wishes of the community.

Anne Howard – Chief Executive Officer responded:

Under the new legislation Council is required to develop and maintain a Public Transparency Policy that has been out for public comment and is to be considered tonight.

The purpose of the policy is to clearly set out what information Council will make publicly available and how the community can access this information. The policy does not relate to what other government agencies or departments provide, nor what information Councillors have access to in their roles.

I think Local Government has had a commitment to transparency that predates the new legislation.

That doesn't mean that any person can access every Council document, and I am sure that is not what the community expects.

But Councils should be clear with its community about what information it can expect to access. Therefore the new Act and the new policies will provide a clearer framework for transparency.

Question 50: Local Government Act 2020

If a Council is found to have made a decision based on a false premise, what is the recourse to reverse that decision under the proposed changes to the Local Government Act 2020?

Anne Howard – Chief Executive Officer responded:

The proposed Governance Rules include a process for the rescission of Council decisions in certain circumstances, if an issue is identified quickly enough. That is the same under the current Act.

Beyond that it would very much depend on the nature of the decision. If it was a decision where Council exercised legislated powers it would be different to other types of decisions.

Question 51 and 52 received from Sue O'Shanassy – 3228 Residents Association of Torquay

Question 51: 4.4 Local Government Act 2020 – Governance Rules, Local Law No. 2 – Common Seal and Miscellaneous Penalties and Public Transparency Policy

Given the Council meeting Agenda often contains hundreds of pages, why is there only 1 business day provided from publishing of the Agenda (on a Friday afternoon) and the time questions must be submitted on a Tuesday morning?

Anne Howard – Chief Executive Officer responded:

Agendas are prepared close enough to the meeting to be current and include matters that need decisions in a timely manner.

The timeframes aim to provide time to let councillors and the community read the parts of the agenda they are interested in. We understand that this means some people will read it over the weekend and spare time.

The public question time deadline of 10am allows time for questions to be processed by staff and prepared for inclusion in the Council Meeting.

Question 52: 4.4 Local Government Act 2020 – Governance Rules, Local Law No. 2 – Common Seal and Miscellaneous Penalties and Public Transparency Policy

The Model Rules produced by Local Government Victoria state that a Question time should be held at the beginning of meetings to allow public submissions and questions. Also that "Open Forum is an opportunity for the general public to present to Council on a matter listed on the Agenda or any other matter. Why are the residents of the Surf Coast shire disallowed from making verbal presentations to council, during meetings, when this is a practice recommended?

Anne Howard – Chief Executive Officer responded:

The primary purpose of a formal Council meeting is for the business of Council to take place. That business is outlined in the agenda.

We understand that meetings of Council are also an opportunity for questions to be asked and submissions to be made, but with the move to live streaming and with questions and submissions being included in Council's formal minutes, it is appropriate that Council manage these things in a manner that helps to prevent inaccuracies, defamation, and misinformation that may accidentally be shared at the formal meeting.

I also remind everyone that Council meetings occur once a month and that there are many other times and other channels where questions can be asked and submissions made.

The model rules produced by Local Government Victoria serve as an example of Governance Rules, and are largely based on a Council that shared its own rules. I expect we will see 79 different version of the Governance Rules. At Surf Coast we have started with Council's existing rules as the base rather than another councils or the LGV example.

BUSINESS:

1. PETITIONS & JOINT LETTERS	18
2. RESPONSIBLE & PLANNING AUTHORITIES	19
2.1 Stage 2C of the Surf Coast Shire Heritage Study	19
3. OFFICE OF THE CEO	27
4. GOVERNANCE & INFRASTRUCTURE	28
4.1 Project Budget Adjustments and Cash Reserve Transfers	28
4.2 Annual Performance Reporting (Council Plan including the Health and Wellbeing Plan) end of year 30 June 2020	34
4.3 Local Government Act 2020 - s5 and s6 Instruments of Delegation	54
4.4 Local Government Act 2020 - Governance Rules, Local Law No. 2 - Common Seal and Miscellaneous Penalties, and Public Transparency Policy.....	153
4.5 Local Government Act 2020 - Audit and Risk Committee - Establishment and Charter Adoption	166
4.6 Local Government Act 2020 - Councillor Expenses Policy	180
4.7 Local Government Act 2020 - Anderson Roadknight Reserve Community Asset Committee - Establishment and Membership	203
4.8 Local Government Act 2020 - Anglesea Bike Park Community Asset Committee - Establishment and Membership	208
4.9 Local Government Act 2020 - Connewarre Reserve Community Asset Committee - Establishment and Membership	213
4.10 Local Government Act 2020 - Deans Marsh Community Asset Committee - Establishment and Membership	218
4.11 Local Government Act 2020 - Eastern Reserve Community Asset Committee - Establishment and Membership	223
4.12 Local Government Act 2020 - Globe Theatre Community Asset Committees - Establishment and Membership	228
4.13 Local Government Act 2020 - Modewarre Reserve Community Asset Committee - Establishment and Membership	233
4.14 Local Government Act 2020 - Stribling Reserve Community Asset Committee - Establishment and Membership	238
5. ENVIRONMENT & DEVELOPMENT	243
5.1 Event Grants Program	243
5.2 Site Remediation Strategy - 50 Witcombe Street, Winchelsea	253
6. CULTURE & COMMUNITY	279
6.1 Positive Ageing Reform Readiness Plan Project Update	279
6.2 COVID Recovery Assistance Grants Assessment - August.....	306
6.3 Bi-Annual Customer Requests & Complaint Handling Report - January to June 2020.....	316
7. REPORTS FOR NOTING	323
8. URGENT BUSINESS	324
9. PROCEDURAL BUSINESS	325
9.1 Advisory Committee Minutes	325
9.2 Section 86 Committee Minutes	326
9.3 Assemblies of Councillors	327
10. NOTICE OF MOTIONS.....	328
11. CLOSED SECTION	329

1. PETITIONS & JOINT LETTERS

Nil

2. RESPONSIBLE & PLANNING AUTHORITIES

2.1 Stage 2C of the Surf Coast Shire Heritage Study

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

General Manager: Ransce Salan
File No: F18/1930
Trim No: IC20/1127

Appendix:

1. Ecology and Heritage Final Report July 2020 - Volume 1 The report (D20/146226)
2. Ecology and Heritage Partners Final Report July 2020 - Volume 2 The Heritage Citations (D20/146241)

Officer Direct or Indirect Conflict of Interest:

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

☐

Yes

☒

No

Reason: Nil

Status:

Defined as confidential information in accordance
with Local Government Act 2020, Section 3(1):

☐

Yes

☒

No

Reason: Nil

Purpose

The purpose of this report is to receive an updated final report and consider the recommendations of Stage 2C of the Surf Coast Shire Heritage Study. Council received the report at the 23 July 2019 Council meeting, and resolved to send a copy of the study to owners of the properties prior to considering the implementation of the recommendations.

Summary

Council has completed Stage 2C of the Surf Coast Heritage Study to prepare statements of significance for fourteen (14) properties currently covered by a Heritage Overlay in the Planning Scheme and to investigate the significance of the Pollocksford Road Bridge over the Barwon River managed by Council. Council received the report at its Ordinary Meeting on 23 July 2019 and resolved to send a copy to the owners of the properties prior to considering the implementation of the recommendations. Since that resolution of Council on 23 July 2019, further consultation has occurred with owners of the properties and local heritage groups, resulting in an updated and improved final report.

Based on the findings of the study, it is proposed that Council now commence the preparation of a planning scheme amendment to implement the changes to the heritage overlay in the planning scheme. As part of the planning scheme amendment, a new heritage policy will be prepared. It is also recommended that two properties be nominated for the Victorian Heritage Register as they have been found to be of State Significance.

It is considered that the citations are now of a good standard and include the required detail and accuracy to be fit for purpose; this being to add rigour to the planning scheme and protect our built heritage by providing a statement of significance to assess future planning permit applications.

2.1 Stage 2C of the Surf Coast Shire Heritage Study

Recommendation

That Council:

1. Amend section 1.5 – Merrawarp Homestead section in Report 2 – The Heritage Citations to remove the text relating to the wider Merrawarp Estate in the heritage section and reference Summerhill separately in the comparative analysis section.
2. Implements the recommendations in the study to:
 - 2.1 Nominate properties *Scammell House, 24 Pride Street, Torquay (HO16)* and *Wormbete Homestead including outbuildings and Gardens, 565 Winchelsea-Deans Marsh Road, Winchelsea (HO25)* to Heritage Victoria for inclusion in the Victorian Heritage Register (VHR).
 - 2.2 Prepare a Planning Scheme Amendment to the Surf Coast Planning Scheme to:
 - 2.2.1. Include the document *Stage 2C of the Surf Coast Shire Heritage Study, Barrabool, Torquay, Bellbrae and Winchelsea, Victoria Volume 2: The Heritage Citations- July 2020* as an Incorporated Document.
 - 2.2.2. Update the schedule to Clause 43.01 Heritage Overlay to:
 - 2.2.2.1. Make reference to the Incorporated Document;
 - 2.2.2.2. Include the title of the statements of significance;
 - 2.2.2.3. Introduce internal controls to *Westcott's Stable, 850 Barrabool Road, Barrabool (HO14)* and *Scammell House, 24 Pride Street, Torquay (HO16)*;
 - 2.2.2.4. Introduce external paint controls to Colonial Bank, 33 Main Street, Winchelsea (HO19) and Berramongo, 100 Crooks Road, Barrabool (HO8);
 - 2.2.2.5. Correct the address of Foymount homestead, 795 Barrabool Road, Barrabool (HO9) and correct the spelling of the property name 'Scammell', 24 Pride Street, Torquay (HO16).
 - 2.2.2.6. Apply the Heritage Overlay to Pollocksford Bridge, Gnarwarre.
 - 2.2.2.7. Introduce a new local heritage policy for the Shire.
 - 2.2.3. Enter the statements of significance into the HERMES heritage database.
3. Writes to the Golden Plains Shire Council to notify of the intent to apply the Heritage Overlay to the Pollocksford Bridge, and request its consideration to undertake a Planning Scheme Amendment to the Golden Plains Planning Scheme to apply a Heritage Overlay to Pollocksford Bridge within the Golden Plains Shire; either as a separate amendment or in conjunction with the Surf Coast Shire.
4. Allocates \$20,000 from the Accumulated Unallocated Cash Reserve for the preparation of the planning scheme amendment as detailed in 1.2.
5. Following Council's resolution, notify all landowners affected by the recommendations above and local historical groups and inform them of the outcome and processes to occur either through Heritage Victoria (for nominations to the Victorian Heritage Register) or the proposed planning scheme amendment; including the opportunities to engage.
6. Thank those community members who contributed to the study for their valuable input, including the Torquay Museum Without Walls, Torquay and District Historical Society, the Mount Duneed History Group and the Executors of the estate of Scammell House.

2.1 Stage 2C of the Surf Coast Shire Heritage Study

Cr Clive Goldsworthy left the meeting at 7.11pm and returned at 7.13pm

Council Resolution

MOVED Cr Heather Wellington, Seconded Cr Martin Duke

That Council:

1. Amend section 1.5 – Merrawarp Homestead section in Report 2 – The Heritage Citations to remove the text relating to the wider Merrawarp Estate in the heritage section and reference Summerhill separately in the comparative analysis section.
2. Implements the recommendations in the study to:
 - 2.1 Nominate properties *Scammell House, 24 Pride Street, Torquay (HO16)* and *Wormbete Homestead including outbuildings and Gardens, 565 Winchelsea-Deans Marsh Road, Winchelsea (HO25)* to Heritage Victoria for inclusion in the Victorian Heritage Register (VHR).
 - 2.2 Prepare a Planning Scheme Amendment to the Surf Coast Planning Scheme to:
 - 2.2.1. Include the document *Stage 2C of the Surf Coast Shire Heritage Study, Barrabool, Torquay, Bellbrae and Winchelsea, Victoria Volume 2: The Heritage Citations- July 2020* as an Incorporated Document.
 - 2.2.2. Update the schedule to Clause 43.01 Heritage Overlay to:
 - 2.2.2.1. Make reference to the Incorporated Document;
 - 2.2.2.2. Include the title of the statements of significance;
 - 2.2.2.3. Introduce internal controls to *Westcott's Stable, 850 Barrabool Road, Barrabool (HO14)* and *Scammell House, 24 Pride Street, Torquay (HO16)*;
 - 2.2.2.4. Introduce external paint controls to Colonial Bank, 33 Main Street, Winchelsea (HO19) and Berramongo, 100 Crooks Road, Barrabool (HO8);
 - 2.2.2.5. Correct the address of Foymount homestead, 795 Barrabool Road, Barrabool (HO9) and correct the spelling of the property name 'Scammell', 24 Pride Street, Torquay (HO16).
 - 2.2.2.6. Apply the Heritage Overlay to Pollocksford Bridge, Gnarwarre.
 - 2.2.2.7. Introduce a new local heritage policy for the Shire.
 - 2.2.3. Enter the statements of significance into the HERMES heritage database.
3. Writes to the Golden Plains Shire Council to notify of the intent to apply the Heritage Overlay to the Pollocksford Bridge, and request its consideration to undertake a Planning Scheme Amendment to the Golden Plains Planning Scheme to apply a Heritage Overlay to Pollocksford Bridge within the Golden Plains Shire; either as a separate amendment or in conjunction with the Surf Coast Shire.
4. Allocates \$20,000 from the Accumulated Unallocated Cash Reserve for the preparation of the planning scheme amendment as detailed in 1.2.
5. Following Council's resolution, notify all landowners affected by the recommendations above and local historical groups and inform them of the outcome and processes to occur either through Heritage Victoria (for nominations to the Victorian Heritage Register) or the proposed planning scheme amendment; including the opportunities to engage.
6. Thank those community members who contributed to the study for their valuable input, including the Torquay Museum Without Walls, Torquay and District Historical Society, the Mount Duneed History Group and the Executors of the estate of Scammell House.

CARRIED 9:0

2.1 Stage 2C of the Surf Coast Shire Heritage Study

Report

Officer Direct or Indirect Interest

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

Background to the Study

Council engaged consultants Ecology and Heritage Partners to undertake Stage 2C. This involved cultural heritage assessments of the 14 places that are currently covered by a Heritage Overlay within the Surf Coast Planning Scheme but do not have a statement of significance. The 14 places assessed as part of the current study are listed below:

Barrabool

- Ballancelea/Ballinclea homestead, 250 Ballancelea Road (HO7) – *Internal alteration controls apply*
- Tasman homestead, 755 Barrabool Road (HO13)
- Wescott's Stable, 850 Barrabool Road (HO14)
- Foymount homestead, 795 Barrabool Road (HO9)
- Berramongo, 100 Crooks Road (HO8) – *Internal alteration controls apply*
- Stanbury Barn, 130 Devon Road (HO12) – *Internal alteration controls apply*
- Merrawarp homestead, 50 Honeys Road (HO10) – *Internal alteration controls apply*

Bellbrae

- Bellbrae Cemetery Monumental Masonry, 65 School Road (HO6)

Winchelsea

- St Thomas Anglican Church and school room, 31 Barwon Terrace (HO20)
- Murdeduke Homestead, 730 Cressy Road (HO24)
- Winchelsea Uniting Church and Manse, 30-34 Hesse St (HO21)
- Colonial bank, 33 Main Street (HO19)
- Wormbete Homestead including outbuildings and Gardens, 565 Winchelsea-Deans Marsh Road (HO25)

Torquay

- Scammell House, 24 Pride Street (HO16)

The Heritage Overlay

A permit is required under the Heritage Overlay to subdivide land, demolish or remove a building, construct a building or carry out works, and externally alter a building. Four of the properties are currently subject to internal controls as specified in the schedule and a permit is required to internally alter these buildings. All of the properties (with the exception of *Berramongo, Colonial Bank, Scammell House and Bellbrae Cemetery*) are subject to external paint controls as specified in the Schedule.

Discussion

The Heritage Study Stage 2C was completed by Ecology and Heritage Partners and received by Council at the 23 July 2019 ordinary meeting. It consists of the following updated documents:

Stage 2C of the Surf Coast Shire heritage Study, Barrabool, Torquay, Bellbrae and Winchelsea, Victoria. Volume 1: The Report – July 2020

Stage 2C of the Surf Coast Shire Heritage Study, Barrabool, Torquay, Bellbrae and Winchelsea, Victoria Volume 2: The Heritage Citations- July 2020

The latter document consists of the fifteen individual heritage citations that have been prepared for each place. These documents are provided within Appendices 1 and 2.

2.1 Stage 2C of the Surf Coast Shire Heritage Study

On 23 July 2019 Council received the reports and resolved as follows:

That Council:

1. Receives the reports for Stage 2C of the Surf Coast Shire Heritage Study Volumes 1 and 2 and notes the report's findings and recommendations.
2. Provides a copy of the Stage 2C reports to the owners of the properties assessed and advise that Council will be considering the implementation of the recommendations at the Council meeting of 27 August 2019.

CARRIED 8:0

Since 23 July 2019, Council has sent a copy of the report to the owners of properties affected and local heritage societies including the Torquay Museum Without Walls, the Torquay and District Historical Society, the Winchelsea and District Historical Society, the Mount Duneed History Group and the Surf Coast Shire Heritage Group. Valuable input was provided by the heritage groups to better inform the history of the properties studied. Despite some delays caused by the Covid-19 pandemic, additional material has been evaluated by Ecology and Heritage Partners and included in the reports where appropriate.

It is considered that the Heritage Study Stage 2C has been significantly improved by additional community input and can now be incorporated into the planning scheme.

Implementation of Heritage Study Recommendations

A Planning Scheme Amendment is required to implement the report recommendations. Based on the recommendations this would involve the following:

- Incorporation of the document *Volume 2: The Heritage Citations* into the Surf Coast Planning Scheme;
- Introduction of internal controls to *Westcott's Stable, 850 Barrabool Road, Barrabool (HO14)* and *Scammell House, 24 Pride Street, Torquay (HO16)*;
- Introduction of external paint controls to *Colonial Bank, 33 Main Street, Winchelsea (HO19)* and *Berramongo, 100 Crooks Road, Barrabool (HO8)*;
- Applying the Heritage Overlay to *Pollocksford Bridge, Gnarwarre*;
- Updating the schedule to the Heritage Overlay to reference the Incorporated Document and the title of the Statement of Significance, as well as the new internal and external controls (as well as correction of errors in the spelling of some property names and addresses) ;
- Introduction of a new local heritage policy for the Shire.

In respect of the Pollocksford Bridge liaison will be required with Golden Plains Shire to pursue an amendment to the Golden Plains Planning Scheme to apply the Heritage Overlay to the part of the bridge that sits within their municipal boundary. There is a possibility that DELWP may support a 'GC' amendment, with Surf Coast Shire as the Planning Authority to cover both the changes to the Surf Coast Planning Scheme and the Golden Plains Planning Scheme in one joint amendment (GC).

It is recommended by Officers that an amendment to the Surf Coast Planning Scheme be prepared to implement the above changes as a matter of priority to ensure the current properties in the heritage overlay are adequately protected and to comply with the new format required under the Ministerial Direction for the Form and Content of Planning Schemes. It is recommended that a new non-program project – a planning scheme amendment to implement the heritage report recommendations – is created, and funds used from the accumulated unallocated cash fund. This is discussed further below under 'Financial Management'.

The report recommends that properties *Scammell House, 24 Pride Street, Torquay (HO16)* and *Wormbete Homestead including outbuildings and Gardens, 565 Winchelsea-Deans Marsh Road, Winchelsea (HO25)* be nominated to Heritage Victoria for inclusion in the Victorian Heritage Register (VHR) as they have been assessed as potentially significant to the state of Victoria. The Heritage Council of Victoria determines which places are included in the VHR and considers whether a place is of State-level significance. The Victorian Register Assessment Process involves public advertising of the nomination and recommendation, which enable people to make submissions and request a formal review (hearing).

2.1 Stage 2C of the Surf Coast Shire Heritage Study

It is recommended by Officers that the nomination is undertaken for both properties. Heritage Victoria have advised that there is currently a long list of nominations and an assessment of new nominations may not occur for 2-3 years.

Quality of Reports

With the assistance of local historical societies, inaccuracies and inconsistencies have been identified and the accuracy of the citations has been significantly improved. These predominantly related to the spelling of place names, acknowledgements/references, historical facts and mapping inconsistencies. The history of Scammell House has also been validated and corrected by the executor of the estate. The consultant's reports have been updated in response to the feedback received. This is discussed further under 'community engagement'. It is considered that the citations are of a good standard and include the required detail and accuracy to be fit for purpose; this being to add rigour to the planning scheme and protect our built heritage by providing a statement of significance to assess future planning permit applications.

Council Plan

Theme 3 Balancing Growth
Objective 3.3 Strengthen township boundaries and support unique township character
Strategy Nil

Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	Yes
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
Risk Assessment	Yes
Communication	Yes
Human Rights Charter	No

Governance Principles - Local Government Act 2020 (LGA 2020)

Implementing the recommendations in the report will achieve the best outcome for protecting the heritage of the Shire for future generations. The applicable Victorian Planning Provisions and relevant Acts have been taken into account in considering the recommendations.

Policy/Relevant Law

The proposed recommendations for further actions comply with the *Planning and Environment Act 1987* and *Heritage Act 2017*. The report recommends a new local heritage policy be developed for the Surf Coast Planning Scheme, which will be subject to full notification and review as part of the future planning scheme amendment.

2.1 Stage 2C of the Surf Coast Shire Heritage Study

Environmental/Sustainability Implications

The recommendations are based on ensuring the best protection of the Shire's cultural heritage assets for future generations. The significant places studied add to the rich fabric of built form in the Shire and add to the amenity of urban and rural areas. The protection of significant historical sites leads to social benefits with the retention and protection of key sites that provide links to the past and enhance the cultural history of a place.

Community Engagement

Community engagement has involved the landowners of the heritage places and some of the relevant local historical societies both during and after the preparation of the first draft of the study. These have included the Torquay and District Historical Society, the Torquay Museum without Walls, the Surf Coast Shire Heritage group and the Mount Duneed History Group.

Following further community input this year, the reports were updated to correct inaccuracies relating to spelling of place names and acknowledgements/references, historical facts and mapping inconsistencies. The history of some of the properties has also been validated and corrected. A copy of the updated reports (or relevant citations) was sent to all parties that provided comments and owners of the relevant properties. The final reports have also been made available on the Surf Coast Shire website for public viewing.

Since finalisation of the reports, further comments were received regarding the citation relating to the Merrawarp Estate. Those changes can be included in the citation report following Council's resolution.

Public Transparency

Landowners and relevant community groups have had an opportunity to be involved in the preparation of the reports and have been made aware of the recommendations in the final reports.

Financial Management

The planning scheme amendment proposed to make the above changes to the planning scheme is currently unfunded, but is considered to be important to protect these significant heritage buildings. When the study was first commissioned it was intended that the necessary changes to the planning scheme would be incorporated into the translation of the planning scheme being undertaken by the State Government. However, DELWP has since advised that the changes required cannot form part of the translation project.

The new format of the heritage overlay places greater importance on the Statements of Significance for listed properties and the amendment is considered urgent and important.

It is requested that Council approve a transfer of \$20,000 from the accumulated unallocated cash fund for this new non-program project. This funding will be adequate to cover the costs associated with a planning scheme amendment and review of the new heritage policy by Council's heritage consultant. Should additional funds be required for a panel hearing, this will be considered in the preparation of the 2021/2022 budget.

Risk Assessment

There are no risks to Council in the recommendations, which represent good planning practice and are consistent with the Victorian Planning Provisions and Council's responsibilities as Planning Authority. There are no identified Workplace Health and Safety implications associated with this report.

Communication

All landowners, local historical societies and history groups will be informed of Council's decision and the process for the relevant actions will be explained. Further consultation will be undertaken as part of the planning scheme amendment process which will enable submissions to be made to Council and for these submissions to be heard at an independent panel if required. Similarly the nomination process to the VHR would involve public advertising of the nomination and recommendation, which enable people to make submissions and request a formal review by the Heritage Council (hearing). However, the nomination for the VHR is not likely to be processed by Heritage Victoria for some time due to the outstanding list of nominations to be assessed.

2.1 Stage 2C of the Surf Coast Shire Heritage Study

Options

Option 1 – Approve the recommendations in the Surf Coast Heritage Study Stage 2C for implementation

This option is recommended by officers. The recommendations reflect the findings of the study and best practice in terms of protecting the cultural heritage of the municipality.

Option 2 – Reject all of the recommendations in the Surf Coast Heritage Study Stage 2C

If the study's recommendations are not implemented, the Heritage Overlay will be non-compliant with the Victorian Planning Provisions (i.e. the heritage overlay format) and Council will be in contravention of its duties as Planning Authority to maintain an up to date planning scheme. State Policy at Clause 15 of the planning scheme requires Council to protect "*places and sites with significant heritage, architectural, aesthetic, scientific and cultural value*".

Option 3 – Reject some of the recommendations of Surf Coast Heritage Study Stage 2C

This option is not recommended by officers as the consultant adopted a robust methodology of assessment of the heritage places and the recommendations are based on the outcomes of this; offering the best method of protecting the culture heritage in the Shire.

If Council implements only some of the recommendations in the report, such as inclusion of the Statements of Significance in the heritage overlay and the studies as incorporated documents but not the new controls recommended, (such as internal and external paint controls), it will appear inconsistent. These inconsistencies would then be open to challenge at a panel hearing for the amendment or when being assessed by DELWP as part of the approval of the planning scheme amendment by the Minister for Planning.

As noted previously in this report, a nomination to the Victorian Heritage Register to recognise properties of State Significance will take 2-3 years to be assessed due to the outstanding list of nominations.

Conclusion

The heritage study has undertaken a comprehensive assessment of the cultural heritage significance of 15 places within the Surf Coast Shire and has resulted in the preparation of individual heritage citations for each of these. These will be used as a tool for assessing any future planning permit applications and to protect the features that are considered significant at each place. The study also makes a number of recommendations to appropriately protect the properties assessed.

The study has also been subject to community consultation, both with landowners and local historical societies and heritage groups, which has significantly improved the accuracy and quality of the report contents.

The amendment to the planning scheme is now considered urgent to include Statements of Significance in the new format heritage overlay required under the *Ministerial Direction for the Form and Content of Planning Schemes*. Therefore, the recommendation includes allocating funding from the accumulated unallocated cash fund for the planning scheme amendment required to implement the study.

3. OFFICE OF THE CEO

Nil

4. GOVERNANCE & INFRASTRUCTURE

4.1 Project Budget Adjustments and Cash Reserve Transfers

Author's Title: Coordinator Management Accounting **General Manager:** John Bertoldi

Department: Finance

File No: F18/850-3

Division: Governance & Infrastructure

Trim No: IC20/1165

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

Status:

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

Defined as confidential information in accordance
with Local Government Act 2020, Section 3(1):

☐ Yes

☒ No

☐ Yes

☒ No

Reason: Nil

Reason: Nil

Purpose

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

Summary

The project budget adjustments relating to July 2020 are included in this report. All figures in this report are exclusive of GST.

Recommendation

That Council:

1. Approves the Project Budget Adjustments outlined in Table 1 in this report.
2. Ratifies the Project Budget Adjustments outlined in Tables 2 to 4 in this report.
3. Approves the following net change to cash reserves resulting from the project budget adjustments listed in this report:

Funding Sources 2020 - 2021	Transfers From/ (To) Reserve
Accumulated Unallocated Cash Reserve	\$155,000
Adopted Strategy Implementation Reserve	\$40,000
Gherang Gravel Pits Reserve	\$87,000
Grand Total	\$282,000

Funding Sources 2019 - 2020	Transfers From/ (To) Reserve
Accumulated Unallocated Cash Reserve	\$(292,236)
Grand Total	\$(292,236)

4.1 Project Budget Adjustments and Cash Reserve Transfers

Council Resolution

MOVED Cr Margot Smith, Seconded Cr Brian McKitterick

That Council:

1. Approves the Project Budget Adjustments outlined in Table 1 in this report.
2. Ratifies the Project Budget Adjustments outlined in Tables 2 to 4 in this report.
3. Approves the following net change to cash reserves resulting from the project budget adjustments listed in this report:

Funding Sources 2020 - 2021	Transfers From/ (To) Reserve
Accumulated Unallocated Cash Reserve	\$155,000
Adopted Strategy Implementation Reserve	\$40,000
Gherang Gravel Pits Reserve	\$87,000
Grand Total	\$282,000

Funding Sources 2019 - 2020	Transfers From/ (To) Reserve
Accumulated Unallocated Cash Reserve	\$(292,236)
Grand Total	\$(292,236)

CARRIED 9:0

4.1 Project Budget Adjustments and Cash Reserve Transfers

Report

Officer Direct or Indirect Interest

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

Background

Since the COVID-10 Pandemic, a change of practice was introduced and transfers were presented to the Executive Management Team meetings on a fortnightly basis for its endorsement and then reported to Councillors at briefings once a month. In providing a balance between smooth project delivery and ensuring Council involvement in decision making on material scope change or new projects to be created, the Executive Management Team are being presented on a fortnightly basis for its endorsement project budget adjustments of a straight forward nature such as allocating grant funding to a project and corrections; transfers relating to material scope change or new projects not already approved by Council will be presented to Council for approval. Transfers endorsed by the Executive Management Team will be presented to Council for ratification. This process ensures that Councillors have the decision on major changes and are kept informed of all project budget changes and allows for smoother project delivery. The report also provides transparency for community.

Discussion

The following budget transfers, detailed in Table 1, 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 1 – For Council Approval - Projects Requiring Adjustment

Project Name	Funding Source	Basis for Variation	Project Allocation \$
Event Funding	Accumulated Unallocated Cash Reserve	Funding is required to meet multi-year events agreements. Not identified through the budget.	155,000

The following budget transfers, detailed in Table 2, are newly initiated projects endorsed at an Executive Management Team meeting.

Table 2 – For Council Ratification – New Projects

Project Name	Funding Source	Basis for Variation	Project Allocation \$
Local Operational Response Plans	Grant Funded	Funding agreement executed with DELWP Strengthening Local Government Partnerships fund. Operational response plans for emergency management.	140,000

4.1 Project Budget Adjustments and Cash Reserve Transfers

The following budget transfers, detailed in Table 3, 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, they are endorsed at an Executive Management Team meeting.

Table 3 – For Council Ratification - Projects Requiring Adjustment

Project Name	Funding Source	Basis for Variation	Project Allocation \$
Connecting Torquay Town Centre (updated name for Zeally Bay Road Car Parking Upgrade project)	Grant Funded	Funding agreement executed for \$500k grant from Regional Development Victoria.	500,000
Local Government Act 2020 Implementation	Adopted Strategy Implementation Reserve	Funds previously allocated to project to be transferred from the Adopted Strategy Reserve to the active project.	40,000
Messmate Road Upgrade, Torquay	Gherang Gravel Pits Reserve	\$245k savings were returned to source at conclusion of 2019/20 program. A final seal is required approximately 12 months following the initial works however funds were not allocated at the time of closure.	87,000
Kerbside 2020	Grant Funded	Funding agreement executed with Sustainability Victoria for \$150k contribution. Life of project budget now \$1,440k.	150,000
Maternal and Child Health Sleep and Settling	Grant Funded	Funding from the Department of Health and Human Services for Maternal and Child Health Sleep and Settling.	6,375

Table 4 – For Council Ratification – Final 2019 – 2020 Adjustments and Closure of Project Savings Account

Project Name	Funding Source	Basis for Variation	Project Allocation \$
Project Savings Account	Accumulated Unallocated Cash Reserve	Close out of Project Savings Account.	(292,236)
Torquay Historical Society Signs of Significance	Contribution Funded	Contribution by Rip Curl International.	1,000
Pedestrian Safety in Torquay Surf Precinct	Contribution Funded	Community contributions to project.	4,000
Shire Wide Food Organics and Green Organics	Grant Funded	Grant funding from Sustainability Victoria.	20,000

4.1 Project Budget Adjustments and Cash Reserve Transfers

Table 5 – Accumulated Unallocated Cash Reserve Movement

Accumulated Unallocated Cash Reserve	2020-21 \$'000	2021-22 \$'000	2021-22 \$'000	2023-24 \$'000
Opening Balance	2,434	2,591	3,511	4,540
Budgeted Annual Surplus/(Deficit)	78	920	1,029	(177)
Transfer for Projects Funded in Prior Year	234	-	-	-
Net Allocations During Year	-	-	-	-
New Allocations Proposed	(155)	-	-	-
Closing Balance *	2,591	3,511	4,540	4,364

Accumulated Unallocated Cash Reserve	2020-21 \$'000
New Allocations Proposed	
Event Funding	(155)
Total New Net Allocations (From)/To	(155)

* Note Opening Balance for 2020-21 is based on provisional year end results

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

Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	No
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	No
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes
Risk Assessment	No
Communication	No
Human Rights Charter	No

Governance Principles - Local Government Act 2020 (LGA 2020)

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

Public Transparency

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

4.1 Project Budget Adjustments and Cash Reserve Transfers

Financial Management

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

Service Performance

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

Options

Option 1 – Not approve transfers as recommended

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

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.

Conclusion

It is recommended that Council approve the Project Budget Adjustments and Cash Reserve Transfers for July 2020.

4.2 Annual Performance Reporting (Council Plan including the Health and Wellbeing Plan) end of year 30 June 2020

Author's Title: Corporate Planning Coordinator

General Manager: John Bertoldi

Department: Governance & Risk

File No: F16/850-3

Division: Governance & Infrastructure

Trim No: IC20/1002

Appendix:

1. Council Plan 2017-21 - Plan on a Page (D17/51596)
2. Council Plan 2017-21 - Year Three Action Plan (D19/86099)
3. Council Plan 2017-21 - Strategic Indicators end of year 30 June 2020 performance (D20/127995)

Officer Direct or Indirect Conflict of Interest:

Status:

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

Defined as confidential information in accordance with Local Government Act 2020, Section 3(1):

☐ Yes

☒ No

☐ Yes

☒ No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to present the 2019-20 performance report for the Council Plan (incorporating the Health and Wellbeing Plan) 2017-21 (the Council Plan), year three actions and strategic indicators.

Summary

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 the year three action plan to deliver strategies contained in the Plan in July 2019 (refer Appendix 2).

On 25 February 2020 Council received a progress report against Council Plan strategies and measures for the six months up to 31 December 2019.

This 2019-20 performance report provides a high level summary of performance for the third year of the Council Plan; more information will be included in the Surf Coast Shire Annual Report 2019-20.

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

Status	Actions		Strategic Indicators	
	No.	%	No.	%
Work in progress (refer note below)	28	38	4	36
Met or exceeded	42	58	4	46
Not met	3	4	3	28
Total	73	100	11	100

Note: A review of the actions identified as work in progress at 30 June 2020 has confirmed that these will continue to be delivered through the priorities identified in the year four action plan adopted by Council in July 2020.

4.2 Annual Performance Reporting (Council Plan including the Health and Wellbeing Plan) end of year 30 June 2020

Recommendation

That Council receives and notes the 2019-20 performance report on the Council Plan (incorporating the Health and Wellbeing Plan) 2017-21, including year three actions and strategic indicators as per Appendices 2 and 3.

Council Resolution

MOVED Cr Tony Revell, Seconded Cr Margot Smith

That Council receives and notes the 2019-20 performance report on the Council Plan (incorporating the Health and Wellbeing Plan) 2017-21, including year three actions and strategic indicators as per Appendices 2 and 3.

CARRIED 9:0

4.2 Annual Performance Reporting (Council Plan including the Health and Wellbeing Plan) end of year 30 June 2020

Report

Officer Direct or Indirect Interest

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

Background

This is the 2019-20 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 July 2019 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 2019-20.

A six month progress report was presented to Council in February 2020.

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 2019-20.

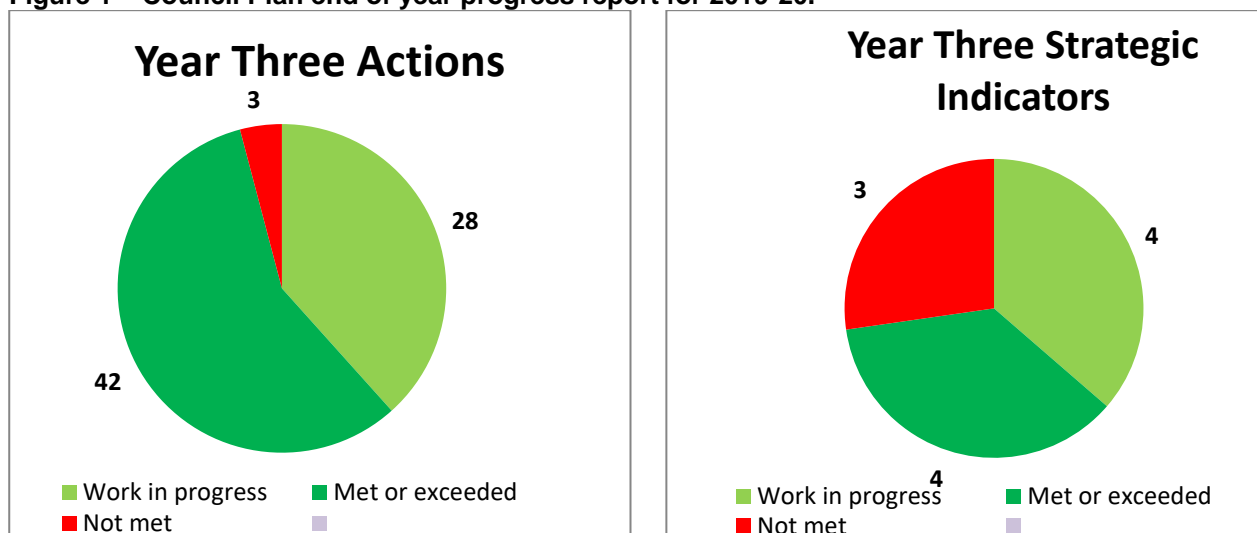


Table 2 – Summary Table Council Plan actions and strategic indicators

Status indicator	Work in progress #1	Met or exceeded	Not met	Total
Strategies	28	42	3	73
Strategic Indicators	4	4	3	11

4.2 Annual Performance Reporting (Council Plan including the Health and Wellbeing Plan) end of year 30 June 2020

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

Objective	Strategy	Action	Comment
(I) Ensure infrastructure is in place to support existing communities and provide for growth	26. Conduct a review of the existing pathway strategy and implement recommendations	Conduct a review of Council's Pathway Strategy.	COVID - 19 has delayed. Will be undertaken in 2020 – 21.
(P) Ensure Council is financially sustainable and has the capability to deliver strategic objectives	48. Develop and implement an organisational capability and capacity program	Establish strategic workforce and capability plan	Project initiated. Future business model definition in progress. Work deferred due to COVID-19 priorities. Expected to be completed by 31 December 2021.
(P) Ensure Council is financially sustainable and has the capability to deliver strategic objectives	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.	Action to be confirmed

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

Strategic Indicator		Timing	Actual 30 June 2017	Actual 30 June 2018	Actual 30 June 2019	Target 30 June 2020	30 June 2020 Actual	
							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	To be developed	To be developed	Describing the Surf Coast Liveable = 96% agree Attractive = 88% agree Safe = 87% agree Has potential = 84% agree Exciting =	Describing the Surf Coast Liveable = 96% agree Attractive = 88% agree Safe = 87% agree Has potential = 84% agree Exciting =	N/A	No updated data currently available.

4.2 Annual Performance Reporting (Council Plan including the Health and Wellbeing Plan) end of year 30 June 2020

Strategic Indicator		Timing	Actual 30 June 2017	Actual 30 June 2018	Actual 30 June 2019	Target 30 June 2020	30 June 2020 Actual	
							Result	Comment
					55% agree	55% agree		
4.	Maintain satisfaction in planning for population growth in Torquay / Jan Juc (Annual Community Satisfaction Survey)	Annual	Population Growth Surf Coast 51 Torquay 50	Surf Coast 49 Torquay 47	Surf Coast 48 Torquay 41	Surf Coast 51 Torquay 50	Surf Coast 49 Torquay 43	Satisfaction with population growth has improved by 2 points in Torquay to 43 and 1 point for Surf Coast to 49. Winchelsea experienced the highest improvement at 8 points with a result of 58.
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%	84%	80%	81%	Council continues to achieve consistent performance in determining planning permits within the statutory 60 days and has improved its performance over the last four years.

Council Plan

Theme 5 High Performing Council
Objective Nil
Strategy Nil

4.2 Annual Performance Reporting (Council Plan including the Health and Wellbeing Plan) end of year 30 June 2020

Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	No
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	Yes
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
Risk Assessment	Yes
Communication	Yes
Human Rights Charter	No

Governance Principles - Local Government Act 2020 (LGA 2020)

The overarching governance principles in S.9 of the Local Government Act 2020 include 'Priority is to be given to achieving the best outcomes for the municipal community'. The Council Plan is Council's primary accountability document to the community, developed following an extensive community engagement process and build on input received from the community. This report is Council's report to the community on its performance in delivery the Council Plan.

Policy/Relevant Law

The overarching governance principles in s.9 of the *Local Government Act 2020* include a requirement that Council decisions are to be made and actions taken in accordance with the relevant law. This report meets the reporting requirements outlined in the *Local Government (Planning and Reporting) Regulations 2014*.

Public Transparency

The overarching governance principles in S.9 of the Local Government Act 2020 include a requirement that the transparency of Council decisions, actions and information is ensured. This report meets the reporting requirements outlined in the *Local Government (Planning and Reporting) Regulations 2014* ensuring that the community receives reports on Council's performance in delivering the Council plan.

Strategies/Plans

One of the overarching governance principles in s.9 of the *Local Government Act 2020* is that the municipal community is to be engaged in strategic planning and strategic decision making. In June 2017 Council integrated the Council and Health and Wellbeing Plans to form the "Council Plan (incorporating the Health and Wellbeing Plan) 2017-21" (the Council Plan), strengthening and streamlining statutory planning and reporting processes. The Council Plan was developed following an extensive community engagement process. The Council Plan is reviewed annually to affirm that the strategic indicators, strategies and strategic indicators included in the Council Plan (incorporating the Health and Wellbeing Plan) 2017-21 are current and do not require adjustment. Council's performance in delivering the Council Plan is reported twice yearly.

Risk Assessment

A stronger emphasis on organisational performance reporting structures increases the likelihood that Council adopted plans and strategies will be delivered.

4.2 Annual Performance Reporting (Council Plan including the Health and Wellbeing Plan) end of year 30 June 2020

Communication

This report will be included in the minutes of the Council meeting and available on the website.

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 three action plan to deliver the Council Plan in 2019-20 in accordance with statutory reporting requirements.

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

Council Plan (inc. the Health and Wellbeing Plan) 2017 – 2021 - Year Three Action Plan

Strategic Objective	Strategy No.	Strategy Description (What we will do - actions / programs)	Year 3 Action
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	Establish the Community Development Framework and Action Plan
	2	Facilitate and support high levels of volunteering in the community	Develop policies and processes in line with the National Volunteering Standards
	3	Work in partnership with the community to review, update and continue to implement the heritage, arts and culture strategy	Establish a new Heritage Arts and Culture Strategy
			Undertake Feasibility Study for a Surf Coast Shire Cultural Hub including library.
Support people to be healthy and active	4	Develop and implement local programs to support Healthy Eating and Active Living	Progress the Winchelsea Memorial Cairns Project
			Deliver the Healthy Eating Active Living Plan
	5	Implement health and wellbeing impact assessments as part of infrastructure and project planning	Implement key Female Friendly Facilities projects in Mt Moriac including the Equestrian Pavilion and Netball Lighting Upgrade projects
			No action year three
			Explore mechanisms to manage (ban) alcohol and drugs on council-owned or council-managed land
Improve community safety	6	Develop and implement an alcohol, tobacco and drug strategy based on local evidence and best practice	Implement the Alcohol and Other Drug Framework and Action Plan with local partners.
	7	Reinforce policies to manage electronic gaming machines	No action year three
Provide support for people in need	8	Understand community safety issues and needs, and design an appropriate local response	No action year three
	9	Continue to build community resilience to prepare for emergencies	Implement next generation community bushfire planning project
Provide support for people in need	10	Work in partnership with community and agencies to improve young	Establish a new Early Years Strategy

Strategic Objective	Strategy No.	Strategy Description (What we will do - actions / programs)	Year 3 Action
		people and their families’ access to the services and support they need	Implement the Youth Development strategy and Action Plan
	11	Pursue Age Friendly City status	Develop and implement an action plan arising from the Positive Ageing Service Review including establishing the process for achieving Age Friendly City status.
	12	Contribute to the delivery of the Strategic Plan for prevention and addressing violence against women and children in the G21 region	Establish a Surf Coast Prevention of Violence Against Women Framework and Action Plan in line with G21 Prevention of Violence Against Women Strategy.
	13	Implement the Accessible and Inclusive Surf Coast Shire Strategic Plan	Deliver a program of access improvements in existing Council buildings
			Finalise Changing Places capital projects in Winchelsea and Anglesea and commence operation
ENVIRONMENTAL LEADERSHIP			
Drive the use of renewable energy	14	Implement the Renewable Energy Roadmap	Explore the introduction of Environmental Upgrade Agreements through Surf Coast Shire Council
			Work with the community, businesses and relevant organisations to deliver the priority Roadmap actions.
	15	Support the work of the Renewable Energy Taskforce	Explore energy usage in the Civic Office to identify and implement improvements
Improve the re-use of resources	16	Develop and implement organic waste diversion pilot program	No action year three
	17	Develop and implement a waste reduction program to increase the life of the landfill	Introduce an e-waste diversion and recycling service.
			Investigate emerging use of recycled materials in road-making and develop a discussion paper.
	18	Review and expand Plastic Wise Program	Engage sporting clubs to transition away from single use plastics.

Strategic Objective	Strategy No.	Strategy Description (What we will do - actions / programs)	Year 3 Action
	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	Work with Barwon Water to 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	Implement priority actions of the local food program in partnership with community.
Retain and enhance rural land for appropriate and sustainable uses	21	Finalise and implement the Rural Hinterland Strategy	Commence implementation of short term actions as outlined in the Hinterland Futures Strategy action plan
	22	Develop partnerships to better manage interfaces between public and private land	Complete
	23	Effectively manage pests, plants and animals on Council land	Review and update Council's Pest Plant & Animal Strategy.
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 and aged community members in accessing public transport.
			Participation in Torquay Transit Corridor planning (check if strategic land use planning action).
	25	Explore the potential public transport link to Torquay and the level of rail service on the Warrnambool line	No action year three
	26	Conduct a review of the existing pathway strategy and implement recommendations	Conduct a review of Council's Pathway Strategy.
	27	Ensure appropriate funding mechanisms are in place to support future growth including developer contributions	Finalise review of TJJ DCP and Winchelsea infrastructure planning
	28	Work with the community and stakeholders to implement the Anglesea Futures program	No action year three
	29	Advocate for supporting infrastructure	Develop strong relationships with key State and Federal Government

Strategic Objective	Strategy No.	Strategy Description (What we will do - actions / programs)	Year 3 Action
			representatives in the first year of their term.
			Establish funding agreements and commence projects plans for relevant commitments made before the 2019 Federal Elections
			Complete the Torquay Jan Juc Social Infrastructure Study - Stage 2 Project
			Complete Cape Otway Road safety audit to inform advocacy program
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	Implement the recommendations of the Strengthening Town Boundaries discussion paper.
	31	Encourage in-fill development and direct growth to designated areas	Participate in the State Government Distinctive Areas and Landscapes Project
	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	Adopt the Winchelsea integrated water management plan
	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	Advocate to the state government on behalf of the community for a comprehensive impact analysis
	36	Explore the impact of increased traffic on the road network including inland transport routes	Review G21 transport plans to affirm impacts on Surf Coast network and identify key initiatives
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 Tourism on regional projects such as the Regional Workforce Strategy & 100 Year Celebration project
			Complete an annual Business Survey with trader groups and report on findings by June each year.

Strategic Objective	Strategy No.	Strategy Description (What we will do - actions / programs)	Year 3 Action
	38	Investigate how the strategic road network impacts on commercial transport	Advocate and pursue appropriate grants to support identified commercial road network priorities
	39	Facilitate and enable stronger relationships between industry and education	No action year three
	40	Plan for industrial and commercial zones in growing communities	No action year three
Facilitate high quality events throughout the year	41	Further develop diverse, major and signature events, communication and promotion program	Develop the Surf Coast Events brand
			Release an annual funding program to support events in Surf Coast Shire
			Compile information as to the economic, social and environmental achievements of events and provide to Council by June 2020
Strengthen the vitality of town centres	42	Identify and support the economic and social drivers of town centres within the shire	Implement the Torquay Town Centre urban design 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	Participate in the Visitor Servicing Project, led by Great Ocean Road Regional Tourism.
			Transfer existing paper based maps for attractions such as Lorne Walks and Waterfalls and Surf Coast Walk to web based formats.
	44	Develop and implement an industry development and attraction program	Complete the Surf Coast Shire economic development strategy
			Develop a regular series of workshops to assist key industry sectors i.e. marketing, business security, exports etc.
	45	Advocate for and drive the Great Ocean Road visitor economy	Advocate for Surf Coast Shire projects that will help enhance the Great Ocean Road journey
	46	Develop and implement an agribusiness strategy	Develop a virtual hub including a database of agribusinesses in the region
			Initiate training and support to improve the skills of lifestyle farmers in sustainable land management, bio security and animal welfare.
			Develop and promote case studies of innovative local businesses that align

Strategic Objective	Strategy No.	Strategy Description (What we will do - actions / programs)	Year 3 Action
			with the vision of the Strategy.
			Connect small scale food producers and agritourism experiences through the development of new or existing trails.
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	Establish key long term financial planning principles in a strategic document
	48	Develop and implement an organisational capability and capacity program	Establish strategic workforce and capability plan
	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	Work with Barwon Water on water security challenges for the region
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	Continue Councillor and executive meetings with community stakeholder groups.
			Deliver initiatives in the Communications and Community Engagement Strategy
	53	Use technology to make Council decision-making more accessible	Implement live-streaming of Council meetings
Provide quality customer service that is convenient, efficient, timely and responsive	54	Implement Digital Transformation Program, including opportunities for customer self-service	Introduce community portal with base functionality for service requests
	55	Investigate the feasibility of a certified quality system	Identify what existing frameworks and systems would be representative of a quality management system or approach
	56	Improve how we manage customer requests and complaints	Publish a dashboard report of customer request and complaints handling performance and improvement actions
	57	Continued reforms in statutory	Conduct a Customer Focus review of

Strategic Objective	Strategy No.	Strategy Description (What we will do - actions / programs)	Year 3 Action
		planning service delivery	the Surf Coast Planning Scheme (within SMART Planning reform)
	58	Further update and implement a customer service strategy	Deliver customer service training programs for staff to improve the customer experience
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	Refer strategy 60
	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	Collaborate with the Municipal Association of Victoria to secure a commitment from the state government to fully fund professional surf lifesaving services
	62	Review arrangements for governance of the coast	Review land management arrangements in partnership with the Great Ocean Road Coast and Parks Authority.

Council Plan (including the Health and Wellbeing Plan) 2017-21.

Strategic Indicators – 30 June 2020 end of year performance.

Strategic Indicator		Timing	Actual 30 June 2017	Actual 30 June 2018	Actual 30 June 2019	Target 30 June 2020	Actual 31 Jun 2020	Comment	
1.	Improvements in overall quality of life and reported on the following cohorts:- People under 25 People over 65 People with disabilities	Annual	To be developed	To be developed	Describing the Surf Coast Liveable = 96% agree Attractive = 88% agree Safe = 87% agree Has potential = 84% agree Exciting = 55% agree	Describing the Surf Coast Liveable = 96% agree Attractive = 88% agree Safe = 87% agree Has potential = 84% agree Exciting = 55% agree	Not available	Decision was taken not to collect this data in the Local Government Victoria 2020 Community Satisfaction Survey as it was deemed unlikely that results would change significantly in a single year.	
2.	25% of energy is from renewable sources by 2020	Annual	6%	12%	12%	25% (indexed by 6% annually)	14.1% (to the end of May 2020)	The Surf Coast Shire now has the highest per capita residential rooftop solar uptake at 21.4% households in the Barwon South West region (region average 17.1%). Prior to our program commencing Surf Coast was below the State average.	
3.	An increase in housing in Winchelsea and Moriac	Annual	<u>Lots per year</u> Moriac = 1 Winchelsea = 5	<u>Lots per year</u> Moriac = 1 Winchelsea = 28	<u>Lots per year</u> Moriac = 0 Winchelsea = 45	<u>Lots per year</u> Moriac = 2 Winchelsea = 24	<u>Lots per year</u> Moriac = 54 Winchelsea = 52	Growth in the release of residential lots and an increase in	

Strategic Indicator		Timing	Actual 30 June 2017	Actual 30 June 2018	Actual 30 June 2019	Target 30 June 2020	Actual 31 Jun 2020	Comment	
			<u>Housing starts</u> Moriac = 1 Winchelsea = 14	<u>Housing starts</u> Moriac = 5 Winchelsea = 31	<u>Housing starts</u> Moriac = 3 Winchelsea = 59	<u>Housing starts</u> Moriac = 3 Winchelsea = 25	<u>Housing starts</u> Moriac = 47 Winchelsea = 37	housing starts across both townships indicates strong demand in both townships.	
4.	Maintain satisfaction in planning for population growth in Torquay / Jan Juc (Annual Community Satisfaction Survey)	Annual	Population Growth 2017 = Surf Coast 51 2017 = Torquay 50	Surf Coast 49 Torquay 47	Surf Coast 48 Torquay 41	Surf Coast 51 Torquay 50	Surf Coast 49 Torquay 43	The decline in satisfaction with planning for population growth in Torquay is not well understood and requires investigation during the development of the Community Vision and Council Plan in 2021. The state government's Distinctive Areas and Landscapes project commenced in 2020 providing the primary focus for the planning of future growth in Torquay.	
5.	Increased access to public transport including trains, public buses and community buses.	Annual	To be developed	To be developed	To be developed	Develop baseline	To be developed	Attendance to G21 Transport Pillar every two months. Completion of additional bus shelter (total of	

Strategic Indicator		Timing	Actual 30 June 2017	Actual 30 June 2018	Actual 30 June 2019	Target 30 June 2020	Actual 31 Jun 2020	Comment	
								four). Improvements in public transport timetables such as the Anglesea to Waurin Ponds. With upcoming upgrades to Waurin Ponds station potential for addition future improvements linking Waurin Ponds and Armstrong Creek to the Surf Coast.	
6.	Rolling median unemployment rate for the shire does not exceed 3.5%	Twice yearly	Sept. 2017 2.5%	2.43%	2.27%	=/<3.5%	1.9%	The most recent small area labour market data available is to December 2019, the average unemployment in the Surf Coast was 1.9% in 2018-19. Since December 2019 the unemployment rate has changed significantly. The 'Weekly Payroll Jobs and Wages in Australia, Week ending 13 June 2020' produced by the Australian Bureau of Statistics	

Strategic Indicator		Timing	Actual 30 June 2017	Actual 30 June 2018	Actual 30 June 2019	Target 30 June 2020	Actual 31 Jun 2020	Comment	
								(ABS) reports an unemployment rate of 9.4% for the Warrnambool and South West (SA4 region) which includes the Surf Coast Shire. The corresponding percentage for the Geelong region was 7.9%. The actual result is likely to be higher taking into account under-employment particularly for young people and female workers.	
7.	Meet the financial benefits targets in the long term financial plan	Annual	\$453,000	\$550,000	\$642,710	\$550,000	\$600,164	The Business Improvement Program achieved an annual savings tally of \$600,164 which exceeds the annual target of \$550,000 across the three savings programs. This is an excellent result and, in some instances, reflects a lot of hard work completed over multiple years.	

Strategic Indicator		Timing	Actual 30 June 2017	Actual 30 June 2018	Actual 30 June 2019	Target 30 June 2020	Actual 31 Jun 2020	Comment	
8.	Increase in the number of digital transactions with Council including	Twice yearly	To be developed	To be developed	N/A	30	116	New Forms tool procured to allow work flow. All external Customer facing forms converted to digital format and payments functionality added to 95% of transactions. Work continues on remaining payments and internal forms design is progressing well. DocuSign procured and implemented to allow digital signatures	
	a. self- service transactions (number of on-line forms available)								
	b. Completion of forms			1,111	N/A	TBC	2,469		
9.	Increased performance rating for Customer Service in the Annual Community Satisfaction in Local Government Survey	Annual	Overall performance 2017 = 61	69	77	>61 (life of plan)	76	Council significantly outperforms the State-wide and Large Rural averages on customer service by 6 and 8 points respectively with results exceeding target by 15 points.	
10.	80% of planning permit applications are determined within 60	Twice yearly	PPARS result 71.02%	80%	84%	80%	81%	Council continues to achieve consistent performance in determining	

Strategic Indicator		Timing	Actual 30 June 2017	Actual 30 June 2018	Actual 30 June 2019	Target 30 June 2020	Actual 31 Jun 2020	Comment
	statutory days by the end of the term of the plan							planning permits within the statutory 60 days and has improved its performance over the last four years.

Legend

Work in progress	Met or exceeded	Not met

N/A = No result available

N/R = Not reported

YTD = Year-do-date

TBC – To be confirmed

4.3 Local Government Act 2020 - s5 and s6 Instruments of Delegation

Author's Title: Coordinator Governance
Department: Governance & Risk
Division: Governance & Infrastructure

General Manager: John Bertoldi
File No: F19/642-2
Trim No: IC20/1141

Appendix:

1. S5 Instrument of Delegation - Council to the Chief Executive Officer (D16/81461)
2. S6 Instrument of Delegation - Council to Members of Council Staff (D16/100258)

Officer Direct or Indirect Conflict of Interest:

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

☐ Yes

☒ No

Reason: Nil

Status:

Defined as confidential information in accordance
with Local Government Act 2020, Section 3(1):

☐ Yes

☒ No

Reason: Nil

Purpose

The purpose of this report is to seek Council's consideration of the s5 Instrument of Delegation from Council to the Chief Executive Officer (CEO), and the s6 Instrument of Delegation from Council to Members of Staff, which have been reviewed and updated in accordance with the introduction of new Local Government Act 2020 (the 2020 Act) and section 11 of that Act.

Summary

Section 11 of the 2020 Act came into force on 1 May 2020, replacing section 98 of the Local Government Act 1989 (the 1989 Act). The 2020 Act provides a four month period to 1 September 2020 to complete the implementation of delegations under section 11.

The s5 and the s6 Instruments of Delegation have been reviewed and updated to comply with the 2020 Act and are now being presented for Council's consideration.

Recommendation

That Council, in the exercise of the power conferred by section 11(1)(b) of the *Local Government Act 2020*:

1. Delegates the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *s5 Instrument of Delegation – Council to the Chief Executive Officer*, subject to the conditions and limitations specified in that Instrument; and in doing so:
 - 1.1 Approves the s5 Instrument of Delegation to come into force immediately upon execution; and
 - 1.2 Approves that on the coming into force of the s5 instrument of delegation, the previous s5 Instrument of Delegation is revoked.
2. Delegates to the members of Council staff holding, acting in or performing the duties of the officers or positions referred to in the attached *s6 Instrument of Delegation - Council to Members of Council Staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument; and in doing so:
 - 2.1 Authorises the Chief Executive Officer to execute the s6 Instrument of Delegation;
 - 2.2 Approves the s6 Instrument of Delegation to come into force immediately upon execution; and
 - 2.3 Approves that on the coming into force of the s6 instrument of delegation, the previous s6 instrument of delegation from Council to members of Council staff is revoked.

4.3 Local Government Act 2020 - s5 and s6 Instruments of Delegation

Council Resolution

MOVED Cr Margot Smith, Seconded Cr Heather Wellington

That Council, in the exercise of the power conferred by section 11(1)(b) of the *Local Government Act 2020*:

1. Delegates the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *s5 Instrument of Delegation – Council to the Chief Executive Officer*, subject to the conditions and limitations specified in that Instrument; and in doing so:
 - 1.1 Approves the s5 Instrument of Delegation to come into force immediately upon execution; and
 - 1.2 Approves that on the coming into force of the s5 instrument of delegation, the previous s5 Instrument of Delegation is revoked.
2. Delegates to the members of Council staff holding, acting in or performing the duties of the officers or positions referred to in the attached *s6 Instrument of Delegation - Council to Members of Council Staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument; and in doing so:
 - 2.1 Authorises the Chief Executive Officer to execute the s6 Instrument of Delegation;
 - 2.2 Approves the s6 Instrument of Delegation to come into force immediately upon execution; and
 - 2.3 Approves that on the coming into force of the s6 instrument of delegation, the previous s6 instrument of delegation from Council to members of Council staff is revoked.

CARRIED 9:0

4.3 Local Government Act 2020 - s5 and s6 Instruments of Delegation

Report

Officer Direct or Indirect Interest

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

Background

Section 11 of the 2020 Act came into force on 1 May 2020, replacing section 98 of the 1989 Act. The 2020 Act provides a four month period, to 1 September 2020 to complete the implementation of delegations under section 11.

Discussion

The s5 Instrument of Delegation - Council to the CEO has two proposed changes to the previous instrument, which are:

1. In accordance with section 11 of the 2020 Act, the Instrument includes a limit to length of time a CEO can appoint an Acting CEO to the maximum period of 28 days; and
2. The instrument includes setting of expenditure limits as distinct from other financial delegations.

The draft s5 Delegation retains the CEO's financial delegation limit of \$600,000.00 (excluding GST) for award of contracts. Separately specified expenditure limits are now proposed in the draft s5 Delegation. A review of general expenditure shows that a limit of \$300,000.00 (excluding GST) will sufficiently cover the needs of the organisation in a normal year, where it was previously also \$600,000.00. The exception to this new general expenditure limit is where legislation specifically stipulates Council must make a payment i.e. expenditure Council is required by law to make. Examples of this type of expenditure include:

- Fire Services Levy
- EPA Levy
- Workcover

An upper limit for this type of payment of \$2m is proposed which will enable the sum required to accommodate the Fire Service Levy.

The s6 Instrument of Delegation – Council to Members of Staff, has had only minor updates. These include the addition of a limitation under some provisions of the Residential Tenancies Act 1997, and the updating of Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations from 2010 to 2020 with only minor changes to some provision numbers as a result.

Other proposed changes to the s6 Instrument of Delegation – Council to Members of Staff, include additional details for delegations under the Planning and Environment Act 1987. These relate to staff position title changes and to account for changed working conditions created by COVID-19. These amendments are aimed at improving planning processes whilst working in a different operating environment.

Of note to the s6 Instrument is the addition of information included directly under each of the Acts (wording in blue text) which outlines the provisions under each Act that allow Council to delegate directly to staff. This has been included because the 2020 Act only allows for the Council to delegate to the CEO or members of delegated committees, without taking into consideration powers under different Acts Councils also work under. Including the information about those enabling Acts makes clear to staff and the community the mechanism through which Council is authorised to delegate powers directly to staff other than the CEO.

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

4.3 Local Government Act 2020 - s5 and s6 Instruments of Delegation

Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	No
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
Risk Assessment	Yes
Communication	Yes
Human Rights Charter	No

Governance Principles - Local Government Act 2020 (LGA 2020)

Delegations provide for decision making in relation to specified Council activities to be fluid, timely and undertaken by appropriately skilled and qualified staff members. This ensures that, in accordance with the overarching governance principles, priority is given to achieving the best outcomes for the municipal community.

Policy/Relevant Law

Section 11 of the 2020 Act allows Council to delegate any power, duty or function of a Council under the Act or any other Act, other than those specified in section 11(2). Through the s5 instrument of delegation, Council is enacting this authority and allowing for effective management and delivery of Council services to the municipal community.

Within the s6 delegation, the provision(s) under each of the listed Acts through which Council is enabled to delegate powers directly members of staff are included. This is to provide clarity on the mechanism through which Council is authorised to make the delegations to eliminate any concern that this has not been taken into account under section 11 of the 2020 Act. It should be noted that this Instrument was developed in accordance with legal advice. Council's delegations are derived from the Maddocks local government lawyers Instruments of Delegation package templates and have therefore been thoroughly vetted and reviewed by local government lawyers.

Public Transparency

Instruments of Delegation are made available to anyone upon request. This allows the community to be informed which positions have responsibility for making decisions or undertaking activities on behalf of Council.

4.3 Local Government Act 2020 - s5 and s6 Instruments of Delegation

Risk Assessment

The ability for Council to delegate is provided under many of the Acts applicable to Council's activities. These delegations allow Council to operate effectively by providing certain powers to staff to undertake specific activities without having to take each decision into the Chamber for resolution before being able to act. The operational risks associated with not delegating certain powers and duties include a severe slowing of Council's operations and Council meetings being overwhelmed with day to day decisions. This would ultimately result in the community not being serviced adequately.

By effectively utilising its powers to delegate, Council can ensure that day to day operations continue unhindered, allowing the Council to focus on strategic decision making for the Surf Coast Shire municipality.

Communication

Staff will be notified of changes to all Instruments of Delegation upon enactment.

Options

Option 1 – Adopt the Instruments of Delegation

This option is recommended by officers as to ensure compliance with the 2020 Act, allowing Council activities to continue to operate effectively and without disruption. The Instruments have been provided by lawyers and reviewed by staff.

Option 2 – Adopt the Instruments of Delegation with changes.

This option is not recommended by officers as a thorough review has been conducted by staff to ensure the correct positions are included under each provision. Changes could result in unqualified personnel being made responsible for actioning operations.

Option 3 – Do not Adopt the Instruments of Delegation

This option is not recommended by officers as it would require all related decisions to be decided by Council and particularly with the approaching Caretaker period, this would result in the operation of some Council services ceasing.

Conclusion

The s5 and the s6 Instruments of Delegation have been reviewed and updated by officers to comply with the 2020 Act and are now presented to Council with a recommendation to adopt.



Surf Coast Shire

Instrument of Delegation

S5 Instrument of Delegation – Council to the Chief
Executive Officer

S5 Instrument of Delegation - Council to the Chief Executive Officer

Instrument of Delegation

In exercise of the power conferred by s 11(1) of the Local Government Act 2020 (the Act) and all other powers enabling it, the Surf Coast Shire Council (Council) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 25 August 2020;
2. the delegation:
 - 2.1. comes into force immediately upon signing of this Instrument of Delegation;
 - 2.2. is subject to any conditions and limitations set out in the Schedule;
 - 2.3. must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 2.4. remains in force until Council resolves to vary or revoke it.

Signed on behalf of the Surf Coast Shire Council by:

.....
Mayor

.....
Chief Executive Officer

.....
Date

SCHEDULE

The power to

1. determine any issue;
2. take any action; or
3. do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing

1. if the issue, action, act or thing is an issue, action, act or thing which involves:
 - 1.1 entering into a contract exceeding the value of \$600,000.00 (excluding GST);
 - 1.2 making any expenditure that exceeds \$300,000.00 (excluding GST) unless it is:
 - 1.2.1 expenditure made under a contract already entered into; or
 - 1.2.2 expenditure which Council is, by or under legislation, required to make, in which case it must not exceed \$2,000,000.00 (excluding GST);
 - 1.3 appointing an Acting Chief Executive Officer for a period exceeding 28 days;
 - 1.4 electing a Mayor or Deputy Mayor;
 - 1.5 granting a reasonable request for leave under s 35 of the Act;
 - 1.6 making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
 - 1.7 approving or amending the Council Plan;
 - 1.8 adopting or amending any policy that Council is required to adopt under the Act;
 - 1.9 adopting or amending the Governance Rules;
 - 1.10 appointing the chair or the members to a delegated committee;
 - 1.11 making, amending or revoking a local law;
 - 1.12 approving the Budget or Revised Budget;
 - 1.13 approving the borrowing of money; or
 - 1.14 subject to section 181H(1)(b) of the *Local Government Act 1989*, declaring general rates, municipal charges, service rates and charges and specified rates and charges;
2. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
3. 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;
4. 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
 - 4.1 policy; or
 - 4.2 strategy
 adopted by Council;
5. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s 11(2)(a)-(n) (inclusive) of the Act or otherwise; or
6. 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.



Surf Coast Shire

Instrument of Delegation

S6 Instrument of Delegation – Council to Members of Council Staff

S6 Instrument of Delegation – Council to Members of Council Staff

Instrument of Delegation

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

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

Title	Position
AOPD	Administration Officer Planning and Development
AOPlan	Administrative Officer
APO	Asset Protection Officer
BI	Building Inspector
BS	Building Surveyor
CCW	Coordinator Civil Works
CDE	Coordinator Development Engineering
CDT	Coordinator Design & Traffic
CEH	Coordinator Environmental Health
CEng	Construction Engineer
CEO	Chief Executive Officer
CFA	Coordinator Financial Accounting
CPC	Coordinator Planning Compliance
CRS	Coordinator Ranger Services
CSLUP	Coordinator Strategic/Land Use Planning
CSO	Customer Services Officer and Team Leader
CSP	Coordinator Statutory Planning
CWM	Coordinator Waste Management
DE	Development Engineer
EHO	Environmental Health Officer
GMCC	General Manager Culture & Community
GMED	General Manager Environment & Development
GMGI	General Manager Governance & Infrastructure

Title	Position
IDO	Infrastructure Development Officer
MBIRSBC	Manager Business Improvement, Ranger Services and Building Compliance
MBS	Municipal Building Surveyor
MES	Manager Engineering Services
MF	Manager Finance
MPD	Manager Planning & Development
ND	Not Delegated
PPAO	Para Planning Administration Officer
PIO	Planning & Investigations Officer
PAO	Planning Administration Officer
PCSASO	Planning Customer Service and Administration Support Officer
PO	Planning Officer
PPIO	Principal Investigations Officer
PropO	Property Officer
PStaP	Principal Statutory Planner
PStrP	Principal Strategic Planner
PSO	Project Support Officer
SAM	Strategic Asset Manager
SPIO	Senior Planning & Development Investigations Officer
TLPPS	Team Leader Para Planning and Subdivisions
TLRS	Team Leader Ranger Services
VFTP	VicSmart and Fast Track Planner

3. declares that:

3.1. this Instrument of Delegation is authorised by a resolution of Council passed on 25 August 2020, and

3.2. the delegation:

3.2.1. comes into force immediately upon signing of this Instrument of Delegation;

3.2.2. remains in force until varied or revoked;

3.2.3. is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and

3.2.4. must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

3.3. the delegate must not determine the issue, take the action or do the act or thing:

- 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
- 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a:
 - (a) policy; or
 - (b) strategy adopted by Council;
- 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
- 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

Executed by the Chief Executive Officer on behalf of the Surf Coast Shire Council pursuant to the Council resolution dated 25 August 2020.

.....
Chief Executive Officer

.....
Dated

S6 Instrument of Delegation - Members of Staff

Domestic Animals Act 1994			
Section 41A(4) states – <i>The Council may delegate its power under subsection (1) to a Council authorised officer.</i>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 41A(1)	Power to declare a dog to be a menacing dog	CRS, GMED, MBIRSBC, TLRS	The Council may delegate this power to a Council authorised officer.

Environment Protection Act 1970			
Section 53M(8) states – <i>a municipal council may delegate to one or more of its officers any of its powers under this section other than this power of delegation</i>			
Provision	Powers and Functions Delegated	Delegate	Conditions and 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

Food Act 1984

Section 58A states - (1) A council may delegate to one or more of its officers or members of its staff its powers and discretions under Part III (other than its power under section 19(3), 19AA(4)(a) or 19AA(4)(b)), Part IIIB, Part VI and section 46(5).

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	CEH, EHO	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	CEH, EHO	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	CEH, EHO	If s 19(1) applies In accordance with section 58A (1A) this delegation only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	CEH, CEO	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	CEH, CEO, EHO	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	CEH, CEO, EHO	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	CEH, EHO	Where Council is the registration authority

Food Act 1984

Section 58A states - (1) A council may delegate to one or more of its officers or members of its staff its powers and discretions under Part III (other than its power under section 19(3), 19AA(4)(a) or 19AA(4)(b)), Part IIIB, Part VI and section 46(5).

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	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
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	ND	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	ND	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	CEH	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.

Food Act 1984

Section 58A states - (1) A council may delegate to one or more of its officers or members of its staff its powers and discretions under Part III (other than its power under section 19(3), 19AA(4)(a) or 19AA(4)(b)), Part IIIB, Part VI and section 46(5).

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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
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 s 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 s 38AA in accordance with a declaration under s 38AB(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 s 19C the food premises belongs	CEH, EHO	Where Council is the registration authority

Food Act 1984

Section 58A states - (1) A council may delegate to one or more of its officers or members of its staff its powers and discretions under Part III (other than its power under section 19(3), 19AA(4)(a) or 19AA(4)(b)), Part IIIB, Part VI and section 46(5).

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	CEH, EHO	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	CEH, EHO	Where Council is the registration authority
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	CEH, EHO	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 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 s 38E(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 s 39A(2)(a)-(c)
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	CEH	

Food Act 1984

Section 58A states - (1) A council may delegate to one or more of its officers or members of its staff its powers and discretions under Part III (other than its power under section 19(3), 19AA(4)(a) or 19AA(4)(b)), Part IIIB, Part VI and section 46(5).

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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
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

Heritage Act 2017

Section 116(3) states - A responsible authority to which a function, duty or power has been delegated under subsection (1) may sub-delegate that function, duty or power to an officer of the responsible authority if the instrument of delegation authorises its sub-delegation.

NOTE: Responsible authority has the meaning given by section 13 of the Planning and Environment Act 1987

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 116	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

Local Government Act 1989			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 181H	Power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge	CEO	The only member of staff who can be a delegate is the CEO.
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO	The only member of staff who can be a delegate is the CEO.

Planning and Environment Act 1987			
<p><i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i></p> <p style="padding-left: 40px;"> <i>(a) a committee of the authority; or</i> <i>(b) an officer of the authority; or</i> <i>(c) the Victorian Planning Authority.</i> </p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	CSLUP, CSP, GMED, MPD	If authorised by the Minister

Planning and Environment Act 1987

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	CSLUP, CSP, GMED, MPD, PO, VPTP, PSO, PStrP, PStaP, SPP, TLPPS, ,	
s 4H	Duty to make amendment to Victoria Planning Provisions available	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, SPP, TLPPS	
s 4I	Duty to keep Victorian Planning Provisions and other documents available	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	CSLUP, CSP, GMED, MPD, PStrP, PStaP	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	CSLUP, CSP, GMED, MPD	
s 8A(5)	Function of receiving notice of the Minister's decision	CSLUP, CSP, GMED, MPD, PStrP, PStaP	

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	CSLUP, CSP, GMED, MPD	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	CSLUP, CSP, GMED, MPD	
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	CSLUP, CSP, GMED, MPD	
s 12A(1)	Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s19 of the Planning and Environment (Planning Schemes) Act 1996)	CSLUP, CSP, GMED, MPD	
s 12B(1)	Duty to review planning scheme	CSLUP, CSP, GMED, MPD	
s 12B(2)	Duty to review planning scheme at direction of Minister	CSLUP, CSP, GMED, MPD	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	CSLUP, CSP, GMED, MPD	
s 14	duties of a Responsible Authority as set out in s 14(a) to (d)	CPC, CSLUP, CSP, GMED, MPD, AOPD, AOPLAN,	

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		PPAO, PAO, PCSASO, PSO, PStrP, PStaP, , PPIO, PIO, PO, VPTP, SPP, TLPPS	
s 17(1)	Duty of giving copy amendment to the planning scheme	CSLUP, CSP, GMED, MPD, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS,	
s 17(2)	Duty of giving copy s 173 agreement	CSLUP, CSP, GMED, MPD, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	CSLUP, CSP, GMED, MPD, PO, VPTP, SPO, VPTP, PStrP, PStaP, , SPP, TLPPS	
s 18	Duty to make amendment etc. available	CSLUP, GMED, MPD, PO, VPTP, PSO, PStrP, PStaP, , AOPD, AOPLAN, PPAO, PAO, PCSASO, SPP, TLPPS	
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, , SPP, TLPPS	

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	CSLUP, CSP, GMED, MPD, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	CSLUP, CSP, GMED, MPD, PStrP, PStaP, SPP, TLPPS	
s 21(2)	Duty to make submissions available	CSLUP, CSP, MPD, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	
s 21A(4)	Duty to publish notice	CSLUP, CSP, MPD, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	
s 22	Duty to consider all submissions	CSLUP, CSP, MPD, PO, VPTP, PStrP, PStaP, , SPP, TLPPS	Except submissions which request a change to the items in s 22(5)(a) and (b) <hr/> Except those referred to a delegated committee.

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	CSLUP, CSP, MPD	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	CSLUP, CSP, MPD	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	CSLUP, CSP, GMED, MPD, PStrP, PStaP, SPP, TLPPS	
s 26(1)	Power to make report available for inspection	CSLUP, CSP, GMED, MPD, PStrP, PStaP	
s 26(2)	Duty to keep report of panel available for inspection	CSLUP, CSP, MPD, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	
s 27(2)	Power to apply for exemption if panel's report not received	CSLUP, CSP, GMED, MPD	
s 28	Duty to notify the Minister if abandoning an amendment	CSLUP, CSP, GMED, MPD	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	CSLUP, CSP, MPD, PStrP, PStaP	

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 30(4)(b)	Duty to provide information in writing upon request	CSLUP, CSP, MPD, PStrP, PStaP, SPP, TLPPS	
s 32(2)	Duty to give more notice if required	CSLUP, CSP, MPD, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	
s 33(1)	Duty to give more notice of changes to an amendment	CSLUP, CSP, MPD, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	
s 36(2)	Duty to give notice of approval of amendment	CSLUP, CSP, MPD, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	
s 38(5)	Duty to give notice of revocation of an amendment	CSLUP, CSP, MPD, PO, VPTP, PSO, PStrP, PStaP, SPP, TLPPS	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	CSLUP, CSP, GMED, MPD, PStrP, PStaP	

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 40(1)	Function of lodging copy of approved amendment	CSLUP, CSP, GMED, MPD, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	
s 41	Duty to make approved amendment available	CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, SP, SPP, TLPPS	
s 42	Duty to make copy of planning scheme available	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	
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	ND	Where Council is a responsible public entity and is a planning authority Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils
s 46AW	Function of being consulted by the Minister	CSLUP, CSP, GMED, MPD	Where Council is a responsible public entity

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	CSLUP, CSP, GMED, MPD	Where Council is a responsible public entity
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	CSLUP, CSP, GMED, MPD, PStrP, PStaP	Where Council is a responsible public entity
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	CSLUP, CSP, GMED, MPD, PStrP, PStaP	Where Council is a responsible public entity
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	CSLUP, CSP, GMED, MPD, PStrP, PStaP	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	CSLUP, CSP, GMED, MPD, PStrP, PStaP	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	CSLUP, CSP, GMED, MPD, PStrP, PStaP	

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	CSLUP, CSP, GMED, MPD, PStrP, PStaP	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	CSLUP, CSP, GMED, MPD, PStrP, PStaP	
s 46GP	Function of receiving a notice under s 46GO	CSLUP, CSP, GMED, MPD, PStrP, PStaP	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	CSLUP, CSP, GMED, MPD, PStrP, PStaP	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	CSLUP, CSP, GMED, MPD, PStrP, PStaP	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	CSLUP, CSP, GMED, MPD, PStrP, PStaP	
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	CSLUP, CSP, GMED, MPD, PStrP, PStaP	

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Provision	Powers and Functions Delegated	Delegate	Conditions and 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	CSLUP, CSP, GMED, MPD, PStrP, PStaP	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	CSLUP, CSP, GMED, MPD, PStrP, PStaP	
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	CSLUP, CSP, GMED, MPD, PStrP, PStaP	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	CSLUP, CSP, GMED, MPD, PStrP, PStaP	
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	CSLUP, CSP, GMED, MPD, PStrP, PStaP	
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	CSLUP, CSP, GMED, MPD, PStrP, PStaP	Where Council is the collecting agency

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GV(3)(b)	Power to enter into an agreement with the applicant	CSLUP, CSP, GMED, MPD, PStrP, PStaP	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)	CSLUP, CSP, GMED, MPD, PStrP, PStaP	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)	CSLUP, CSP, GMED, MPD, PStrP, PStaP	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	CSLUP, CSP, GMED, MPD, PStrP, PStaP	
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, MF, MPD	Where Council is the collecting agency
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	CSLUP, CSP, GMED, MPD, PStrP, PStaP	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, MF, MPD	Where Council is the collecting agency

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GY(1)	Duty to keep proper and separate accounts and records	GMED, GMGI, MF, MPD	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	GMED, GMGI, MF, MPD	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, MF, MPD	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, MF, MPD	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	CSLUP, CSP, GMED, MPD, PStrP, PStaP	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(2)(b)	Function of receiving the monetary component	GMED, GMGI, MF, MPD	Where Council is the development agency under an approved infrastructure contributions plan

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			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, MF, MPD	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	GMED, GMGI, MF, MPD	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, MF, MPD	Where Council is the development agency specified in the approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	GMED, GMGI, MF, MPD	Where Council is the collecting agency under an approved infrastructure contributions plan

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	CSLUP, CSP, GMED, MPD	<p>If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4)</p> <p>Where Council is the collecting agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the development agency</p>
s 46GZ(9)	Function of receiving the fee simple in the land	GMED, GMGI, MF, MPD	<p>Where Council is the development agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the collecting agency</p>
s 46GZA(1)	Duty to keep proper and separate accounts and records	GMED, GMGI, MF, MPD	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	CSLUP, CSP, GMED, MF, MPD	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	GMGI, MF	Where Council is a development agency under an approved infrastructure contributions plan

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	GMED, GMGI, MF, MPD	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, MF, MPD	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, MF, MPD	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, MF, MPD	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	GMED, GMGI, MF, MPD	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	GMED, GMGI, MF, MPD	Where Council is the collecting agency under an approved infrastructure contributions plan

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			This duty does not apply where Council is also the development agency
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	GMED, GMGI, MF, MPD	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, MF, MPD	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, MF, MPD	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, MF, MPD	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	GMED, GMGI, MF, MPD	Where Council is the collecting agency under an approved infrastructure contributions plan

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	each current owner a portion of the proceeds in accordance with s 46GZF(5)		
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	GMED, GMGI, MF, MPD	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, MF, MPD	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, MF, MPD	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, MF, MPD, PropO	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)	CSLUP, CSP, GMED, GMGI, MF, MPD	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	CSLUP, CSP, GMED, MPD, PStrP, PStaP	

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s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	CSLUP, CSP, GMED, MPD, PStrP, PStaP	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	CSLUP, CSP, GMED, MPD, PStrP, PStaP	
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	CSLUP, CSP, GMED, MPD, PStrP, PStaP	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	CSLUP, CSP, GMED, MPD, PStrP, PStaP	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	CSLUP, CSP, GMED, MPD, PStrP, PStaP	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CSLUP, CSP, GMED, MPD	
s 46Q(1)	Duty to keep proper accounts of levies paid	CEng, CFA, CSLUP, CSP, DE, GMED, GMGI, IDO, MF, MPD	

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s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency or plan preparation costs incurred by a development agency	CEng, CFA, CSLUP, CSP, DE, GMED, GMGI, IDO, MF, MPD	
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	CEng, CEO, CFA, CSLUP, CSP, DE, GMED, GMGI, IDO, MF, MPD, SAM	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	CFA, CSLUP, CSP, GMED, GMGI, MF, MPD	Only applies when levy is paid to Council as a 'development agency'
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	CFA, CSLUP, CSP, GMED, GMGI, MF, MPD	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	CSLUP, CSP, GMED, MPD	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	CFA, CSLUP, CSP, GMED, GMGI, MF, MPD, SAM	With the consent of, and in the manner approved by, the Minister

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46QC	Power to recover any amount of levy payable under Part 3B	CFA, CSLUP, CSP, GMED, GMGI, MF, MPD, SAM	
s 46QD	Duty to prepare report and give a report to the Minister	GMED, GMGI, MF, MPD	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	ND	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	ND	
s 47	Power to decide that an application for a planning permit does not comply with that Act	CPC, CSLUP, CSP, GMED, MPD, PIO, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PPIO, PStrP, PStaP, , SPIO, SPP, TLPPS	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	, CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO , PStrP, PStaP, , ,SPP, TLPPS,	
s 49(2)	Duty to make register available for inspection	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO,	

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		PCSASO, PO, VPTP, PSO, PStrP, PStaP, SP, SPP, TLPPS	
s 50(4)	Duty to amend application	CSLUP, CSP, GMED, MPD, PSO, PO, VPTP, AOPD, AOPLAN, PPAO, PAO, PCSASO, PStrP, PStaP, , SPP, TLPPS	
s 50(5)	Power to refuse to amend application	CSLUP, CSP, MPD, PO, VPTP, PStrP, PStaP, SPP, TLPPS	
s 50(6)	Duty to make note of amendment to application in register	CSLUP, CSP, GMED, MPD, PSO, PO, VPTP, AOPD, AOPLAN, PPAO, PAO, PCSASO, PStrP, PStaP, , SPP, TLPPS	
s 50A(1)	Power to make amendment to application	CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, , SPP, TLPPS	

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s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, , SPP, TLPPS	
s 50A(4)	Duty to note amendment to application in register	CSLUP, CSP, GMED, MPD, PSO, PO, VPTP, AOPD, AOPLAN, PPAO, PAO, PCSASO, PStrP, PStaP, , SPP, TLPPS	
s 51	Duty to make copy of application available for inspection	CSLUP, CSP, GMED, MPD, PSO, PO, VPTP, AOPD, AOPLAN, PPAO, PAO, PCSASO, PStrP, PStaP, , SPP, TLPPS	
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	CSLUP, CSP, GMED, MPD, PSO, PO, VPTP, AOPD, AOPLAN, PPAO, PAO, PCSASO, PStrP, PStaP, , SPP, TLPPS	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	CSLUP, CSP, GMED, MPD, PSO, PO, VPTP, AOPD, AOPLAN, PPAO, PAO,	

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		PCSASO, PStrP, PStaP, , SPP, TLPPS	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	CSLUP, CSP, GMED, MPD, PSO, PO, VPTP, AOPD, AOPLAN, PPAO, PAO, PCSASO, PStrP, PStaP, , SPP, TLPPS	
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	CSLUP, CSP, GMED, MPD, PSO, PO, VPTP, AOPD, AOPLAN, PPAO, PAO, PCSASO, PStrP, PStaP, , SPP, TLPPS	
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	CSLUP, CSP, GMED, MPD, PSO, PO, VPTP, AOPD, AOPLAN, PPAO, PAO, PCSASO, PStrP, PStaP, SPP, TLPPS	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	CSLUP, CSP, GMED, MPD, PSO, PO, VPTP, PStrP, PStaP, AOPD, AOPLAN,	

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		PPAO, PAO, PCSASO, , SPP, TLPPS	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	
s 52(3)	Power to give any further notice of an application where appropriate	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, SP, SPP, TLPPS	

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 54(1)	Power to require the applicant to provide more information	CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, , SPP, TLPPS	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, , SPP, TLPPS	
s 54(1B)	Duty to specify the lapse date for an application	CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, , SPP, TLPPS	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CSLUP, CSP, MPD, PO, VPTP, PStrP, PStaP, SPP, TLPPS	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	CSLUP, CSP, MPD, PO, VPTP, PStrP, PStaP, SPP, TLPPS	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CSLUP, CSP, MPD	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment & Development or Manager Planning & Development.
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	
s 57(5)	Duty to make available for inspection copy of all objections	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PStrP, PStaP, PSO,, SPP, TLPPS	
s 57A(5)	Power to refuse to amend application	CSLUP, CSP, GMED, MPD, PStrP, PStaP, SPP, TLPPS, PO, VPTP	

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s 57A(6)	Duty to note amendments to application in register	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PStrP, PStaP, PSO, SPP, TLPPS	
s 57B(1)	Duty to determine whether and to whom notice should be given	CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, , SPP, TLPPS	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, , SPP, TLPPS	
s 57C(1)	Duty to give copy of amended application to referral authority	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	
s 58	Duty to consider every application for a permit	CSLUP, CSP, GMED, MPD, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	
s 58A	Power to request advice from the Planning Application Committee	CSLUP, CSP, GMED, MPD, PStrP, PStaP	

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 60	Duty to consider certain matters	CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, , SPP, TLPPS	
s 60(1A)	Duty to consider certain matters	CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, , SPP, TLPPS	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, , SPP, TLPPS	
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, SPP, TLPPS	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006
			<p>Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment & Development, Manager Planning & Development or Coordinator Statutory Planning or the Principal Statutory Planner.</p> <p>LIMITATIONS:</p>

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			<p>The Planning Officer, Vicsmart and Fast Track Planner and Senior Statutory Planner's authority to determine the application where the application has been subject to public notice and there are no objections, or an exemption from public notice under the planning scheme exists and the intended decision is to grant a permit or grant a permit with conditions must have the written support of the Principal Statutory planner or Coordinator Statutory Planning or Manager Planning & Development, or General Manager Environment & Development.</p> <p>The Planning Officer, Vicsmart and Fast Track Planner and Senior Statutory Planner's authority to determine an application where the application has not been subject to public notice requires the written support of the Coordinator Statutory Planning or Manager Planning & Development, or General Manager Environment & Development.</p> <p>The authority to determine to approve an application with one objection is limited to the Coordinator Statutory Planning and the Manager Planning & Development and the General Manager Environment & Development</p> <p>The authority to determine an application with two or more objections is limited to the Manager Planning & Development and the General Manager Environment & Development</p>

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			The authority to determine to refuse an application is limited to the Manager Planning & Development and the General Manager Environment & Development.
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CSLUP, CSP, GMED, MPD, PStrP, PStaP	Delegation will be exercised after written support for the intended decision has been obtained from the General Manager Environment & Development, Manager Planning & Development or Coordinator Statutory Planning, Principal Statutory Planner
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	Delegation will be exercised after written support for the intended decision has been obtained from the General Manager Environment & Development, Manager Planning and Development or Coordinator Statutory Planning.
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	CSLUP, CSP, GMED, MPD	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment & Development, Manager Planning & Development or Coordinator Statutory Planning.

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	CSLUP, CSP, GMED, MPD	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment & Development, Manager Planning & Development or Coordinator Statutory Planning.
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	CSLUP, CSP, GMED, MPD	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment & Development or Manager Planning & Development.
s 62(1)	Duty to include certain conditions in deciding to grant a permit	CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, SPP, TLPPS	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment & Development, Manager Planning & Development or Coordinator Statutory Planning.

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 62(2)	Power to include other conditions	CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, SPP, TLPPS	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment & Development, Manager Planning & Development or Coordinator Statutory Planning.
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, SPP, TLPPS	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment & Development, Manager Planning & Development or Coordinator Statutory Planning.
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, SPP, TLPPS	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment & Development, Manager Planning & Development or Coordinator Statutory Planning.
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, SPP, TLPPS	Delegation will be exercised after written support for the intended decision has been obtained from a more senior

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			officer, being the General Manager Environment & Development, Manager Planning & Development or Coordinator Statutory Planning.
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, SPP, TLPPS	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment & Development, Manager Planning & Development or Coordinator Statutory Planning.
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	CSLUP, CSP, MPD, PO, VPTP, PStrP, PStaP, SPP, TLPPS	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment & Development, Manager Planning & Development or Coordinator Statutory Planning.
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	CSLUP, CSP, MPD, PO, VPTP, PStrP, PStaP, SPP, TLPPS	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment & Development, Manager Planning & Development or Coordinator Statutory Planning.

Planning and Environment Act 1987

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	CSLUP, CSP, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment & Development, Manager Planning & Development or Coordinator Statutory Planning.
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(3)	Duty not to issue a permit until after the specified period	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO,	This provision applies also to a decision to grant an amendment to a permit - see s 75A

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	the application, if a relevant recommending referral authority has objected to the grant of a permit	PCSASO, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	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	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	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	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	
s 69(1A)	Function of receiving application for extension of time to complete development	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	
s 69(2)	Power to extend time	CSLUP, CSP, MPD, PStrP, PStaP, SPP, TLPPS	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment & Development, Manager Planning & Development or Coordinator Statutory Planning, Principal Statutory Planner
s 70	Duty to make copy permit available for inspection	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO,	

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		PCSASO, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	
s 71(1)	Power to correct certain mistakes	CSLUP, CSP, GMED, MPD, PStrP, PStaP,	
s 71(2)	Duty to note corrections in register	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	
s 73	Power to decide to grant amendment subject to conditions	CSLUP, CSP, MPD, PO, VPTP, PStrP, PStaP, SPP, TLPPS	<p>The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006</p> <hr/> <p>Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment & Development, Manager Planning & Development or Coordinator Statutory Planning or the Principal Statutory Planner.</p> <p>LIMITATIONS:</p> <p>The Planning Officer, Vicsmart and Fast Track Planner and Senior Statutory Planner's authority to determine the application where the application has been subject to</p>

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			<p>public notice and there are no objections, or an exemption from public notice under the planning scheme exists and the intended decision is to grant a permit or grant a permit with conditions must have the written support of the Principal Statutory planner or Coordinator Statutory Planning or Manager Planning & Development, or General Manager Environment & Development.</p> <p>The Planning Officer, Vicsmart and Fast Track Planner and Senior Statutory Planner's authority to determine an application where the application has not been subject to public notice requires the written support of the Coordinator Statutory Planning or Manager Planning & Development, or General Manager Environment & Development.</p> <p>The authority to determine to approve an application with one objection is limited to the Coordinator Statutory Planning and the Manager Planning & Development and the General Manager Environment & Development</p> <p>The authority to determine an application with two or more objections is limited to the Manager Planning & Development and the General Manager Environment & Development</p>

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			The authority to determine to refuse an application is limited to the Manager Planning & Development and the General Manager Environment & Development.
s 74	Duty to issue amended permit to applicant if no objectors	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, SP, SPP, TLPPS	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, SP, SPP, TLPPS	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	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

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			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	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	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	CSLUP, CSP, GMED, MPD, PStrP, PStaP	
s 83	Function of being respondent to an appeal	CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, , SPP, TLPPS	
s 83B	Duty to give or publish notice of application for review	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	

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s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	CSLUP, CSP, GMED, MPD	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment & Development, Manager Planning & Development or Coordinator Statutory Planning.
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	CSLUP, CSP, GMED, MPD, PStrP, PStaP	
s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	CSP, GMED, MPD, PStrP, PStaP, SPP, TLPPS	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	CSLUP, CSP, GMED, MPD, PStrP, PStaP	
s 84AB	Power to agree to confining a review by the Tribunal	CSLUP, CSP, GMED, MPD, PStrP, PStaP	
s 86	Duty to issue a permit at order of Tribunal within 3 working days	CSLUP, CSP, GMED, MPD, PStrP, PStaP, PO, VPTP	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	CPC, CSLUP, CSP, GMED, MPD	

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s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	CPC, CSLUP, CSP, GMED, MPD, PStrP, PStaP	
s 91(2)	Duty to comply with the directions of VCAT	CPC, CSLUP, CSP, GMED, MPD, PStrP, PStaP, SPIO	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	CPC, CSLUP, CSP, GMED, MPD, PStrP, PStaP	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	CPC, CSLUP, CSO, GMED, MPD, SPP, TLPPS	
s 93(2)	Duty to give notice of VCAT order to stop development	CPC, CSLUP, CSP, GMED, MPD, PPIO, PStrP, PStaP, SPIO, SPP, TLPPS	
s 95(3)	Function of referring certain applications to the Minister	CSLUP, CSP, GMED, MPD, PStrP, PStaP	
s 95(4)	Duty to comply with an order or direction	CSLUP, CSP, GMED, MPD, PStrP, PStaP, SPP, TLPPS	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	CSLUP, CSP, GMED, MPD, PStrP, PStaP, SPP, TLPPS	

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s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	CSLUP, CSP, GMED, MPD	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	CSLUP, CSP, GMED, MPD	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	
s 96F	Duty to consider the panel's report under s 96E	ND	
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996)	ND	
s 96H(3)	Power to give notice in compliance with Minister's direction	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO , SPP, TLPPS	
s 96J	Power to issue permit as directed by the Minister	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO,	

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		PCSASO, PO, VPTP, PSO, PStrP, PStaP, SPP, TLPPS,	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, SPP, TLPPS	
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	CSLUP, CSP, GMED, MPD, PO, VPTP, , PStrP, PStaP, SPP, TLPPS	
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	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, SPP, TLPPS	
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	CSLUP, CSP, GMED, MPD, PO, VPTP, , PSO, SPP, TLPPS	

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s 97G(6)	Duty to make a copy of permits issued under s 97F available for inspection	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, , PStrP, PStaP, SPP, TLPPS	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, , SPP, TLPPS	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, , SPP, TLPPS	
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	CPC, CSLUP, CSP, GMED, MPD, SPP, TLPPS	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment & Development, Manager Planning & Development or Coordinator Statutory Planning.

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	CPC, CSLUP, CSP, GMED, MPD, PPIO, SPIO, SPP, TLPPS	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CPC, CSLUP, CSP, GMED, MPD, PPIO, PStrP, PStaP, SPIO, SPP, TLPPS	
s 97Q(4)	Duty to comply with directions of VCAT	CPC, CSLUP, CSP, GMED, MPD, PStrP, PStaP, PPIO, SPIO, SPP, TLPPS,	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	CPC, CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PSO, PStrP, PStaP, PPIO, SPIO, SPP, TLPPS	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	CSLUP, CSP, GMED, MPD, PStrP, PStaP, PO, VPTSP, TLPPS	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	CSLUP, CSP, GMED, MPDSPP, TLPPSPStrP, PStaP	

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 101	Function of receiving claim for expenses in conjunction with claim	, CSLUP, CSP, GMED, MPD, PStrP, PStaP	
s 103	Power to reject a claim for compensation in certain circumstances	, CSLUP, CSP, GMED, MPD	
s.107(1)	function of receiving claim for compensation	CSLUP, CSP, GMED, MPD, PStrP, PStaP	
s 107(3)	Power to agree to extend time for making claim	, CSLUP, CSP, GMED, MPD	
s 114(1)	Power to apply to the VCAT for an enforcement order	CPC, CSLUP, CSP, GMED, MPD, PPIO, PStrP, PStaP, SPIO, SPP, TLPPS	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	CPC, CSLUP, CSP, GMED, MPD, PPIO, PStrP, PStaP, SPIO, SPP, TLPPS	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CPC, CSLUP, CSP, GMED, MPD, PPIO, PPIO, SPIO, SPP, TLPPS	
s 123(1)	Power to carry out work required by enforcement order and recover costs	CPC, CSLUP, CSP, GMED, MPD	

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	CPC, CSLUP, CSP, GMED, MPD	Except Crown Land
s 129	Function of recovering penalties	CPC, CSLUP, CSP, GMED, MPD	
s 130(5)	Power to allow person served with an infringement notice further time	CPC, CSLUP, CSP, GMED, MPD	
s 149A(1)	Power to refer a matter to the VCAT for determination	CPC, CSLUP, CSP, GMED, MPD, PStrP, PStaP, PPIO, SPP, TLPPS	
s 149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	CPC, CSLUP, CSP, GMED, MPD, SPP, TLPPSPStrP, PStaP	
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B)power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	CSLUP, CSP, GMED, MPD	Where Council is the relevant planning authority

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 171(2)(f)	Power to carry out studies and commission reports	CPC, CSLUP, CSP, GMED, MPD, PStrP, PStaP, SPP, TLPPS	
s 171(2)(g)	Power to grant and reserve easements	CSLUP, CSP, GMED, MPD	
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 s 174	CEO, GMED, MPD	The MPD and the GMED delegated power is limited to agreements required by the planning scheme, building envelopes and waste water management envelopes.

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- (c) the Victorian Planning Authority.

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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
	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	CPC, CSLUP, CSP, GMED, MPD, PIO, PO, VPTP, PPIO, PStr P, PSta P, SPIO, SPP, TLPPS	
	Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	CSLUP, CSP, GMED, MPD, PPIO, PIO, PO, VPTP, PStrP, PStaP, SPIO, SPP, TLPPS	
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	GMED, MPD, CSP,	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment & Development, Manager Planning & Development
s 178	power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, GMED	Where the Chief Executive Officer has a conflict of interest.
s 178A(1)	Function of receiving application to amend or end an agreement	, CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO,	

Planning and Environment Act 1987

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		PCSASO,, PO, VPTP, PSO, PStrP, PStaPSPP, TLPPS	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	CEO, 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 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	CSLUP, CSP, GMED, MPD	

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	CSLUP, CSP, GMED, MPD	
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	CPC, CSLUP, CSP, GMED, MPD, PIO, PStrP, PStaP, PO, VPTP, SPIO, SPP, TLPPS	
s 178C(4)	Function of determining how to give notice under s 178C(2)	CPC, CSLUP, CSP, GMED, MPD, PStrP, PStaP, SPP, TLPPS	
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
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

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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
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
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 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

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			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 and give copy to each other party to the agreement	CEO, GMED	Where the CEO has a conflict of interest.
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	, CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP , , SPP, TLPPS,	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	CPC, CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, , , SPP, TLPPS	

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 179(2)	Duty to make available for inspection copy agreement	CPC, CSLUP, CSP, GMED, MPD, PO, VPTP, , SPIO, SPP, TLPPS	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	, CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, , , SPP, TLPPS	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	, CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP,, SPP, TLPPS	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	, CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP,, , SPP, TLPPS	
s 182	Power to enforce an agreement	, CSLUP, CSP, GMED, MPD, , PO, VPTP, SPS, SPP, TLPPS	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	, CSLUP, CSP, GMED, MPD, , PO, VPTP, SPS, , SPP, TLPPS	
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	

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	, CSLUP, CSP, GMED, MPD, , PO, VPTP, PStrP, PStaP , SPP, TLPPS	
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	, CSLUP, CSP, GMED, MPD, , PO, VPTP, SPS , SPP, TLPPS	
s 184G(2)	Duty to comply with a direction of the Tribunal	CSLUP, CSP, GMED, MPD, PO, VPTP, SPS, SPP, TLPPS	
s 184G(3)	Duty to give notice as directed by the Tribunal	CSLUP, CSP, GMED, MPD, PO, VPTP, SPS, SPP, TLPPS	
s 198(1)	Function to receive application for planning certificate	CSLUP, CSP, GMED, MPD, PO, VPTP, SPS, SPP, TLPPS	
s 199(1)	Duty to give planning certificate to applicant	CSLUP, CSP, GMED, MPD, PO, VPTP, SPS, SPP, TLPPS	

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 201(1)	Function of receiving application for declaration of underlying zoning	CSLUP, CSP, GMED, MPD, PO, VPTP, SPS, SPP, TLPPS	
s 201(3)	Duty to make declaration	CSLUP, CSP, MPD, PO, VPTPPStrP, PStaP, SPP, TLPPS	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment & Development, Manager Planning & Development, Coordinator Statutory Planning, Principal Statutory Planner.
	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	CPC, CSLUP, CSP, MPD, PIO, PO, VPTP, PPIO, PStrP, PStaP, SPIO, SPP, TLPPS	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment & Development, Manager Planning & Development, Coordinator Statutory Planning, Coordinator Planning Compliance, Principal Statutory Planner
	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	CPC, CSLUP, CSP, GMED, MPD, PIO, PO, VPTP, PStrP, PStaP, SPIO, SPP, TLPPS	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment & Development, Manager Planning & Development, Coordinator Statutory Planning, Coordinator Strategic

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			Land Use Planning, Principal Statutory Planner , Principal Strategic Planner
	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	CPC, CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, SPP, TLPPS	<p>LIMITATIONS:</p> <p>Delegated power to approve development plans is limited to the Manager Planning & Development, Coordinator Strategic Land Use Planning 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.</p> <p>Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment & Development or Manager Planning & Development. Planning Officer, Vicsmart and fast track planner and Senior Statutory Planner's authority to determine an application where the intended decision is to approve secondary consents require the written support of the Principal Statutory Planner, or Coordinator Statutory Planning or Manager Planning & Development, or General Manager Environment & Development.</p>

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	Power to give written authorisation in accordance with a provision of a planning scheme	CPC, CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, SPP, TLPPS	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment & Development, Manager Planning & Development, Coordinator Statutory Planning, Principal Statutory Planner.
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	CSLUP, CSP, GMED, MPD, SPS, SPP, TLPPS	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	CSLUP, CSP, GMED, MPD, SPS, SPP, TLPPS	

Residential Tenancies Act 1997

Section 3(1) states – **Council** has the same meaning as in section 3(1) of the Local Government Act 2020.

Section 524(2) states – A Council may, by instrument, delegate to an officer of, or holder of an office in, the Council any of its power or functions, under this Part and the regulations under this Part, except this power of delegation.

Note: Part referenced is Part 14 (s.512 - s.527)

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 91ZU(1)	Power to give a renter a notice to vacate rented premises	CEO	Where Council is a public statutory authority engaged in the provision of housing Note: this power is not yet in force and will commence on 1 January 2021, unless proclaimed earlier
s 91ZZC(1)	Power to give a renter a notice to vacate rented premises	CEO	Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes Note: this power is not yet in force and will commence on 1 January 2021, unless proclaimed earlier
s 91ZZE(1)	Power to give a renter a notice to vacate rented premises	CEO	Where Council is a public statutory authority engaged in the provision of housing Note: this power is not yet in force and will commence on 1 January 2021, unless proclaimed earlier
s 91ZZE(3)	Power to publish Council's criteria for eligibility for the provision of housing	GMCC	Where Council is a public statutory authority engaged in the provision of housing Note: this power is not yet in force and will commence on 1 January 2021, unless proclaimed earlier
s 142D	Function of receiving notice regarding an unregistered rooming house	CEH, EHO	

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Section 3(1) states – **Council** has the same meaning as in section 3(1) of the Local Government Act 2020.

Section 524(2) states – A Council may, by instrument, delegate to an officer of, or holder of an office in, the Council any of its power or functions, under this Part and the regulations under this Part, except this power of delegation.

Note: Part referenced is Part 14 (s.512 - s.527)

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district	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 206AZA(2)	Function of receiving written notification	GMCC	Note: this power is not yet in force and will commence on 1 January 2021, unless proclaimed earlier
s 207ZE(2)	Function of receiving written notification	GMCC	Note: this power is not yet in force and will commence on 1 January 2021, unless proclaimed earlier
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	BI, BS, CEH, EHO, MBS	
s 522(1)	Power to give a compliance notice to a person	BI, BS, CEH, EHO, MBS	

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Section 3(1) states – **Council** has the same meaning as in section 3(1) of the Local Government Act 2020.

Section 524(2) states – A Council may, by instrument, delegate to an officer of, or holder of an office in, the Council any of its power or functions, under this Part and the regulations under this Part, except this power of delegation.

Note: Part referenced is Part 14 (s.512 - s.527)

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	CEO	
s 525(4)	Duty to issue identity card to authorised officers	CEO	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	BI, BS, CEH, EHO, MBS	
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)	BI, BS, CEH, EHO, MBS	

Road Management Act 2004

Section 118(1) states – A road authority may by instrument delegate to any person any function or power of the road authority under this Act or any other Act or under the regulations other than this power of delegation.

Note: road authority means a person or body specified in or under section 37 – including municipal council.

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	GMGI, MES, SAM	Obtain consent in circumstances specified in s 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	GMGI, MES, SAM	
s 11(9)(b)	Duty to advise Registrar	GMGI, MES, SAM	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	GMGI, MES, SAM	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	GMGI, MES, SAM	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	GMGI, MES, PropO, SAM	Where Council is the coordinating road authority
s 12(4)	Power to publish, and provide copy, notice of proposed discontinuance	GMGI, MES, PropO, SAM	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(5)	Duty to consider written submissions received within 28 days of notice	GMGI, MES, SAM	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(6)	Function of hearing a person in support of their written submission	GMGI, MES, SAM	Function of coordinating road authority where it is the discontinuing body Unless s 12(11) applies

s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	GMGI, MES, PropO, SAM	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(10)	Duty to notify of decision made	GMGI, MES, PropO, SAM	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, MES, SAM	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	GMGI, MES, SAM	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	GMGI, MES, SAM	
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, MES, SAM	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	MES, SAM	
s 15(2)	Duty to include details of arrangement in public roads register	MES, SAM	
s 16(7)	Power to enter into an arrangement under s 15	MES, SAM	
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	MES, SAM	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	MES, SAM	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	MES, SAM	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s 18(3)	Duty to record designation in public roads register	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	
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	MES, SAM	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	MES, SAM	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	GMGI	

s 22(5)	Duty to give effect to a direction under s 22	GMGI	
s 40(1)	Duty to inspect, maintain and repair a public road.	CCW, MES, SAM	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	CCW, MES, SAM	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	CCW, MES, SAM	
s 42(1)	Power to declare a public road as a controlled access road	MES, SAM	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	MES, SAM	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with VicRoads before road is specified	GMGI, MES, SAM	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	CDT, GMGI, MES, SAM	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)	CDT, GMGI, MES, SAM	Where Council is the responsible road authority, infrastructure manager or works manager
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	GMGI, MES, SAM	

s 49	Power to develop and publish a road management plan	GMGI, MES, SAM	
s 51	Power to determine standards by incorporating the standards in a road management plan	GMGI, MES, SAM	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	GMGI, MES, SAM	
s 54(2)	Duty to give notice of proposal to make a road management plan	GMGI, MES, SAM	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	GMGI, MES, SAM	
s 54(6)	Power to amend road management plan	GMGI, MES, SAM	
s 54(7)	Duty to incorporate the amendments into the road management plan	GMGI, MES, SAM	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	GMGI, MES, SAM	
s 63(1)	Power to consent to conduct of works on road	APO, CCW, CDE, CEng, DE, IDO, MES, SAM	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	CCW, MES, SAM	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	MES, SAM	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	MES, SAM	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	MES, SAM	Where Council is the coordinating road authority
s 67(3)	Power to request information	MES, SAM	Where Council is the coordinating road authority
s 68(2)	Power to request information	MES, SAM	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	
s 85	Function of receiving report from authorised officer	SAM	
s 86	Duty to keep register re s 85 matters	SAM	
s 87(1)	Function of receiving complaints	MES, SAM	
s 87(2)	Duty to investigate complaint and provide report	MES, SAM	
s 112(2)	Power to recover damages in court	CCW, MES, SAM	
s 116	Power to cause or carry out inspection	CCW, MES, SAM	
s 119(2)	Function of consulting with the Head, Transport for Victoria	GMGI, MES, SAM	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	GMGI, MES, SAM	

s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	CCW, MES, SAM	
s 121(1)	Power to enter into an agreement in respect of works	CDT, GMGI, MES, SAM	
s 122(1)	Power to charge and recover fees	CDT, GMGI, MES, SAM	
s 123(1)	Power to charge for any service	CDT, GMGI, MES, SAM	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	MES, SAM	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	ND	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	ND	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	CDT, MES, SAM	
sch 2 cl 5	Duty to publish notice of declaration	CDT, MES, SAM	
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	CDT, MES, SAM	Where Council is the infrastructure manager or works manager
sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	CDT, MES, SAM	Where Council is the infrastructure manager or works manager

sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	CCW, MES, SAM	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	MES, SAM	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	MES, SAM	Where Council is the infrastructure manager or works manager
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	APO, CDE, CEng, DE, IDO, MES, SAM	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	APO, CDE, CEng, DE, IDO, MES, SAM	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	APO, CCW, CDE, CEng, DE, IDO, MES, SAM	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	MES, SAM	Where Council is the coordinating road authority
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	MES, SAM	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	MES, SAM	Where Council is the coordinating road authority

sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	MES, SAM	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	APO, CDE, CEng, DE, IDO, MES, SAM	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	APO, CDE, CEng, DE, GMGI, IDO, MES, SAM	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	APO, CDE, CEng, DE, GMGI, IDO, MES, SAM	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	APO, CDE, CEng, DE, GMGI, IDO, MES, SAM	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	APO, CDE, CEng, DE, GMGI, IDO, MES, SAM	Where Council is the coordinating road authority
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	APO, CDE, CEng, DE, IDO, MES, SAM	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	APO, CDE, CEng, DE, IDO, MES, SAM	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	APO, CDE, CEng, DE, IDO, MES, SAM	Where Council is the coordinating road authority

sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	CDE, MES, SAM	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	CDE, MES, SAM	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	CDT, MES	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	CDT, MES	Where Council is the responsible road authority
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas	CDT, MES	Where Council is the responsible road authority
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4	CDT, MES	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

Planning and Environment Regulations 2015

Section 188 of the Planning and Environment Act 1987, for which this regulation is created under, states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—

- (a) a committee of the authority; or
- (b) an officer of the authority; or
- (c) the Victorian Planning Authority.

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	CSLUP, CSP, GMED, MPD, PO, VPTP, SPS, SPP, TLPPS	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	CSLUP, CSP, GMED, AOPD, AOPLAN, PPAO, PAO, PCSASO, MPD, PSO, PO, VPTP, SPS, SPP, TLPPS	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	CSLUP, CSP, GMED, MPD, PO, VPTP, SPS, SPP, TLPPS	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	CSLUP, CSP, GMED, MPD, PO, VPTP, SPS, SPP, TLPPS	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	CSLUP, CSP, GMED, MPD, PO, VPTP, SPS, SPP, TLPPS	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.

Planning and Environment (Fees) Regulations 2016

Section 188 of the Planning and Environment Act 1987, for which this regulation is created under, states - (1) *A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—*

- (a) a committee of the authority; or*
- (b) an officer of the authority; or*
- (c) the Victorian Planning Authority.*

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CSLUP, GMED, MPD	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CSP, GMED, MPD	
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	CSLUP, CSP, GMED, MPD	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020

Section 524(2) of the Residential Tenancies Act states – *A Council may, by instrument, delegate to an officer of, or holder of an office in, the Council any of its power or functions, under this Part and the regulations under this Part, except this power of delegation.*

Note: Part referenced is Part 14 (s.512 - s.527) under which this regulation is made (s.514).

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 7	Function of entering into a written agreement with a caravan park owner	BI, BS, CEH, EHO, MBS	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020

Section 524(2) of the Residential Tenancies Act states – *A Council may, by instrument, delegate to an officer of, or holder of an office in, the Council any of its power or functions, under this Part and the regulations under this Part, except this power of delegation.*

Note: Part referenced is Part 14 (s.512 - s.527) under which this regulation is made (s.514).

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 10	Function of receiving application for registration	CEH, EHO	
r 11	Function of receiving application for renewal of registration	CEH, EHO	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	CEH, EHO	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CEH, EHO	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	CEH, EHO	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CEH	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	CEH	
r 12(4) & (5)	Duty to issue certificate of registration	CEH, EHO	
r 14(1)	Function of receiving notice of transfer of ownership	CEH, EHO	
r 14(3)	Power to determine where notice of transfer is displayed	CEH, EHO	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020

Section 524(2) of the Residential Tenancies Act states – *A Council may, by instrument, delegate to an officer of, or holder of an office in, the Council any of its power or functions, under this Part and the regulations under this Part, except this power of delegation.*

Note: Part referenced is Part 14 (s.512 - s.527) under which this regulation is made (s.514).

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 15(1)	Function of receiving notice of transfer of ownership	CEH, EHO	
r 15(2)	Duty to issue a certificate of transfer of registration	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 17	Duty to keep register of caravan parks	CEH	Must contain information referred to in r 17(1) (a) – (i)
r 18(4)	Power to determine where the emergency contact person's details are displayed	CEH, EHO	
r 18(6)	Power to determine where certain information is displayed	CEH, EHO	
r 22(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	CEH, EHO	
r 22(2)	Duty to consult with relevant emergency services agencies	CEH, EHO	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020

Section 524(2) of the Residential Tenancies Act states – *A Council may, by instrument, delegate to an officer of, or holder of an office in, the Council any of its power or functions, under this Part and the regulations under this Part, except this power of delegation.*

Note: Part referenced is Part 14 (s.512 - s.527) under which this regulation is made (s.514).

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	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 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	BS, CEH, EHO, MBS	
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	BS, CEH, EHO, MBS	
r 41(4)	Function of receiving installation certificate	BS, CEH, EHO, MBS	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	BS, MBS	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020

Section 524(2) of the Residential Tenancies Act states – *A Council may, by instrument, delegate to an officer of, or holder of an office in, the Council any of its power or functions, under this Part and the regulations under this Part, except this power of delegation.*

Note: Part referenced is Part 14 (s.512 - s.527) under which this regulation is made (s.514).

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 3 cl4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	BS, MBS	

Road Management (General) Regulations 2016

Section 118(1) of the Road Management Act 2004 states – *A road authority may by instrument delegate to any person any function or power of the road authority under this Act or any other Act or under the regulations other than this power of delegation.*

Note: road authority means a person or body specified in or under section 37 – including municipal council.

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 8(1)	Duty to conduct reviews of road management plan	MES, SAM	
r 9(2)	Duty to produce written report of review of road management plan and make report available	MES, SAM	
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 s 41 of the Act	MES, SAM	

Road Management (General) Regulations 2016

Section 118(1) of the Road Management Act 2004 states – *A road authority may by instrument delegate to any person any function or power of the road authority under this Act or any other Act or under the regulations other than this power of delegation.*

Note: road authority means a person or body specified in or under section 37 – including municipal council.

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	MES, SAM	
r 16(3)	Power to issue permit	MES, SAM	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	CDT, MES, SAM	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	MES, SAM	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	MES, SAM	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	CCW, CWM, MES, SAM	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))	MES, SAM	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	MES, SAM	

Road Management (Works and Infrastructure) Regulations 2015

Section 118(1) of the Road Management Act 2004 states – *A road authority may by instrument delegate to any person any function or power of the road authority under this Act or any other Act or under the regulations other than this power of delegation.*

Note: road authority means a person or body specified in or under section 37 – including municipal council.

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	MES, SAM	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive whole or part of fee in certain circumstances	MES, SAM	Where Council is the coordinating road authority

4.4 Local Government Act 2020 - Governance Rules, Local Law No. 2 - Common Seal and Miscellaneous Penalties, and Public Transparency Policy

Author's Title: Coordinator Governance

General Manager: John Bertoldi

Department: Governance & Risk

File No: F12/647

Division: Governance & Infrastructure

Trim No: IC20/1142

Appendix:

1. Governance Rules 2020 - Track Changes (D20/148355)
2. Governance Rules 2020 (D20/95639)
3. SCS 051 - Public Transparency Policy - Track Changes (D20/148340)
4. SCS 051 - Public Transparency Policy (D20/101420)
5. Local Law No. 2 - Common Seal and Miscellaneous Penalties (D20/98065)

Officer Direct or Indirect Conflict of Interest:

Status:

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

Defined as confidential information in accordance
with Local Government Act 2020, Section 3(1):

☐

Yes

☒

No

☐

Yes

☒

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to present to Council for its consideration the Governance Rules, Local Law No. 2 – Common Seal & Miscellaneous Penalties, and the Public Transparency Policy.

Summary

In order to achieve compliance with implementation dates set out in the Local Government Act 2020 (the 2020 Act), the following documents are presented to Council for their adoption:

- Governance Rules
- Public Transparency Policy
- Local Law No. 2 – Common Seal and Miscellaneous Penalties

The establishment of the Governance Rules requires a repeal and replacement of Local Law No. 2 to facilitate the removal of Council Meeting procedures (now regulated under the Governance Rules) whilst retaining governance and enforcement of the use of the Common Seal and related penalties.

The documents were placed on public exhibition and a Hearing of Submissions meeting held. Further information regarding the development and public exhibition of each of these documents is detailed in the body of this report. Any changes have now been incorporated and the final documents are now being presented for adoption.

4.4 Local Government Act 2020 - Governance Rules, Local Law No. 2 - Common Seal and Miscellaneous Penalties, and Public Transparency Policy

Recommendation

That Council:

1. Notes that 17 submissions were received in response to the exhibition of the draft Governance Rules, Local Law No. 2 – Common Seal and Miscellaneous Penalties and Public Transparency Policy were exhibited for public submission between 2 July and 30 July.
2. Notes that two submissions were presented in person to the Hearing of Submissions Committee meeting on 4 August 2020.
3. Notes that the draft Governance Rules, Local Law No. 2 – Common Seal and Miscellaneous Penalties and Public Transparency Policy have been updated following consideration of public submissions.
4. Adopts the Governance Rules as attached at Appendix 2.
5. Adopts the amended Council Election Period (Caretaker) Policy SCS-023 as included in the Governance Rules at Appendix 2.
6. Adopts the Public Transparency Policy as attached at Appendix 4.
7. Repeals Local Law No. 2 of 2019 – Council Meeting Procedures & Common Seal.
8. Adopts Local Law No. 2 – Common Seal and Miscellaneous Penalties as attached at Appendix 5.
9. Authorises the Chief Executive Officer to execute the Local Law No. 2 – Common Seal and Miscellaneous Penalties by affixing the Common Seal.

Motion

MOVED Cr David Bell, Seconded Cr Margot Smith

That Council:

1. Notes that 17 submissions were received in response to the exhibition of the draft Governance Rules, Local Law No. 2 – Common Seal and Miscellaneous Penalties and Public Transparency Policy were exhibited for public submission between 2 July and 30 July.
2. Notes that two submissions were presented in person to the Hearing of Submissions Committee meeting on 4 August 2020.
3. Notes that the draft Governance Rules, Local Law No. 2 – Common Seal and Miscellaneous Penalties and Public Transparency Policy have been updated following consideration of public submissions.
4. Adopts the Governance Rules as attached at Appendix 2.
5. Adopts the amended Council Election Period (Caretaker) Policy SCS-023 as included in the Governance Rules at Appendix 2.
6. Adopts the Public Transparency Policy as tabled at this meeting.
7. Repeals Local Law No. 2 of 2019 – Council Meeting Procedures & Common Seal.
8. Adopts Local Law No. 2 – Common Seal and Miscellaneous Penalties as attached at Appendix 5.
9. Authorises the Chief Executive Officer to execute the Local Law No. 2 – Common Seal and Miscellaneous Penalties by affixing the Common Seal.

4.4 Local Government Act 2020 - Governance Rules, Local Law No. 2 - Common Seal and Miscellaneous Penalties, and Public Transparency Policy

Amended Motion

Council Resolution

MOVED Cr Heather Wellington, Seconded Cr James McIntyre

That Council:

1. Notes that 17 submissions were received in response to the exhibition of the draft Governance Rules, Local Law No. 2 – Common Seal and Miscellaneous Penalties and Public Transparency Policy were exhibited for public submission between 2 July and 30 July.
2. Notes that two submissions were presented in person to the Hearing of Submissions Committee meeting on 4 August 2020.
3. Notes that the draft Governance Rules, Local Law No. 2 – Common Seal and Miscellaneous Penalties and Public Transparency Policy have been updated following consideration of public submissions.
4. Adopts the Governance Rules as attached at Appendix 2.
 - 4.1 Excluding that part of clause 19.5.8 that prevents members of the public asking questions that the Chair considers relate to proposed developments.
 - 4.2 Excluding clause 19.5.11 that states that questions from members of the public may be disallowed by the Chairperson if they consider the questions are aimed at drawing opinions from Councillors about matters that will be considered at the meeting or a future meeting of Council.
 - 4.3 Excluding clause 19.6 that states that questions from the public at a Council meeting will be subject to a word limit of 200 words (inclusive of supporting documentation).
 - 4.4 Excluding clause 19.8 that states that all questions must be directed to the Council as a whole and not to individual or specific Councillors.
 - 4.5 Excluding that part of clause 19.9 that states that Councillors other than the Chairperson will not be permitted to answer any questions at a Council meeting relating to an item on the agenda for the meeting
 - 4.6 Excluding clause 19.14 that provides that a question shall not be read out unless the person asking the question, or their proxy, is in the gallery at the time it is due to be read.
 - 4.7 Excluding clause 32.1.1 that requires a notice of motion to identify two supporting councillors who are of the opinion that the notice of motion warrants consideration by Council, and replacing it with provision for an individual Councillor to sign and submit a notice of motion for inclusion on the agenda.
 - 4.8 Excluding clause 32.2 insofar as it imposes a limit of 500 words, inclusive of the motion, on supporting documentation for a Councillor's notice of motion.
 - 4.9 Reinstating the clause in the local law that was in force until June 2019, which enabled Councillors intending to move a notice of motion to speak for up to five minutes to explain the notice of motion.
 - 4.10 Excluding clause 29.2.6 that prevents Councillors from asking questions of officers seeking re-iteration of an answer that was provided prior to the meeting.
5. Adopts the amended Council Election Period (Caretaker) Policy SCS-023 as included in the Governance Rules at Appendix 2.
6. Adopts the Public Transparency Policy as tabled at this meeting.
7. Repeals Local Law No. 2 of 2019 – Council Meeting Procedures & Common Seal.
8. Adopts Local Law No. 2 – Common Seal and Miscellaneous Penalties as attached at Appendix 5.
9. Authorises the Chief Executive Officer to execute the Local Law No. 2 – Common Seal and Miscellaneous Penalties by affixing the Common Seal.

Refer item to another meeting

Council Resolution

MOVED Cr Heather Wellington, Seconded Cr James McIntyre

That Council defer item 4.4 Local Government Act 2020 - Governance Rules, Local Law No. 2 - Common Seal and Miscellaneous Penalties, and Public Transparency Policy to a later meeting.

CARRIED 7:2

4.4 Local Government Act 2020 - Governance Rules, Local Law No. 2 - Common Seal and Miscellaneous Penalties, and Public Transparency Policy

Report

Officer Direct or Indirect Interest

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

Background

The 2020 Act was passed by the Victorian Parliament in March 2020, receiving royal assent on 24 March 2020. There are four stages to be proclaimed by July 2021. The first stage of legislative reforms were proclaimed on 6 April 2020, with the second commencing on 1 May 2020. Within the second stage there are several items that need to be completed within a grace period of four months from the 1 May 2020, meaning that these requirements need to be in place by 1 September 2020. These include the Governance Rules and the Public Transparency Policy.

Discussion

Governance Rules

The final draft of the Governance Rules is presented to Council as attached. The final draft was informed by public submissions and further internal review by officers. Section 60 of the 2020 Act includes a range of requirements that are addressed in the final draft of the Governance Rules which has received legal review to ensure full compliance with the 2020 Act. This states:

Section 60 – Governance Rules

- (1) A Council must develop, adopt and keep in force Governance Rules for or with respect to the following—*
- (a) the conduct of Council meetings;*
 - (b) the conduct of meetings of delegated committees;*
 - (c) the form and availability of meeting records;*
 - (d) the election of the Mayor and the Deputy Mayor;*
 - (da) the appointment of an Acting Mayor;*
 - (e) an election period policy in accordance with section 69;*
 - (f) the procedures for the disclosure of a conflict of interest by a Councillor or a member of a delegated committee under section 130;*
 - (g) the procedure for the disclosure of a conflict of interest by a Councillor under section 131;*
 - (h) the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter within the meaning of section 126(1);*
 - (i) any other matters prescribed by the regulations.*

Council has developed its current meeting procedures over a number of years and they have previously undergone detailed review, public exhibition, comment and formal consideration. In developing the draft Governance Rules it was proposed to maintain the majority of meeting procedures and only make changes as needed to meet the new legislation. Therefore the draft Governance Rules presented to Council at its Ordinary meeting held 23 June 2020 closely resembled the meeting procedures previously established by Council through Local Law No. 2, as adopted in 2019.

Further review of the meeting procedures has led to minor wording amendments for clarity and to adopt non-gendered language to align with our gender equity commitments and the Charter of Human Rights. Re-ordering of some sections has also taken place to reflect Council's current order of business and procedures. Two clauses relating to Community Asset Committees are deleted because these matters are addressed through new Instruments of Delegation.

Local Government Victoria (LGV) provided Councils with a template Governance Rules to assist them in the development of their own Governance Rules document. The template was provided to assist Councils with structure and format rather than prescribe content which is intended to be developed by each Council. The LGV document was reviewed when the draft Governance Rules were developed.

One notable change between the 1989 Act and the 2020 Act is the definition and disclosure of conflicts of interest. Included in the draft Governance Rules are procedures for the disclosure of a conflict of interest made in accordance with section 130 by a Councillor, a member of a delegated committee, or by a Council officer acting under a delegated power or statutory function.

4.4 Local Government Act 2020 - Governance Rules, Local Law No. 2 - Common Seal and Miscellaneous Penalties, and Public Transparency Policy

The draft Governance Rules also include the Council Election Period (Caretaker) Policy SCS-023 as this is required under section 60 of the 2020 Act. This policy has been amended slightly and new components incorporated to comply with the requirements imposed by section 69 of the 2020 Act.

The draft Governance Rules were placed on public exhibition for a period of 28 days in accordance with the submissions process set out in section 223 of the Local Government Act 1989. Not all submissions related directly to the exhibited documents, but where they did amendments have been able to be considered and are detailed in the Appendix to this report.

Officers have also been working on other governance requirements of the 2020 Act over recent weeks, including exploring whether Council needs to establish any Delegated Committees by 1 September 2020. The only identified committee that could be replaced by a Delegated Committee is the Hearing of Submissions Committee that has previously heard from submitters in person on behalf of Council. The committee structure has provided Council with greater flexibility about dates and items to be heard. Under the 1989 Act, the process for Council to call meetings to hear submissions was more onerous and needed greater lead time. Under the 2020 Act there is greater opportunity for Council to call a meeting for this purpose if Council includes such matters in its Governance Rules.

Having reviewed the Hearing of Submissions Committee structure, it is considered appropriate to include clauses in Council's Governance Rules to enable Council to hold a Council meeting for the purpose of hearing submissions. The final draft of the Governance Rules therefore includes an additional section to allow for Council to hear submissions at a special meeting specifically for the purpose of hearing submissions.

This process also empowers Council to be able to hear submissions on matters that are not being heard under section 223 of the Local Government Act 1989 or the Planning and Environment Act 1987 processes. Currently the Hearing of Submissions Committee operates under a delegation that only provides the power to hear submissions under those specific provisions. This new type of meeting will also ensure that, where appropriate, matters that must undergo deliberative engagement or a community engagement process under the Community Engagement Policy may include allowing submissions to be able to be heard via a special Council meeting set up for that purpose.

The inclusion of these provisions means there is no immediate need to transition the Hearing of Submissions Committee to a delegated committee under section 63 of the Local Government Act 2020. Council could still consider establishing a Delegated Committee in the future if deemed appropriate.

The draft Governance Rules are designed to be clear and instructive for both Council and those in the community wishing to engage with and understand the Council meeting procedures. They are now being submitted to Council for adoption.

The Public Transparency Policy.

Section 57 of the Local Government Act 2020 requires that Councils adopt and maintain a public transparency policy. The policy was drafted in accordance with section 57 of the Act, including giving effect to the public transparency principles which are set out under section 58 of the Act.

In drafting the Public Transparency Policy, consideration was given to the draft policy provided by Local Government Victoria as part of the co-design process, with that document informing much of Council's draft policy.

The Public Transparency Policy was placed on public exhibition along with the Governance Rules and Local Law No. 2 for community review and submission. A number of submissions were made that did not directly relate to the purpose or content of the draft policy. Having reviewed the submissions that did relate to the policy, amendments were made to the definitions for 'transparency' and 'public interest.' This was carried out to improve clarity and understanding of what these terms mean relative to Council. A further addition was made to the policy to clarify Council's obligations in relation to the Privacy and Data Protection Act 2014, which prohibits Council from releasing certain information.

4.4 Local Government Act 2020 - Governance Rules, Local Law No. 2 - Common Seal and Miscellaneous Penalties, and Public Transparency Policy

Local Law No. 2 – Common Seal and Miscellaneous Penalties.

Local Law No. 2 is currently the guiding document for Council's meeting procedures. As the Governance Rules are proposed to replace much of Local Law No. 2 of 2019, consideration was given to the best process to continue to facilitate the use of the Common Seal and any penalties that were contained within the Local Law as these would not be enforceable under the internal Governance Rules document.

The establishment of a revised Local Law No. 2 for the purposes of maintaining the current procedure and penalties for misuse of the Common Seal and inappropriate behaviours at Council meetings is proposed as the optimal solution.

The proposed Local Law No. 2 was reviewed and approved through a process of legal review to ensure it was in accordance with the 1989 and 2020 Acts and was enforceable by law. It was exhibited along with the Governance Rules and Public Transparency Policy for public comment. No submissions were received in relation to proposed Local Law No. 2.

To ensure ongoing governance and regulation over the use of the Common Seal and the enforceability of offences committed at Council meetings, it is proposed that the Local Law No. 2 - Common Seal and Miscellaneous Penalties be adopted by Council.

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

Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	No
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	Yes
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
Risk Assessment	No
Communication	Yes
Human Rights Charter	Yes

Governance Principles - Local Government Act 2020 (LGA 2020)

The Governance Rules and Public Transparency Policy have been drafted in support of the overarching governance rules and the transparency principles.

Policy/Relevant Law

These documents have been developed in consideration of and compliance with the relevant Acts to which they pertain. Relevant sections have been listed throughout this report for referencing purposes.

4.4 Local Government Act 2020 - Governance Rules, Local Law No. 2 - Common Seal and Miscellaneous Penalties, and Public Transparency Policy

Community Engagement

In advance of Council finalising its Community Engagement Policy, Council needed to ensure that consultation activities meet existing requirements. The public notice and submissions processes were in accordance with section 223 of the Local Government Act 1989 and documents were placed on public exhibition for 28 days in order to receive submissions from members of the community. These submissions were considered and presented in full to all Councillors for their information and consideration.

Public Transparency

The Public Transparency Policy is developed in support of the public transparency principles sent out in section 58 of the Act. These are referenced in the document.

Communication

These documents, once adopted, will be made available to staff and the community for their reference.

Human Rights Charter

The Human Rights Charter was considered and informed the development of these documents.

Options

Option 1 – Adoption as attached.

This option is recommended by officers as these documents have undergone legal review and are compliant with the Act to support effective meeting procedures and current practice.

Option 2 – Do Not Adopt

This option is not recommended by officers as this would result in non-compliance with the Local Government Act 2020.

Option 3 – Adopt with Changes

This option is not recommended by officers as it could result in non-compliance or poor governance structures and/or procedures without allow time for a proper review of changes before the 1 September 2020 deadline.

Conclusion

In accordance with requirements of the 2020 Act, the Governance Rules, Local Law No. 2 – Common Seal and Miscellaneous Penalties, and the Public Transparency Policy are presented to Council and recommended for adoption.

SCS 051 Public Transparency Policy

TRIM Reference: D20/069093 Due for Review: September 2022
 Responsible Officer: Manager Governance & Risk

1.0 Purpose

This Policy supports Council in its ongoing drive for good governance and open and accountable conduct, and sets out how Council information is to be made publicly available. Council must adopt and maintain a public transparency policy under section 57 of the Local Government Act 2020 (the Act).

2.0 Policy Principles

This policy supports the Overarching Governance Principles and the supporting Public Transparency Principles listed in section 58 of the Act as follows:

- Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the Act or any other Act;
- Council information must be publicly available unless—
 - i. the information is confidential by virtue of this Act or any other Act; or
 - ii. public availability of the information would be contrary to the public interest;
- Council information must be understandable and accessible to members of the municipal community.
- Public awareness of the availability of Council information must be facilitated.

3.0 Scope

This policy applies to Councillors, Delegated Committee members, and Council staff.

4.0 Definitions

Closed meetings	Where Council resolves to close the meeting to the general public in accordance with section 66 of the Act, in order to consider a confidential matter as defined in S.3 of the Act, for example issues of a legal, contractual or personal nature and other issues deemed not to be in the public interest.
Community	People of the municipality, including individuals or groups who live, work, play, study, visit, invest in or pass through the municipality.
Confidential information	As described at section 3(1) of the Local Government Act 2020 or any other Act.
Public interest	Public interest is the interest (welfare or wellbeing) of the general public as a whole, as distinct from the interest of an individual or a minority. The public interest is distinguishable from the curiosity or interest of members of the public. For release to be considered contrary to the public interest, public interest considerations against release need to outweigh public interest considerations in favour of release.
Transparency	A process of being open, honest and straightforward about Council decisions and decision making processes, financial performance, corporate strategies and their implementation, Council policies and procedures, and other activities of the Council that are not considered confidential under section 3 of the Act, or any other Act, considered to be contrary to the public interest, or considered to be personal information under the Privacy and Data Protection Act 2014.

5.0 Policy

This Policy formalises Council's support for transparency in decision-making processes and public awareness of the availability of Council information. Council is committed to promoting:

- Greater clarity in Council's decision-making processes;
- Promoting increased community confidence and trust in Council;
- Enhanced decision making by the community;
- Improve Council's performance;
- Access to information that is current, easily accessible and disseminated in a timely manner;
- Reassurance to the community that Council is spending public monies wisely.

5.1 What Council Will Be Transparent With

Decision Making at Council Meetings

- Will be undertaken in accordance with the Act and the Governance Rules.
- Will be conducted in an open and transparent forum, unless, in accordance with section 66 of the Act, the meeting is closed to the public to discuss confidential matters.
- Will be informed through community engagement, in accordance with the Community Engagement Principles and the Community Engagement Policy.
- Will be made fairly and on the merits, and where any person whose rights will be directly affected by a decision of the Council, that person will be entitled to communicate their views and have their interests considered.

Council Information

This information includes but is not limited to:

Type	Description
Council Records	Agendas, minutes, live stream and video recordings of Council Meetings
	Reporting from Committees to Council <ul style="list-style-type: none"> • Delegated Committees • Community Asset Committees
	Terms of Reference or Charters for Council committees
Local Laws	Community Amenity Local Law
	Common Seal and Miscellaneous Penalties Local Law
	Governance Rules
Policies, Strategies, Reports	Council Plan, Annual Report, Strategies, Council Policies, Budget
Organisation	Organisation chart
Councillors	Councillor payment summaries
	Councillor profiles
Council Elections	Election Campaign Donation Returns
	Candidate Information (during elections)
Donations & Grants	Grant programs
Planning	Development plans, reference and incorporated docs
	Development contributions
	Current planning applications
Property	How rates are calculated
	Current planning applications
	Development contributions
Businesses	Council's Terms and Conditions
	Awarded Tenders
Council operations	Events information
	Waste management and recycling information
	Information relating to families, positive ageing, childcare and pets
	Tourism and local area – variety of information
	Parks and reserves - listing

Registers	Register of Building Occupancy Permits
	Register of Authorised Officers
	Register of Instruments of Delegations
	Register of Personal Interests (Register of Interests until 24 October 2020)
	Register of Leases
	Register of Overseas or Interstate Travel
	Register of Gifts, Benefits and Hospitality (Councillors' and Staff)
Process/Other Information	Application processes for approvals, permits, grants, access to Council services
	Community engagement processes
	Complaints handling processes
	Practice notes
	Online payments and applications
	Employment with Council
	Lodging a request/complaint
	Economic and population profiles
	Information relating to access (maps and guides)

Members of the public are also able to connect with Council via the following media:

- [Facebook](#)
- [Twitter](#)
- [Instagram](#)
- [LinkedIn](#)
- [YouTube](#)

Information and access to some documents is available on the Council's website

www.surfcoast.vic.gov.au.

Council publishes a range of reports handbooks and newsletters (e.g. *Groundswell*), for residents, businesses and visitors to Council. You can download them from the website or call Council for a copy. Some of these publications are available at council libraries.

5.2 Access to Information

- Information will be made available on the Council website, at Council offices, or by request.
- Consideration will be given to accessibility and cultural requirements in accordance with the Charter of Human Rights and Responsibilities Act 2006.
- Consideration will be given to confidentiality in accordance with the Act and public interest test where appropriate.
- Council will respond to requests for information in alignment with the Act including the Public Transparency Principles, and this policy.

A person may request information in the following ways:

Online	www.surfcoast.vic.gov.au
Email	info@surfcoast.vic.gov.au
Mail	PO Box 350, Torquay, VIC, 3228
Telephone	5261 0600
In person	1 Merrijig Drive, Torquay, VIC, 3228

Council will respond to requests for information in alignment with the Act, the Public Transparency Principles, and this policy. Council officers will continue to explore opportunities to make further documents available on Council's website or on request.

5.3 Information not Available

Some Council information may not be made publicly available. This will only occur if the information is confidential information by virtue of the Local Government Act 2020 or any other Act; or if its release would be contrary to the public interest.

“Confidential information” is defined in section 3 of the Local Government Act 2020. It includes the types of information listed in the following table.

Type	Description
Council business information	Information that would prejudice the Council's position in commercial negotiations if prematurely released.
Security information	Information that is likely to endanger the security of Council property or the safety of any person if released.
Land use planning information	Information that is likely to encourage speculation in land values if prematurely released.
Law enforcement information	Information which would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person if released.
Legal privileged information	Information to which legal professional privilege or client legal privilege applies.
Personal information	Information which would result in the unreasonable disclosure of information about any person or their personal affairs if released.
Private commercial information	Information provided by a business, commercial or financial undertaking that relates to trade secrets or that would unreasonably expose the business, commercial or financial undertaking to disadvantage if released.
Confidential meeting information	Records of a Council and delegated committee meetings that are closed to the public to consider confidential information
Internal arbitration information	Confidential information relating internal arbitration about an alleged breach of the councillor code of conduct.
Councillor Conduct Panel confidential information	Confidential information relating to a Councillor Conduct Panel matter
Confidential information under the 1989 Act	Information that was confidential information for the purposes of section 77 of the Local Government Act 1989

Council may decide, in the interests of transparency, to release information to the public even though it is confidential under the Act. However, this will not happen if release is contrary to law, in breach of contractual requirements or if releasing the information is likely to cause harm to any person or is not in the public interest to do so.

Public Interest Test

Information that might be withheld because it is contrary to the public interest may include:

- internal working documents that have not been approved or submitted to Council, especially where their release may mislead the public;
- directions to Council staff regarding negotiations in contractual or civil liability matters, where release may damage the Council's capacity to negotiate the best outcome for the community,
- correspondence with members of the community, where release may inappropriately expose a person's private dealings.

Privacy and Data Protection Act 2014

Council is required to comply with the Privacy and Data Protection Act, in particular Part 3 – Information Privacy – which provides for the responsible handling of person information by Victorian public sector organisations. Where Council collects, holds, uses or discloses personal information, it must comply with the Information Privacy Principles listed in Schedule 1 of the Privacy and Data Protection Act.

This may therefore result in precluding Council from sharing certain information in such cases.

6.0 Roles and Responsibilities

Specific responsibilities include:

Roles and responsibilities	
Council and Councillors	Champion the commitment and principles of public transparency through leadership, modelling practice and decision-making.
Executive Management Team	Champion behaviours that foster transparency and drive the principles through policy, process and leadership. Monitor implementation of this policy.
Leadership Group	Manage areas of responsibility to ensure public transparency, good governance and community engagement is consistent with this policy.
All Staff	Public transparency is the responsibility of all employees as appropriate to their role and function. All staff respond to requests for information and facilitate provision of information in consultation with their manager and in alignment with the Policy.
Manager Governance & Risk	To monitor implementation of this policy and conduct periodic reviews to drive continuous improvement.

It is important to note the confidentiality/privacy requirements of the Local Government Act and Privacy/Health Records Acts, and obligations under Council's staff and Councillor codes of conduct, and to seek advice if unsure whether to release a document. Penalties may apply for unauthorised release of confidential information.

7.0 Human Rights Charter

This policy has been reviewed against and complies with section 13 of the Charter of Human Rights and Responsibilities Act 2006, as it aligns with and provides for the protection of an individual's right not to have their privacy unlawfully or arbitrarily interfered with. It is also in line with section 18 of that Act which recognises a person's right to participate in the conduct of public affairs.

8.0 Non-Compliance with this Policy

If a member of the community wishes to question a decision about the release of information, this should be raised directly with the officer handling the matter in the first instance. If you are not satisfied and would like to contest the decision Council's complaints process should be followed – refer <https://www.surfcoast.vic.gov.au/About-us/Contact-Us/Make-a-complaint>.

If you are still not satisfied with Council's response, your concern can be raised directly with the Victorian Ombudsman's office on (03) 9613 6222 or via their website www.ombudsman.vic.gov.au.

9.0 Other Ways to Access Information

The *Freedom of Information Act 1982* gives you right of access to documents that Council hold. Council is committed to, where possible, proactive and informal release of information in accordance with the Freedom of Information Professional Standards issued by the Victorian Information Commissioner. Read more at www.ovic.vic.gov.au.

A list of available information is provided in the Part II Statement (Statement) published on Council's website in accordance the *Freedom of Information Act 1982*. This Statement requires government agencies and local councils to publish a number of statements designed to assist members of the public in accessing the information it holds.

If you can't find the information you require, call us directly so we may assist you.

Applications can be made by completing the form at <https://www.surfcoast.vic.gov.au/About-us/Council/Policies-plans-strategies-and-reports/Freedom-of-Information> and paying an application fee.

10.0 Monitoring, Evaluation and Review

A periodic review of this policy will be undertaken to ensure any changes required to strengthen or update the policy are made in a timely manner.

11.0 Related Procedures

- MPP 043 Freedom of Information Policy
- MPP 005 Privacy & Data Protection Policy
- Governance Rules

12.0 References

- Local Government Act 2020
- Freedom of Information Act 1982
- Privacy & Data Protection Act 2014
- Health Records Act 2001
- Charter of Human Rights and Responsibilities Act 2006
- Equal Opportunity Act 2010
- Local Government Act 2020 – Public Transparency Principles Guidelines; DEWLP
- Local Government Victoria's – Draft Public Transparency Policy

13.0 Document History

Version	Document History	Approved by – Date
1	<i>Initial development</i>	<i>Council Resolution – 25 August 2020</i>

4.5 Local Government Act 2020 - Audit and Risk Committee - Establishment and Charter Adoption

Author's Title: Coordinator Governance

General Manager: John Bertoldi

Department: Governance & Risk

File No: F12/647

Division: Governance & Infrastructure

Trim No: IC20/1143

Appendix:

1. Audit and Risk Committee Charter - 2020 (D20/112411)

Officer Direct or Indirect Conflict of Interest:

Status:

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

Defined as confidential information in accordance
with Local Government Act 2020, Section 3(1):

☐ Yes

☒ No

☐ Yes

☒ No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to enable Council to establish the Audit and Risk Committee under section 53(1) of the Local Government Act 2020 (the 2020 Act), and to put forward the Audit and Risk Committee Charter for adoption in accordance with section 54(2) of the Act.

Summary

In line with the introduction of the 2020 Act, the Audit and Risk Committee must be established on or before 1 September 2020. It is proposed that the Audit and Risk Committee established under the Local Government Act 1989 (the 1989 Act) be formally dissolved, and a new committee established under the 2020 Act.

Along with the establishment of the committee under the 2020 Act, Council must adopt a Charter for the Committee before 1 September 2020. A draft Audit and Risk Committee Charter is presented for Council's consideration. This has been reviewed by the Audit and Risk Committee.

Recommendation

That Council:

1. Revokes the Audit and Risk Committee established under section 139 of the Local Government Act 1989 and notes that section of the Act it is no longer in force.
2. Establishes the Audit and Risk Committee in accordance with section 53(1) of the Local Government Act 2020.
3. Appoints the following persons as Independent Members of the Audit and Risk Committee for the remainder of their term of appointment as determined by previous Council resolutions:
 - 3.1 Melissa Field – Chair (term concludes 31 January 2021)
 - 3.2 Brian Keane (term concludes 31 January 2021)
 - 3.3 John Gavens (term concludes 26 January 2022)
 - 3.4 Debra Russell (term concludes 26 January 2022)
4. Appoints Cr Goldsworthy and Cr Duke as members of the Audit and Risk Committee until 23 October 2020.
5. Adopts the Audit and Risk Committee Charter as attached at Appendix 1 of this report.

4.5 Local Government Act 2020 - Audit and Risk Committee - Establishment and Charter Adoption

Council Resolution

MOVED Cr Martin Duke, Seconded Cr David Bell

That Council:

1. Revokes the Audit and Risk Committee established under section 139 of the Local Government Act 1989 and notes that section of the Act it is no longer in force.
2. Establishes the Audit and Risk Committee in accordance with section 53(1) of the Local Government Act 2020.
3. Appoints the following persons as Independent Members of the Audit and Risk Committee for the remainder of their term of appointment as determined by previous Council resolutions:
 - 3.1 Melissa Field – Chair (term concludes 31 January 2021)
 - 3.2 Brian Keane (term concludes 31 January 2021)
 - 3.3 John Gavens (term concludes 26 January 2022)
 - 3.4 Debra Russell (term concludes 26 January 2022)
4. Appoints Cr Goldsworthy and Cr Duke as members of the Audit and Risk Committee until 23 October 2020.
5. Adopts the Audit and Risk Committee Charter as attached at Appendix 1 of this report.

CARRIED 9:0

4.5 Local Government Act 2020 - Audit and Risk Committee - Establishment and Charter Adoption

Report

Officer Direct or Indirect Interest

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

Discussion

Section 53(1) of the 2020 Act requires that Council must establish an Audit and Risk Committee by 1 September 2020. It is therefore proposed that Council dissolves the current committee set up under section 139 of the 1989 Act, and establishes a new Audit and Risk Committee under the 2020 Act.

Section 54 of the Act stipulates Council must prepare and approve an Audit and Risk Committee Charter, also by 1 September 2020. The charter must specify the functions and responsibilities of the committee as per Section 54(2) of the Act as follows:

54(2) The Audit and Risk Committee Charter must specify the functions and responsibilities of the Audit and Risk Committee including the following—

- (a) monitor the compliance of Council policies and procedures with—
 - (i) the overarching governance principles; and*
 - (ii) this Act and the regulations and any Ministerial directions;**
- (b) monitor Council financial and performance reporting;*
- (c) monitor and provide advice on risk management and fraud prevention systems and controls;*
- (d) oversee internal and external audit functions.*

In order to most effectively govern the Committee in accordance with the 2020 Act, a new Audit and Risk Committee Charter has been drafted. This will achieve compliance with the 2020 Act and provide Council and the Committee clarity with respect to the committee's responsibilities.

The new charter was presented in draft form to the Audit and Risk Committee for its review and comment at its meeting on 21 July 2020. Feedback was received and where possible incorporated into the Charter. A table of the feedback provided by the committee and the subsequent changes made was presented to Councillors at a Councillor Briefing on 11 August for their information.

It should be noted that in order for the Audit and Risk Committee to review the Financial Statements and the Performance Statement, the Committee needs to be established and operational by 8 September 2020. This means membership must be established at the same time that the committee is established and the charter adopted. Officers recommend that Council forms the new committee with the current membership to act under the new Charter for the planned September Committee meeting.

Two independent members, Melissa Field (current Chair) and Brian Keane are due to leave the committee in January 2021 as their maximum terms of appointment will have been exhausted. The Committee, if established by Council, will be able to operate with the current membership and staff will undertake an expression of interest process and prepare for Council to appoint at least one and a maximum of two new Committee members after the Council elections.

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

4.5 Local Government Act 2020 - Audit and Risk Committee - Establishment and Charter Adoption

Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	No
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
Risk Assessment	No
Communication	Yes
Human Rights Charter	No

Governance Principles - Local Government Act 2020 (LGA 2020)

The Audit and Risk Committee is tasked with supporting Council in an advisory capacity, providing a structured, systematic oversight of Council's governance, risk management, internal control practices and financial reporting. This provides Council with confidence in the integrity of these practices.

Policy/Relevant Law

In accordance with section 53(1) of the 2020 Act, Council must establish an Audit and Risk Committee. Pursuant to section 54(2) of the Act, a Charter, specifying the functions and responsibilities of the Committee must be adopted and maintained.

Public Transparency

The Audit and Risk Committee has no decision-making power. They monitor and review specified activities and practices of the organisation, as outlined in the Charter, to provide assurance and/or recommendations to Council. The Committee is required to complete biannual reports to Council on their findings and present any recommendations.

The Audit and Risk Committee Charter will be made available to community members upon request and is included as an attachment to this report.

4.5 Local Government Act 2020 - Audit and Risk Committee - Establishment and Charter Adoption

Financial Management

Part of the Committee's role, as set out in section 54(2) of the 2020 Act, is to "monitor Council financial and performance reporting" which has been elaborated on in the Charter to include:

- Ensuring the appropriate application of Council's accounting policies, including ensuring compliance with the financial management principles set out in section 101 of the 2020 Act; and
- Financial Management (including Performance Reporting)
 - Review the annual financial statements and annual performance statement, and make any recommendations to Council concerning their adoption.
 - Review Council's financial position, via the receipt of a quarterly financial report.
 - Review the appropriateness of the format and content of periodic management financial reports and performance statements to Council as required.
 - Receive details of all Councillor and delegated committee member reimbursements, per section 40(2) of the 2020 Act.
 - Review and monitor any financial risks, including current and future liabilities, any beneficial enterprises of the Council, and any litigation, claim or contingency which could have a material effect on Council's financial position or operating result.
 - Review the shell financial statements.
 - Report to Council on any material financial issues which the committee agrees may require action.

Communication

The current Audit and Risk Committee members have been informed of the process to transition the committee from the 1989 Act to the 2020 Act, and provided with opportunity to review and provided feedback on the proposed Audit and Risk Committee Charter.

The Committee will be provided with the final Charter once adopted by Council.

Options

Option 1 – Establish the Audit and Risk Committee and adopt the proposed Charter

This option is recommended by officers as this will ensure compliance with the 2020 Act. The Charter has been developed in consultation with the Audit and Risk Committee and comprehensively covers the responsibilities of the Committee as set out in section 54(2) of the 2020 Act.

Option 2 – Do not establish the Audit and Risk Committee and adopt the proposed Charter

This option is not recommended by officers as Council would not be compliant with the 2020 Act.

Option 3 – Establish the Audit and Risk Committee and adopt the proposed Charter with changes

This option is not recommended by officers as there is a risk of non-compliance with the requirements set out in the 2020 Act.

Conclusion

It is recommended that Council establishes the Audit and Risk Committee in accordance section 53(1) of the 2020 Act and adopts the Audit and Risk Committee Charter in accordance with section 54(2) of that legislation, prior to the 1 September 2020 deadline.

Audit and Risk Committee Charter

Purpose

In accordance with section 53(1) of the Local Government Act 2020 (the Act), Council must establish an Audit and Risk Committee (the Committee). Pursuant to section 54(2) of the Act, this Charter specifies the functions and responsibilities of the Committee.

The purpose of the Committee is to provide a structured, systematic oversight of Council's governance, risk management and internal control practices. This serves to provide Council with confidence in the integrity of these practices.

Establishment

The Audit and Risk Committee has been established under Section 53 of the Local Government Act 2020.

The Audit and Risk Committee will be established initially with the membership of the previous committee and comprise four independent members and two Councillors. This will enable continuity of advice to the Council, noting that the committee needs to review the 2019-20 financial statements and performance statements. This membership is compliant with section 53 of the Act.

Membership will be reviewed after the Local Government General Election to be held on 24 October 2020. Membership will be established in accordance with this charter and section 53 of the Act through resolution of Council.

Authority

The Audit and Risk Committee acts in an advisory capacity to the Council only and reports directly to the Council.

The Committee is directly responsible to Council for discharging its responsibilities as set out in this Charter.

To empower the Committee to discharge these responsibilities, Council authorises the Committee to:

- Provide advice and make recommendations to Council on matters the Committee's areas of responsibility;
- Review key documents and reports that must be approved by Council, including annual financial reports, annual performance statements, new or revised policies and other documents that assist in maintaining a strong internal control environment;
- Review and recommend to the Council for approval the three-year rolling strategic internal audit plan, the annual internal audit plan and any major changes to them, ensuring the proposed strategic internal audit plan appropriately considers Council's strategic risks and allocated budget for the internal audit plan;
- Review and approve proposed scopes for each review in the annual internal audit plan;
- Meet with the Internal Auditor at least twice per year in the absence of management;
- Meet with the External Auditor at least once per year in the absence of management;
- Request, through the CEO, appropriate management support to enable the Committee to discharge its responsibilities effectively; and
- Request, through the CEO, the attendance of Council officers at meetings, and request the attendance of internal audit, external audit or other assurance providers, where appropriate;
- Request through the CEO, or recommend directly to the Council, the appointment relevant independent experts where the Committee considers that is necessary in order to execute its responsibilities.

Pursuant to section 53(2) of the Act, the Committee does not have and therefore cannot exercise any executive powers, or management functions. The Committee does not have any delegated financial responsibility.

The Chief Executive Officer (CEO) will determine reasonability of any request made to Officers by the Committee that is not specifically stipulated in this Charter as being within the scope of or listed under the Committee's functions and responsibilities.

Role of the Committee

The Committee functions and responsibilities, as dictated by section 54(2) of the Act, are to:

- (a) monitor the compliance of Council policies and procedures with—
 - (i) the overarching governance principles; and*
 - (ii) the Act and the regulations, and any Ministerial directions;**
- (b) monitor Council financial and performance reporting;*
- (c) monitor and provide advice on risk management and fraud prevention systems and controls;*
- (d) oversee internal and external audit functions.*

To achieve this, the Committee will review and advise Council on specific internal systems and activities of Council through:

- Assessing Council policies to monitor compliance with the Act, including with the overarching governance principles as set out in section 9 of the Act;
- Ensuring the appropriate application of Council's accounting policies, including ensuring compliance with the financial management principles set out in section 101 of the Act;
- Assessing and ensuring reliable and complete financial and performance reporting;
- Appraising the level and effectiveness of Business Continuity Plans and Enterprise Risk Management practices, including risks and risk controls and mitigations recorded in the risk register;
- Assessing implemented internal fraud and corruption controls and the results of any control testing undertaken;
- Ensuring that internal and external auditors provide independent and objective analysis and reporting on internal corporate governance, risk management, internal control and compliance.

The Committee must adopt an annual work plan to outline how the above listed activities will be achieved.

Responsibilities

Legislative Compliance

Council Policies

- Complete an initial review of relevant established, or newly created Council policies and procedures against the Local Government Act 2020 and its regulations, including the overarching governance principles (s.9 of the Act), and any other Act or Ministerial directions to monitor compliance.
- Where a relevant Council policy/procedure has recently been amended, assess it against the overarching governance principles, the Local Government Act 2020 and any other Act or Ministerial direction to monitor compliance.
- Where any change to the legislation is made, review any relevant or effected policy for legislative compliance with the Act or Ministerial direction.
- Review the CEO Employment Matters Policy and Terms of Reference for the CEO Employment Matters Advisory Committee annually and monitor compliance with the Act.
- Receive reports from management, including management responses, on the findings of any examinations by regulatory or integrity agencies related to investigations relevant to Council or operations of the Council, such as the Ombudsman, IBAC, and Victoria Government Inspectorate. Where action by management is required, monitor progress.

Financial Policies

- Consider recent developments in accounting principles or reporting practices that may affect the Council, and assess any subsequent adaptations made to Council policies.

- Assess Council's accounting policies against the financial management principles (s.101 of the Act).
- Intermittently review the Council's Investment Policy.

Financial Management (including Performance Reporting)

Monitor Council's financial and performance reporting:

- Review the annual financial statements and annual performance statement, and make any recommendations to Council concerning their adoption.
- Review Council's financial position, via the receipt of a quarterly financial report.
- Review the appropriateness of the format and content of periodic management financial reports and performance statements to Council as required.
- Receive details of all Councillor and delegated committee member reimbursements, per section 40(2) of the Act.
- Review and monitor any financial risks, including current and future liabilities, any beneficial enterprises of the Council, and any litigation, claim or contingency which could have a material effect on Council's financial position or operating result.
- Review the shell financial statements.
- Report to Council on any material financial issues which the committee agrees may require action.

External Audit

Oversee Council's external audit functions:

- Review the annual external audit plan.
- Review the external audit interim audit report.
- Review the results as reported in the external audit report, including any:
 - difficulties encountered;
 - complex and/or unusual transactions;
 - related-party transactions; and
 - judgmental areas for adjustments recommended by the external auditors, for example, those involving valuation of assets and liabilities; environmental liability and other commitments and contingencies.
- Review the appropriateness, timeliness and effectiveness of the management comments made in response to any external auditor recommendations.
- Report to Council any significant issues identified upon completion of review and discussion with management and external audits regarding the external audit report.
- Sight representation letters signed by management, considering their completeness and the appropriateness of information provided.
- Review the external auditor's performance.
- Maintain an awareness of local government performance audits undertaken by VAGO, ensuring Council have assessed any relevant recommendations and actioned accordingly (if required).

Risk Management (including Business Continuity)

Monitor and provide advice on risk management:

- Review Council's risk appetite statement, risk management framework and risk register annually, including management's assessment of Council's risks.
- Review the process/es for effective identification of business risks, and the processes for assessment, development and implementation of treatment plans.
- Review the appropriateness and effectiveness of Council's business continuity plans.
- Review the approach to business continuity planning arrangements, including whether business continuity and disaster recovery plans have been regularly updated and tested.

Internal Controls (including Fraud Controls)

Monitor and provide advice on fraud prevention systems and controls:

- Consider the effectiveness of internal controls for the security of information technology systems and applications.
- Review the effectiveness of established fraud controls in preventing or mitigating fraud, and any fraud policies.
- Review the compliance framework and assess its effectiveness in achieving legislative compliance.
- Review results and frequency of any control tests conducted relevant to cyber security, fraud and legislative compliance.
- Determine whether security, fraud and compliance systems and controls are reviewed regularly and updated where required.
- Review any significant changes to security, fraud and compliance systems and controls to assess whether those changes significantly impact Council's risk profile.
- Assess whether the control environment is consistent with the overarching governance principles.

Internal Audit

Oversee Council's internal audit functions:

- Work with management to make recommendations to the Council on the appointment of the internal auditor.
- Review and make recommendations on the draft three year internal audit plan.
- Review the three year internal audit plan annually to ensure it remains current to the needs of the organisation.
- Review progress on the annual internal audit program.
- Review all internal audit reports, including management responses, and advise Council of and make any associated recommendations on any significant issues identified.
- Monitor action and progress taken by management on audit recommendations and the agreed management responses.
- Review the effectiveness of the internal audit function annually through the results of internal audit survey undertaken by the internal auditors.
- At least annually, meet with the Internal Auditor in an "in-camera" session, without management present.

Committee

- Complete an annual self-assessment of committee performance against the Audit and Risk Committee Charter. Provide a copy of the assessment to the CEO for tabling at the next Council meeting.
- Review the Audit and Risk Committee Charter and recommend for Council adoption annually.
- Review and adopt a work plan annually.
- Complete a biannual audit and risk report to Council on the recommendations and activities of the Committee, with administrative support from Council officers.

Where the Committee makes recommendations that are proposed to be addressed by Council with more immediacy than the biannual report will allow for, the meeting minutes, or a specific report addressing the recommendation/s made by the Committee will be drafted by officers under the direction of the Committee Chair and submitted to the next practicable Council Meeting for debate and decision.

Membership

Appointment to the Committee, and to the position of Chair is to be in accordance with Chapter 2, Part 4, section 2 of the Governance Rules, and section 53(4) of the Act.

In accordance with section 53(3) of the Act, the Audit & Risk Committee will consist of:

- Two Councillors; and
- A minimum of three, but up to four suitably qualified independent members.

In accordance with section 53(4) of the Act, no member of Council staff is eligible for appointment to the Committee. The Chief Executive Officer, General Manager Governance & Infrastructure and Council's internal auditors are not members but may attend meetings in an advisory capacity.

Council's external auditors will be invited to attend meetings at least twice annually in an advisory capacity.

Independent Member Qualifications

The evaluation of potential members will be undertaken by a selection panel including the Chief Executive Officer (or their delegate) and two Councillor representatives, taking account of the experience of candidates and their likely ability to apply appropriate analytical and strategic management skills. A recommendation for appointment will then be made by the selection panel to Council.

The following key attributes are required when appointing independent members:

Individuals should have:

- senior business or financial management/reporting knowledge and experience
- high levels of financial literacy
- understanding of corporate risk management, and risk management practices including treatments, mitigations and controls.
- knowledge of Council's operations and the environment in which it operates
- strong communication skills
- high levels of personal integrity and ethics
- sufficient time available to devote to executing responsibilities

The Committee should collectively have:

- Expertise in financial management and risk, and
- Experience in public sector management.

Term of Office

Appointment of independent members shall be for a maximum single term of four years, with the maximum total length of appointment being no more than two terms or eight years.

Any proposal to extend or reappoint an independent member beyond the initial four year term will be done with consideration to the member's performance over their first term.

Terms of appointment for each individual independent member will be determined by Council resolution.

Councillor members are appointed by Council annually for a term of one year.

Appointment of the Chair

The Chair will be appointed by Council resolution in accordance with the Governance Rules. In accordance with section 53(4) of the Act, the Chair must be an independent member of the Committee as it cannot be a Councillor.

Role of the Chair

The role of the Committee Chair includes:

- Assisting in determining the Agenda for Committee meetings.
- Chairing meetings of the Committee in accordance with the meeting Agenda.
- Preparation of a biannual audit and risk report that is to be provided to the CEO for tabling at the next practicable Council meeting. The report must describe the activities of the Audit and Risk Committee and includes its findings and recommendations.

- Circulating the annual self-assessment, and collating and sharing the results with Committee members and with the CEO for tabling at the next practicable Council meeting.

The Chair shall have a casting vote on occasions where there is an equal tally of votes on a matter.

Meetings

Meetings are to be held in accordance with Chapter 2, Part 4, section 3 of the Governance Rules.

Four meetings are to be held each year in accordance with the approximate times listed below, with each of these meetings having a main focus:

March: Risk Management, Business Continuity Plan, and External Audit Plan.
May: Strategic Internal Audit Plan and Audit Program, External Audit Interim Audit Report.
September: Financial Statements and Performance Statement, and External Audit Report.
November: Annual Committee self-assessment, ARC Charter review, adopt Annual Work Plan and review Internal Controls.

A schedule of meetings will be developed annually and agreed to by members. All committee members are expected to attend all meetings, although in special circumstances allowances may be made for attendance via video or teleconference.

Where the Committee determines additional meetings are required, this is to be done in consultation with the CEO to ensure feasibility and resource management.

In the absence of the appointed Chair, the Committee will appoint an acting Chair from the independent members present.

Agendas will be prepared and distributed no later than four days in advance of the meeting. Meetings will be minuted and the minutes will be distributed to members. Committee meeting minutes will be distributed to Councillors once finalised and approved for circulation by the Committee Chair.

Council shall provide the Committee with secretarial and administration support.

The Mayor may attend ex-officio and participate in meetings, however the Mayor has no voting rights.

Attendance at meetings by non-member Councillors, other than the Mayor, is allowed in an observational capacity only. Non-member Councillors have no voting rights and are not to participate in meetings unless their participation is requested by the Chair.

Conflict of Interest

Committee recommendations must be transparent and accountable to the Council to maintain the integrity of the Committee. Division 2 of Part 6 of the Act applies to independent members, as if the member were a member of a delegated Committee. An independent member has a conflict of interest if they have:

- a general conflict of interest within the meaning of section 127 of the Act
- a material conflict of interest within the meaning of section 128 of the Act.

External members should consider past employment, consultancy arrangements and related party issues in making these declarations and the Council, in consultation with the Chair, should be satisfied that there are sufficient processes in place to manage any real or perceived conflict.

If a conflict of interest exists, it must be declared and managed. Committee members are required to declare any conflict of interest in accordance with the Governance Rules.

At the beginning of each committee meeting, members are required to declare any conflict of interest that may apply to specific matters on the meeting agenda. Where a conflict is declared, the member

will be excused from the meeting for the duration of the committee's consideration of the relevant agenda item(s). Details of any declared conflict of interest will be appropriately recorded in the minutes.

Confidentiality

Committee members shall act in accordance with section 125 of the Act regarding confidential information. Committee members shall not directly or indirectly release or make available to any person any information relating to the work or discussions of the Audit & Risk Committee, including documentation that is or was in their possession. Any exception to this must be in accordance with section 125(2) or section 125(3) of the Act, or must be agreed to by and in accordance with any terms stipulated by Surf Coast Shire Council.

Misuse of Position

Section 123 of the Act applies to independent members as if they were a member of a delegated Committee. The independent member must not intentionally misuse their position -

- to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or
- to cause, or attempt to cause, detriment to the Council or another person.

Remuneration

External members of the Committee will be offered remuneration for carrying out their duties. The amount is to be set by Council.

Removal of a Member

If the Council proposes to remove a member of the Committee it must give written notice of its intention to do so and afford the member an opportunity to be heard by Council.

APPENDIX 1 – Local Government Act 2020 Principles

Section 9 Overarching Governance Principles	<ul style="list-style-type: none"> a) Council decisions are to be made and actions taken in accordance with the relevant law; b) priority is to be given to achieving the best outcomes for the municipal community, including future generations; c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted; d) the municipal community is to be engaged in strategic planning and strategic decision making; e) innovation and continuous improvement is to be pursued; f) collaboration with other Councils and Governments and statutory bodies is to be sought; g) the ongoing financial viability of the Council is to be ensured; h) regional, state and national plans and policies are to be taken into account in strategic planning and decision making; i) the transparency of Council decisions, actions and information is to be ensured.
Section 101 Financial Management Principles	<ul style="list-style-type: none"> a) revenue, expenses, assets, liabilities, investments and financial transactions must be managed in accordance with a Council's financial policies and strategic plans; b) financial risks must be monitored and managed prudently having regard to economic circumstances; c) financial policies and strategic plans, including the Revenue and Rating Plan, must seek to provide stability and predictability in the financial impact on the municipal community; d) accounts and records that explain the financial operations and financial position of the Council must be kept. <p>For the purposes of the financial management principles, financial risk includes any risk relating to the following—</p> <ul style="list-style-type: none"> (a) the financial viability of the Council; (b) the management of current and future liabilities of the Council; (c) the beneficial enterprises of the Council.

4.6 Local Government Act 2020 - Councillor Expenses Policy

Author's Title: Coordinator Governance

General Manager: John Bertoldi

Department: Governance & Risk

File No: F12/647

Division: Governance & Infrastructure

Trim No: IC20/1145

Appendix:

1. SCS-001 Councillor Entitlements, Expenses and Facilities Policy (D19/139184)
2. SCS-001 Councillor Entitlements, Expenses and Facilities Policy - Tracked Changes Version (D20/146462)

Officer Direct or Indirect Conflict of Interest:

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

☐

Yes

☒

No

Reason: Nil

Status:

Defined as confidential information in accordance with Local Government Act 2020, Section 3(1):

☐

Yes

☒

No

Reason: Nil

Purpose

The purpose of this report is to provide the updated Councillor Entitlements, Expenses and Facilities Policy SCS-001 to Council for adoption before 1 September 2020 to ensure compliance with section 41 of the Local Government Act 2020 (2020 Act).

Summary

Sections 40 and 41 of the 2020 Act require a policy outlining reimbursement of expenses to Councillors and delegated committee members to be in place by 1 September 2020.

The current Councillor Entitlements, Expenses and Facilities Policy underwent significant review and was approved in November 2019, therefore only a minor review and amendments have been necessary to ensure compliance with the requirements set out in sections 40 and 41 of the 2020 Act.

The draft policy is presented to Council and recommended by officers for adoption.

Recommendation

That Council adopts the Councillor Entitlements, Expenses and Facilities Policy SCS-001 as attached at Appendix 1.

Council Resolution

MOVED Cr Margot Smith, Seconded Cr Brian McKitterick

That Council adopts the Councillor Entitlements, Expenses and Facilities Policy SCS-001 as attached at Appendix 1.

CARRIED 9:0

4.6 Local Government Act 2020 - Councillor Expenses Policy

Report

Officer Direct or Indirect Interest

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

Background

Section 41 of the 2020 Act requires that Council adopts and maintains an expenses policy in relation to the reimbursement of expenses for Councillors and members of delegated committees. This policy must be adopted by 1 September 2020.

Discussion

Council already has in place SCS-001 Council Entitlements, Expenses and Facilities Policy. This policy underwent a comprehensive review and was subsequently adopted at the November 2019 Council meeting, however to ensure compliance with sections 40 and 41 of the 2020 Act some minor amendments have been made to the policy.

These amendments include the addition of entitlements or reimbursements that may be applicable to delegated committee members during the course of the member's work for the delegated committee. Other amendments include alignment with changes to the legislation (e.g. the removal of the remote travel allowance which was implemented as part of an Order made under the 1989 Act), and updating referencing to the 2020 Act, where required.

No material changes outside of legislative requirements are proposed for this policy.

The draft Council Expenses Policy is presented to Council for adoption prior to the 1 September 2020 deadline in the 2020 Act.

Council Plan

Theme 5 High Performing Council

Objective 5.1 Ensure Council is financially sustainable and has the capability to deliver strategic objectives

Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

<i>Implications</i>	<i>Applicable to this Report</i>
<i>Governance Principles</i> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<i>Policy/Relevant Law</i> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<i>Environmental/Sustainability Implications</i> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<i>Community Engagement</i> (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
<i>Public Transparency</i> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
<i>Strategies and Plans</i> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
<i>Financial Management</i> (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
<i>Service Performance</i> (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
Risk Assessment	No
Communication	No
Human Rights Charter	No

4.6 Local Government Act 2020 - Councillor Expenses Policy

Policy/Relevant Law

This draft policy ensures compliance with the section 41 of the 2020 Act which states that Council must adopt and maintain a policy in relation to out-of-pocket expenses payable to Councillors and members of delegated committees.

Public Transparency

The existing policy is available on Council's website and if the proposed draft policy is adopted it will be updated on the website to provide the community access to the new version.

Options

Option 1 – Do not adopt the policy

This option is not recommended by officers as Council would not be compliant with the requirements under section 40 and 41 of the 2020 Act in relation to Councillor and delegated committee member expenses.

Option 2 – Adopt with amendments

This option is not recommended by officers as the policy currently aligns with the Local Government Act 2020 requirements and any amendments may not account for all compliance requirements.

Option 3 – Adopt the policy as presented

This option is recommended by officers as it meets current best practice and provides clear and specific details about Councillor entitlements and reimbursements for expenses incurred by Councillors and delegated committee members as required by sections 40 and 41 of the 2020 Act.

Conclusion

The Councillor Entitlements, Expenses and Facilities Policy SCS-002 has been amended to ensure compliance with requirements under the new 2020 Act. It is now being presented to Council with officers recommending its adoption prior to the 1 September 2020 deadline set by the 2020 Act.

Motion

SCS-001 Councillor Entitlements, Expenses and Facilities Policy

TRIM Reference:	D19/139184	Due for Review:	October 2021
Responsible Officer:	Chief Executive Officer		

1. Purpose

Councillors and delegated committee members provide local community representation and civic leadership. Their role, as defined in the *Local Government Act 2020* (LG Act) includes complying with Council procedures required for good governance and acting in accordance with the standards of conduct.

The purpose of this policy is to provide the Surf Coast Shire Council, individual Councillors and delegated committee members with clarity and guidance as to:

- the financial entitlements of a Councillor and delegated committee member;
- the appropriate process for the reimbursement of expenses incurred by a Councillor or delegated committee member; and
- the resources and facilities available to Councillors and delegated committee members;

to support them in performing their duties.

This policy is consistent with the:

- requirements of section 40 of the LG Act in relation to the reimbursement of expenses for Councillors and members of delegated committees;
- Councillor Conduct of Conduct
- requirements in the Local Government (Planning and Reporting) Regulations 2014 regarding categories for annual reporting; and
- Local Government (General) Regulations 2015 regarding documents to be made available for public inspection.

See the Appendix for relevant Definitions and Legislative Excerpts.

2. Scope

This policy applies to all Councillors of the Surf Coast Shire Council.

This policy also applies to members of Surf Coast Shire Council delegated committees.

3. Policy

Councillors are entitled to the Allowance set by State Government but may also incur reasonable expenses and require appropriate resources and facilities to support the effective performance of their duties.

This policy ensures that Council's reimbursement of expenses and provision of resources and facilities are consistent with and in accordance with the LG Act and its Regulations.

The use of resources, facilities, reimbursement and claiming of expenses must:

- Be necessary and appropriate for the purpose of achieving the objectives of Council;
- Be reasonable bona fide expenses incurred while performing duties as a Councillor or delegated committee member;

- Have regard to any relevant Acts, Regulations, Ministerial Guidelines or Council policies; and
- Be in accordance with the Councillor Conduct of Conduct.

4. Mayoral and Councillor Allowances

In accordance with section 39 of the LG Act, the Mayor, Deputy Mayor and Councillors are entitled to receive an allowance while performing their duties as elected officials.

4.1 Calculation of Allowances

Allowances are set by the Victorian Independent Remuneration Tribunal.. As per section 39(4) of the LG Act, a Council cannot pay an allowance that exceeds the amount specified in the relevant Determination of the Victorian Independent Remuneration Tribunal.

Mayoral and Councillor allowances include the addition of the equivalent of the superannuation guarantee (currently 9.5%) at the discretion of Council.

In relation to payment of the allowance:

- Allowances are taxable income and are paid fortnightly, in arrears.
- Payment will be made by electronic funds transfer, into an account authorised in writing by the Councillor.

Payment to a Councillor ceasing to hold office or pending an election will be calculated based on the date on which the Councillor will cease to hold office. In the event that monies have been paid in advance to a Councillor who is ceasing to hold office, any monies paid in advance of the date of cessation are to be refunded by the Councillor.

5. Travel Expenses and Car Mileage Expenses

5.1 Travel Records for International and Interstate Travel

Councillors and delegated committee members who travel overseas or interstate in an official capacity must record:

- the dates on which the travel began and ended; and
- the destination of the travel; and
- the purpose of the travel; and
- the total cost to the Council of the travel, including accommodation costs.

Councillors and delegated committee members undertaking this travel must complete a MF-002 Councillor Travel Claim Form and submit this to the EA Mayor and the Councillors (EA to Mayor) within 30 days of returning from the travel or where that quarter is at the end of Financial Year, within 14 days

The Manager Governance and Risk will maintain a register of overseas and interstate travel on behalf of Council.

This register will be available for public inspection.

5.2 Use of Private Vehicle for Eligible Council Business

Councillors and delegated committee members are encouraged to use Council vehicles for Eligible Council Business (as defined) except where this is not practical.

Use of a council vehicle will be reported as per standard rates applicable to a mileage claim. In the absence of a log book the report will be based on an estimate of kilometres based on origin and destination.

Where the return trip is 500kms or more, Councillors and delegated committee members will use a Council vehicle arranged on their behalf by the EA to Mayor. Any exception must be approved by the CEO in advance of the travel for a car mileage claim to be approved.

Council does not accept responsibility for loss or damage to a Councillor's or delegated committee member's private vehicle when used for performing duties as a Councillor or committee member when the travel does not directly relate to Eligible Council Business.

Private vehicles are not covered by Council's insurance policy.

Where private vehicles are used by Councillors and delegated committee members on Eligible Council Business:

- The vehicle must be comprehensively insured by the owner of the vehicle.
- The vehicle must be roadworthy.
- The owner of the vehicle must be able to prove the vehicle is registered, comprehensively insured and roadworthy.
- The owner of the vehicle should notify their insurance company that the vehicle is being used for work purposes.
- The reimbursement rate paid by Council for the use of privately owned vehicles used on Council business includes a component for the cost of the owner insuring the vehicle being used.
- Councillors and delegated committee members may be eligible for reimbursement of their personal excess in the event of an accident in a personal car when being used for Eligible Council Business purposes. Councillors and delegated committee members should contact Council's Coordinator Risk Management and Legal Services to confirm eligibility following an incident.

5.3 Car Mileage Claims

Councillors and delegated committee members are eligible to claim car mileage expenses when using their private vehicles to attend to Eligible Council Business. Travel is measured to and from their main Surf Coast Shire residence (or Surf Coast Shire rateable property).

- Councillors and delegated committee members will be entitled to a rebate for kms travelled while using their own vehicles in accordance with the Australian Taxation Office (ATO) rate upon receipt of a duly completed MF-001 Car Mileage Claim Form authorised by the Chief Executive Officer (CEO).
- Mileage claimed in relation to Eligible Council Business must be documented in Councillors' and delegated committee members' diaries in sufficient detail to be able to be independently substantiated for audit purposes.
- Councillors and delegated committee members must maintain a vehicle log book, or some appropriate form of written or digital record in relation to the use of their private vehicle in the course of conducting Eligible Council Business, including recording:
 - total kms travelled;
 - relevant locations of the travel supported by relevant odometer readings;
 - the date of travel; and

- the purpose of the travel
- The record must be made available for inspection on request for audit purposes.
- Car Mileage Expense claims are to be completed using Form MF-001 on a quarterly basis within 30 days of the end of the quarter or where that quarter is at the end of Financial Year, within 14 days.
- Travel is to be undertaken as efficiently as possible.

5.4 Private Use of Council Vehicles

Other than the Mayor, no Councillor or delegated committee member is to use a Council vehicle for private use.

The Mayor may authorise another Councillor to use the Council vehicle, allocated for use by the Mayor, in relation to the conduct of duties concerning Eligible Council Business.

The Mayor may not authorise another Councillor to use the Council vehicle allocated for use by the Mayor, for private use.

5.5 Classes of Transport

In the event that Councillors or delegated committee members access other means of transport in the performance of their duties concerning Eligible Council Business, the following classes of transport apply:

- Aircraft travel in economy class including, where available, the use of a flexible fare class for any inbound flight. Under this provision, the most economical fare should be chosen, provided that the departure and/or arrival times are reasonable.
- Hire car up to standard 6 cylinder vehicle
- Train or bus travel in economy class
- Standard taxi or Uber

5.6 Transport Choices and Transport Expense Reimbursement

Transport expense reimbursement applies when a Councillor or a delegated committee member is attending Eligible Council Business.

Council encourages the use of public transport in the first instance as a cost effective mode of transportation and to reduce greenhouse gas emissions. Councillors and delegated committee members are to pay the public transport fare and seek reimbursement using MF-002 Councillor Travel Claim Form.

Where public transport is not appropriate, if possible, Council's vehicle fleet should be used. This should be booked by the EA to Mayor.

If a taxi, Uber or another ride share option is unavoidable then the Councillor or delegated committee member will pay the applicable fare, and seek reimbursement using MF-002 Councillor Travel Claim Form, providing the applicable receipt.

5.7 Other Incidental Travel Expenses

Councillors and delegated committee members may be eligible to claim other incidental expenses when using their private vehicles on Eligible Council Business including:

- Parking expenses
- Toll fees

Councillors and delegated committee members are not entitled to claim the cost of any traffic infringements, penalties, parking tickets or similar expenses.

Councillors and delegated committee members should seek reimbursement of eligible expenses by completing the MF-002 Councillor Travel Claim Form, attaching the applicable receipts, and submitting this to the EA to Mayor within 30 days of the end of the quarter or where that quarter is at the end of Financial Year, within 14 days.

Where travel has been overseas or interstate, associated incidental travel costs must be completed in accordance with clause 5.1 of this policy.

5.8 Meals and Accommodation Connected with Travel

Councillors and delegated committee members may claim the reasonable costs of:

- reasonable meal expenses (excluding alcohol) for the duration of any travel in the course of performing Eligible Council Business. This does not include the cost of meals for partners, guests or families of Councillors or delegated committee members;
- appropriate accommodation when interstate or overseas, that has been selected by the CEO or their delegate and booked by the EA to Mayor or an officer authorised by the CEO, will be available from the day prior to commencement day and each day on which events involving Eligible Council Business are held. This does not include any additional costs of accommodation for partners, guests or families of Councillors or delegated committee members.
- Councillors and delegated committee members may request accommodation for a night where Eligible Council Business is being conducted:
 - a) at a location more than 200kms from the Councillor's or delegated committee member's main residential address by road and:
 - i. is commencing at or before 9am; **or**
 - ii. is concluding after 5pm; **or**
 - iii. exceeds more than 5 hours in length
 - b) in Melbourne, or at a location more than 100kms from the Councillor's or delegated committee member's main residential address by road, and:
 - i. is commencing at or before 7am; **or**
 - ii. is concluding after 9pm; **or**
 - iii. exceeds more than 8 hours in length
- Accommodation at the conference, training or meeting venue is preferable for safety related reasons
- Reasonable travel and meal allowance expenses will be reimbursed by completing MF-002 Travel Claim Form and submitted to the EA to Mayor on a quarterly basis within 30 days of the end of the quarter or where that quarter is at the end of Financial Year, within 14 days of completion of travel.
- Reasonable travel and meal allowance expenses will be reimbursed with reference to guidelines such as the current recommended allowances published by the ATO.
- Incidentals do not include personal expenses including mini bar, newspapers, personal phone calls, pay-per-view entertainment, etc. Personal expenses will not be reimbursed to the Councillor or delegated committee member. In any case where a personal expense has been charged to Council, these costs will be recovered from the Councillor through the debtor invoice process.

5.9 Reimbursement Issues

In any case where a Councillor or delegated committee member is unable to provide a receipt of costs incurred whilst travelling on Eligible Council Business, a statutory declaration may be accepted by the CEO.

Appropriate and sufficient reasoning for being unable to produce a receipt must be provided by the Councillor or delegated committee member and it will be at the CEO's discretion whether a statutory declaration will be accepted.

6. Childcare and Carer Expenses

Council will reimburse the cost of necessary childcare and carer expenses incurred by Councillors and delegated committee members in the course of performing duties associated with Eligible Council Business.

6.1 Childcare Expenses

Councillors and delegated committee members may claim reimbursement of reasonable childcare expenses in respect of the care of an immediate family member or member of their household, up to and including the age of 14 years, where they or their domestic partner is the primary care giver.

Childcare costs are not eligible for reimbursement if paid to a person who normally or regularly resides with the Councillor or delegated committee member, except where a live in (professional) helper, such as a nanny, is required to work extra time at extra expense because of their performance of duties.

6.2 Carer Expenses

Councillors and delegated committee members may claim reimbursement of reasonable carer expenses if they are a carer in a care relationship, within the meaning of section 4 of the *Carers Recognition Act 2012*. Carer costs are not eligible for reimbursement if paid to a person who normally or regularly resides with the Councillor or delegated committee member, except where a live in (professional) helper is required to work extra time at extra expense because of their performance of duties.

6.3 Process for Making a Claim

Claims for reimbursement should be made using the MF-004 Councillor Child and Special Care Reimbursement Form.

Councillors and delegated committee members will be reimbursed for childcare expenses or carer expenses at a reasonable amount approved by the CEO having considered all relevant circumstances of the particular care event.

Claims must be accompanied by a receipt from the care provider showing the date and time care was provided, and detail the reason that care was needed on each occasion.

Such expenses are to be claimed on a quarterly basis within 30 days of the end of the quarter or where that quarter is at the end of Financial Year, within 14 days.

7. Information and Communication Technology Expenses

Councillors are entitled to the following information and communication resources to support their performance of duties of Eligible Council Business.

7.1 Equipment Provided

The following equipment will be provided to each Councillor for use related to Eligible Council Business during their term of office:

- A portable computer (which is compatible with the corporate network) including mobile wireless internet access;
- Relevant computer software;
- A mobile phone in good working order;
- Business cards; and
- A name badge.

Where Councillors have previously been provided with printers for home use, these will continue to be maintained for the balance of the current term (which concludes in October 2020), but after that date home printers will not be provided to new Councillors.

Council will arrange for the installation and maintenance of relevant equipment and provide any associated products required for their operation.

Equipment is provided as part of the Councillor induction process and all queries regarding provision or maintenance of equipment should be addressed to the EA to Mayor.

Accessories or services beyond the standard equipment referred to in this clause may be provided upon written request to the CEO. The additional cost of any accessories provided may be charged to the Councillor.

7.2 Usage Requirements and Restrictions

Mobile phone usage is restricted to domestic calls; international calls are not to be made unless first authorised by the CEO, and must directly relate to the performance of duties associated with achieving the objectives of Council and comply with the mobile phone management procedure.

Where the mobile phone plan allows for unlimited local calls and texts at no extra cost, Councillors will be advised of this and may choose to use the phone for private local telephone call and text usage.

Councillors should note that use of Council's information and communication technology and corporate network, including the internet, must be in accordance with ISP-006 Information Security Policy - Councillors. All internet usage and telephone and text log data may be monitored by Council to ensure compliance.

All mobile phone and internet usage connected with Council property must be in accordance with Council policies and the Councillor Code of Conduct.

The Manager Information Management will maintain a register of all equipment provided to Councillors for Council business. Such equipment is returnable to Council on completion of tenure of the particular Councillor and must be in good condition, subject to fair wear and tear.

This register will be available for public inspection.

7.3 Private and other Usage Recoupment

Except as allowed or authorised in this policy, each Councillor must reimburse the direct costs of any private use of these facilities/equipment to Council, using form MF-019 Councillor Private Expenses – Single Recoupment.

Where Councillors are appointed to regional bodies as a representative of Council, Councillors are to discuss the usage and possible contribution by these bodies with the CEO prior to commencement of the appointment.

7.4 Council Papers

Council will digitally/electronically deliver Council meeting agendas and minutes, and other papers to Councillors.

If necessary, Council will also arrange for hard copy Council meeting agendas and other papers to be available for review in the Councillors' Lounge.

7.5 Inward Mail

All mail received by Councillors is deemed to be Council business and will be opened by Council's Records staff except for mail marked 'private and confidential'. Councillors must not ask any person or organisation to send private mail to them via the Council address.

7.6 Outward Mail

When communicating with constituents, Councillors are encouraged to use electronic formats where possible.

Councillors must exercise care to ensure that correspondence does not commit Council funds or convey a position which is contrary to that adopted by Council.

Letterhead paper or electronic letterhead, incorporating the Council logo, must be used for all official Council related correspondence as approved in advance by the CEO and used in accordance with the Media Policy.

Letterhead incorporating the Council logo must not be used for personal correspondence.

Items such as Christmas or seasonal cards can be provided by Council for Councillor usage. Councillors may also wish to send suitable cards to mark culturally significant occasions celebrated by particular communities. Interested Councillors are encouraged to use electronic formats. For those Councillors who choose a paper based format for sending Christmas cards or seasonal or culturally significant occasions, the cost of production and postage will be published as part of that Councillor's quarterly expense report.

Each Councillor may leave up to 50 standard mail items or equivalent per month cumulative within each financial year for postage through the Australia Post system. This limitation does not apply to correspondence related to formal Council business.

Mail must be contained within Surf Coast Shire envelopes and coordinated through the Shire offices by the EA to Mayor. Mail posted in Surf Coast Shire envelopes must be accompanied by a completed Australia Post mailing statement. The cost of postage will be published as part of that Councillor's quarterly expense report.

Mail posted outside of the above requirements will require stamps for which Councillors will not be reimbursed.

Council letterhead must not be used in relation to a Council Election and Councillors need to remain mindful of caretaker provisions that apply in the lead up to an election.

8. Conference and Training Expenses

Councillors may attend professional development and training programs, conferences or meetings. The approval of any training, conference or meeting attendance will be based on its relevance to the role and professional development of the Councillor.

8.1 Annual Monetary Limitations

Attendance by any Councillor at any local, interstate or overseas meetings, conferences or training up to a total cost to Council of \$3,000 may be approved by the Mayor.

Expenditure by a Councillor must not exceed \$3,000 in any given financial year, with the exception of approved Australian Institute of Company Directors (AICD) training.

Attendance by a Councillor at local, interstate or overseas meetings, conferences or training where the total cost exceeds \$3,000, or the total expenditure incurred by that Councillor in the financial year will exceed \$3,000, must be subject to approval by Council Resolution.

8.2 Accommodation

Accommodation of a reasonable standard necessarily required for attendance at any approved training, conference or meeting will be booked by the EA to Mayor at the site of the training, conference or meeting or at a suitable, safe, nearby accommodation centre.

8.3 AICD Course and Membership

During their term, all Councillors will be entitled to complete the Company Director course provided by the AICD provided that:

- the course is completed in the first two years of their term in office; or
- there is at a minimum twelve months remaining of their term of office as at the completion date of the course.

Council will pay Councillors' AICD annual standard membership fees during their term of office. It is the Councillor's responsibility to personally pay the initial joining fee (unless it is part of the AICD course funded by Council) and any additional fees.

8.4 Application Process

Application to attend any local, interstate or overseas meetings or conferences involving Council expenditure must be made by completing MF-003 Councillor Application to Attend Training or Conference.

Council will pay registration fees for attendance at approved meetings, training or conference sessions. Other related travel, meal, accommodation and related expenses may be claimed as outlined in this policy.

Applications within budgetary requirements to attend relevant training, conferences and meetings will not be unreasonably refused.

9. Resources and Facilities

The following additional resources and facilities are provided to support Councillors performing their duties while undertaking Eligible Council Business and discharging duties of civic office.

9.1 Office of the Mayor

The Office of the Mayor operates to provide those functions of the Council carried out by the Mayor. It is allocated a budget by Council on an annual basis to allow the Mayor to fulfil their civic role. Within that budget, staff and other resources may be employed as considered appropriate.

Any expenses incurred by the Mayor, or person nominated by the Mayor to fulfil the civic role as partner of the Mayor, shall be deemed to be expenses of the Mayor.

Council will provide the Mayor with a fully registered, insured, maintained and fuelled vehicle for their use on official duties and for reasonable private use.

Use of a Council motor vehicle will be in accordance with Council's Motor Vehicle Policy, as amended from time to time.

Council will provide the following facilities for the Office of the Mayor:

- Office suitably equipped with quality furniture and shelving, including desk and meeting table
- Mobile phone
- Executive assistance and other administrative support during normal office hours as required, and any other necessary administrative assistance to enable the Mayor to carry out the duties of civic office.

9.2 Building Access and Parking

Each Councillor will receive a swipe card allowing the Councillor to access the areas normally available to Councillors in the Shire Offices at 1 Merrijig Drive, Torquay, during normal business hours.

Where a Councillor attends the Shire Offices out of normal office hours, the Councillor must ensure that the premises are secure during and following their attendance.

Councillors must not allow third parties access to the Shire Offices without first obtaining the express permission of the CEO.

Car parking is available to Councillors at Shire Offices at no cost.

9.3 Insurance

Councillors are covered by the following Council insurance policies on a 24-hour, 7-day a week basis, while performing Eligible Council Business and discharging the duties of civic office:

- Council's workers compensation insurance
- Councillors and Officers Liability Insurance
- Travel insurance for interstate and international travel.

Council will pay the insurance policy excess in respect of any claim made against a Councillor arising from Eligible Council Business where any claim is accepted by Council's insurers, whether defended or not.

Council equipment provided to Councillors to assist in performing their role, is covered for damage or theft under Council's insurance policies. Councillors are expected to exercise due care in protecting the equipment from damage or theft.

Councillors must notify the CEO as soon as possible after they become aware of a potential claim.

9.4 Provision of Hospitality

The Mayor, on behalf of the Council, can provide Hospitality (as defined) to groups or individuals who are regarded as key stakeholders with whom the Council seeks to develop closer or more effective working relationships or to further Council's interests and objectives.

There may be occasions when it is necessary and appropriate for Council Hospitality to a particular group or individual to be provided by a Councillor other than the Mayor. Such proposals are to be discussed and approved by the Mayor and CEO prior to the occasion.

The CEO may approve the provision of alcohol at the cost of Council, in addition to Hospitality provided to groups or individuals who are regarded as key stakeholders of Council, or at any Civic Function, where the benefits to the community are documented by the CEO prior to approval of the Event. All Councillors are expected at such functions to display a high standard of civic leadership regarding the responsible provision and usage of alcohol.

Councillors are not to incur and will not be reimbursed for any Hospitality provided without prior approval.

Where approved Hospitality is provided outside of Council facilities, Council will not reimburse any Councillor the cost of any alcohol provided during that Hospitality.

9.5 Meals and Refreshments – Councillor Briefings and Council Meetings

Councillors will be requested to complete form MF-008 Councillor Catering and Dietary Requirements at the commencement of their term of office to advise of any dietary requirements or preferences or to advise of any alterations to those requirements or preferences during the course of their term.

Refreshments

Councillors will have access to Refreshment (as defined) at all times while on Council premises.

Meals

Where Council meetings or briefings are held at times which extend through normal meals times, Councillors and relevant officers will be provided with suitable Meals (as defined) served on the premises.

Councillors and Officers will be notified, of the meal arrangements for such meetings. Appropriate meals will be arranged by the EA to Mayor.

9.6 Meeting Rooms and Councillor Lounge

The Civic Council Office includes a Councillors' Lounge reserved for exclusive use by Councillors. This room is equipped with computer access and is suitable for office work, reading, and research and small meetings.

Other meeting rooms at the Council office can be booked for use by Councillors to conduct meetings during and after office hours through the EA to Mayor.

Meeting equipment can be made available for meetings upon request.

Other venues owned and controlled by Council can be used (subject to availability) by Councillors for activities, meetings, interviews and other functions associated with the performance of their role as Councillors. The EA to Mayor can assist in the booking of these meeting rooms and venues. Meeting equipment can be made available for meetings upon request.

9.7 Administrative Assistance

Limited typing/secretarial administration assistance will be made available to Councillors for work directly related to the performance of duties of Eligible Council Business.

Where Councillors wish to use the services of a courier service for a reason directly related to the performance of duties and Eligible Council Business, this should be arranged by the EA to Mayor.

All administrative assistance should be coordinated through the EA to Mayor and approved by the CEO.

9.8 Timing of Claims for Expenses

Where a quarterly claim for reimbursement pursuant to this policy directly follows 30 June in any year, Councillors are to submit that quarter's claim within 14 days of the end of that quarter.

In all other quarters, Councillors should submit requests for reimbursement within 30 days of the end of that quarter.

Where a Councillor has completed their term or ceased to hold office for any reason, claims for expenses pursuant to this policy must be submitted within 30 days of the date of cessation of office.

Excessive and/or unreasonable delay in lodging timely claims for reimbursement of any eligible costs or expenses in accordance with the requirements set out in this policy may result in such claims being denied at the discretion of the CEO.

10. Other Expenses Not Elsewhere Covered

10.1 Legal Expenses

Other than by specific Council resolution or in accordance with a Council policy, any legal expenses incurred by a Councillor or delegated committee member will be the responsibility of that individual.

Councillors and delegated committee members may discuss potential claims on a case by case basis with the CEO who will work with the Coordinator Risk Management and Legal Services to determine if an insurance claim is applicable.

10.2 Other Expenses

Any claims for expenses not specifically covered by this policy must first be referred to the CEO for authorisation/approval before being submitted.

Councillors and delegated committee members are encouraged to discuss in advance with the CEO any event, meeting or other gathering where there is the potential for incurring expenses so that:

- i. The appropriateness of potential claims can be considered; and
- ii. Any available cost saving measures can be put in place.

11. Recoupment of Private Expenses

Councillors and delegated committee members must reimburse the direct costs of any private use of home/workplace facilities to Council unless there is an exception applying under this policy.

The direct costs of private use of home/workplace facilities provided by Council may be repaid to Council via the completion of form MF-019 Councillor Private Expenses – Single Recoupment.

12. Audit and Reporting

Councillor and delegated committee member expenses are subject to audit by the Victorian Auditor General, the Victorian Local Government Inspectorate and Council's internal auditor, and are reported to the CEO, Council's Audit & Risk Committee and quarterly at scheduled meetings of Council.

Any items considered to be in breach of the LG Act or this policy will be reported to the Surf Coast Shire Council's Audit & Risk Committee.

All payments made to Councillors during their elected term and falling within the terms of this policy may be publicly disclosed on Council's website.

13. Consequences of Breach

Any action by a Councillor or delegated committee member in relation to matters contained in this policy which breaches obligations under the LG Act or Councillor Code of Conduct, may result in action taken by Council pursuant to the LG Act and Code.

14. Members of Council Committees

Non-Councillor members of Surf Coast Shire Council Committees that are not delegated committees are not entitled to claim reimbursement of expenses incurred whilst exercising their duties as a committee member, unless specifically outlined in their contract with Council or the Terms or Deeds established for the committees.

Exceptions may apply to individual cases where approved has been granted by the CEO.

15. Related Legislation

Local Government Act 2020, particularly sections 39 to 43

Local Government Act 1989.

Local Government (General) Regulations 2015, Regulation 12

Local Government (Planning and Reporting) Regulations 2014, Regulation 14

Carers Recognition Act 2012, particularly section 4

16. Related Policies, other Documents and Relevant Forms

As well as directly related statutory obligations, Council has responsibilities under other documents such as:

- Council Media Policy
- Other Council policies and procedures
- Councillor Code of Conduct

Relevant Forms include:

- MF-001 Car Mileage Claim Form
- MF-002 Councillor Travel Claim Form
- MF-003 Councillor Application to Attend Training or Conference

- MF-004 Councillor Child and Special Care Reimbursement Form
- MF-007 Councillor Reimbursement of Expenses Form
- MF-019 Councillor Private Expense – Single Recoupment

Appendix

Definitions		
(a)	Refreshments	Tea, coffee, non-alcoholic beverages, and a light meal such as may be considered suitable for morning tea
(b)	Meal	<p>Council Meetings – Dinner in the form of a two course served meal together with tea and coffee.</p> <p>Council Briefings – Lunch or dinner in the form of a one course meal together with tea and coffee.</p>
(c)	Hospitality	Refreshments, finger food or a meal of a reasonable and appropriate standard, not including alcohol, except where exemptions are made in this policy.
(d)	Eligible Council Business	<p>The following will be deemed to be Eligible Council Business:</p> <ul style="list-style-type: none"> A. Council meetings and Assemblies of Councillors B. Standing Committee or Advisory Committee meetings of Council when the Councillor is the nominated representative/substitute or otherwise by approval of the Mayor C. Regional meetings where the Councillor claiming reimbursement is Council's endorsed representative and travel is not paid/reimbursed by the regional organisation or meeting convenor D. Functions to which Councillors are invited by an organisation and where there is a direct benefit for the involvement of Council (attendance by partners will not be paid for by Council). E. Events where a Councillor is delivering a speech or presentation on behalf of Council. F. Travel by Councillors embarking on inspection of issues raised by identified members of the community within the Shire, which are considered reasonable and necessary and where travel is within the Shire. G. Meetings by Councillors at the request of identified members of the community, as recorded in Councillor's diaries, which are considered reasonable and necessary for the performance of the Councillor's duties and where travel is within the Shire; H. Conferences and seminars approved in accordance with this Policy. I. Attendance at delegated committee meetings and travel or other out-of-pocket expenses (as outlined in this policy) incurred whilst fulfilling the role of delegated committee member.

		Any claims for expense reimbursement related to matters falling outside of this definition must be approved by the CEO.
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Legislative Excerpts and Definitions

(e)	<i>Carers Recognition Act 2012</i> Section 4	<p>(1) For the purposes of this Act, a person is in a care relationship if he or she provides another person, or receives from another person, care because one of the persons in the relationship—</p> <p>(a) has a disability; or</p> <p>(b) is older; or</p> <p>(c) has a mental illness; or</p> <p>(d) has an ongoing medical condition (including a terminal or chronic illness or dementia).</p> <p>(2) Despite subsection (1), the following relationships are also care relationships" "for the purposes of this Act—</p> <p>(a) a relationship where an individual has custody and guardianship of a child under a permanent care order made under Part 4.10 of the Children, Youth and Families Act 2005; and</p> <p>(b) a relationship where a child is placed with an individual who provides care to that child under a child care agreement made under Part 3.5 of the Children, Youth and Families Act 2005; and</p> <p>(c) a relationship where a child is placed with an individual who provides care to that child under a protection order made under Part 4.9 of the Children, Youth and Families Act 2005.</p> <p>(3) For the purposes of this Act, a person is not in a care relationship with another person merely because he or she—</p> <p>(a) is the spouse, or the domestic partner within the meaning of the Children, Youth and Families Act 2005, of the other person; or</p> <p>(b) is the parent, child or other relative of the other person; or</p> <p>(c) lives with the other person.</p> <p>(4) Despite anything to the contrary in this section, a person is not in a care relationship for the purposes of this Act if he or she provides care to another person—</p> <p>(a) under a contract of service or a contract for the provision of services; or</p> <p>(b) under an employment contract; or</p> <p>(c) in the course of doing voluntary work for a community organisation; or</p> <p>(d) as part of the requirements of an education course or training.</p> <p>(5) A person described in subsection (1) or (2) may be in a care relationship even if the person receives funding from</p>
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		either the Commonwealth or State Government in relation to carrying out the role of a carer.
(f)	LG Act section 28(2)(f) Role of a Councillor	(2) In performing the role of a Councillor, a Councillor must— ... (f) comply with Council procedures required for good governance.
(g)	LG Act Section 40 Reimbursement of expenses of Councillors and members of a delegated committee.	(1) A Council must reimburse a Councillor or a member of a delegated committee for out-of-pocket expenses which the Council is satisfied— (a) are bona fide expenses; and (b) have been reasonably incurred in the performance of the role of Councillor or member of a delegated committee ; and (c) are reasonably necessary for the Councillor or member of a delegated committee to perform that role. (2) A Council must provide details of all reimbursements under this section to the Audit and Risk Committee.
(h)	LG Act Section 41 Council expenses policy	(1) A Council must adopt and maintain an expenses policy in relation to the reimbursement of out-of-pocket expenses for Councillors and members of delegated committees. (2) A policy adopted by Council under this section must— (a) specify procedures to be followed in applying for reimbursement and in reimbursing expenses; and (b) comply with any requirements prescribed by the regulations in relation to the reimbursement of expenses; and (c) provide for the reimbursement of child care costs where the provision of child care is reasonably required for a Councillor or member of a delegated committee to perform their role; and (d) have particular regard to expenses incurred by a Councillor who is a carer in a care relationship within the meaning of section 4 of the <i>Carers Recognition Act 2012</i> . (3) A Council must adopt the first expenses policy under this section on or before 1 September 2020. (4) Until a Council adopts a policy under this section, the policy adopted by the Council under section 75B of the <i>Local Government Act 1989</i> applies as if it had been adopted under this Act.
(i)	LG Act Section 42 Resources and facilities for The Mayor and Councillors	(1) A Council must make available to the Mayor and the Councillors the resources and facilities reasonably necessary to enable them to effectively perform their role. (2) Without limiting the generality of subsection (1), a Council must—

		<p>(a) consider the support that may be required by a Mayor, Deputy Mayor or Councillor because of a disability; and</p> <p>(b) have particular regard to the support that may be required by a Councillor who is a carer in a care relationship within the meaning of section 4 of the <i>Carers Recognition Act 2012</i>.</p>
(j)	LG Act Section 28 Role of a Councillor	<p>(1) The role of every Councillor is—</p> <p>(a) to participate in the decision making of the Council; and</p> <p>(b) to represent the interests of the municipal community in that decision making; and</p> <p>(c) to contribute to the strategic direction of the Council through the development and review of key strategic documents of the Council, including the Council Plan.</p> <p>n performing the role of a Councillor, a Councillor must—</p> <p>(a) consider the diversity of interests and needs of the municipal community; and</p> <p>(b) support the role of the Council; and</p> <p>(c) acknowledge and support the role of the Mayor; and</p> <p>(d) act lawfully and in accordance with the oath or affirmation of office; and</p> <p>(e) act in accordance with the standards of conduct; and</p> <p>(f) comply with Council procedures required for good governance.</p> <p>(3) The role of a Councillor does not include the performance of any responsibilities or functions of the Chief Executive Officer.</p> <p>(a)</p>
(k)	LG Act Section 123 Misuse of position	<p>(1) delegated committee must not misuse their position—</p> <p>(a) to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; ...</p> <p>(2) An offence against subsection (1) is an indictable offence.</p> <p>(3) For the purposes of this section, circumstances involving the misuse of a position by a person who is, or has been, a Councillor or member of a delegated committee include— ...</p> <p>(e) using public funds or resources in a manner that is improper or unauthorised;</p>
(l)	Local Government (General) Regulations 2015, Regulation 12 Documents to be made available for public inspection	<p>For the purposes of section 222 of the Act, the following are prescribed documents if they are not published on the Internet website of the Council—</p> <p>(a) a document containing details of overseas or interstate travel (other than interstate travel by land for less than 3 days) undertaken in an official capacity by any Councillor or member of Council staff in the previous 12 months, including—</p>

		<p>(i) the name of the Councillor or member of Council staff; and</p> <p>(ii) the dates on which the travel began and ended; and</p> <p>(iii) the destination of the travel; and</p> <p>(iv) the purpose of the travel; and</p> <p>(v) the total cost to the Council of the travel, including accommodation costs;</p>
(m)	<p>Local Government (Planning and Reporting) Regulations 2014</p> <p>Part 4—Annual report</p> <p>Regulation 14 General information</p>	<p>(1) For the purposes of section 131(3)(a)(v) of the Act, the report of operations must contain a description of the operations of the Council during the financial year.</p> <p>(2) Without limiting the generality of subregulation (1), the report of operations of a Council must contain the following information— ...</p> <p>(d) a list of the names of all Councillors and their dates of election and, if applicable, retirement;</p> <p>(da) details of current allowances fixed for the Mayor, Lord Mayor (if any) and Councillors;</p> <p>(db) details of the expenses, including reimbursement of expenses, for each Councillor and member of a Council committee paid by the Council, categorised separately as—</p> <p>(i) travel expenses; and</p> <p>(ii) car mileage expenses; and</p> <p>(iii) childcare expenses; and</p> <p>(iv) information and communication technology expenses; and</p> <p>(v) conference and training expenses; ...</p>

Document History

Version	Document History	Approved by – Date
1	<i>New document</i>	<i>Council – 26 November 2019</i>
2	<i>Updated in accordance with LG Act 2020</i>	<i>Council -</i>

Procedural Motion

Council Resolution

MOVED Cr Clive Goldsworthy, Seconded Cr Brian McKiterick

That Council resolved to consider items 4.7 through to 4.14 together as one item.

CARRIED 9:0

Motion

Council Resolution

MOVED Cr Clive Goldsworthy, Seconded Cr David Bell

That Council resolves to move and accept the officers recommendation for items 4.7 through to 4.14.

CARRIED 9:0

4.7 Local Government Act 2020 - Anderson Roadknight Reserve Community Asset Committee - Establishment and Membership

Author's Title: Coordinator Governance
Department: Governance & Risk
Division: Governance & Infrastructure
Appendix: Nil

General Manager: John Bertoldi
File No: F12/647
Trim No: IC20/1178

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

☐ Yes

☒ No

Reason: Nil

Status:
Defined as confidential information in accordance
with Local Government Act 2020, Section 3(1):

☐ Yes

☒ No

Reason: Nil

Purpose

The purpose of this report is to establish the Anderson Roadknight Reserve Community Asset Committee in accordance with section 65 of the Local Government Act 2020.

Summary

Council and local communities have benefited for a number of years from the voluntary work of eight special committees formed under section 86 of the Local Government Act 1989 (the 1989 Act). These special committees were formed for the purpose of undertaking daily operational and maintenance activities at nominated halls and recreation reserves. The committees also create greater local connection and bring local knowledge that results in more effective use of the facilities.

With the commencement of the Local Government Act 2020 (the 2020 Act) the eight special committees will cease to exist. Council needs to establish committees in accordance with the new legislation, or else arrange for alternative delivery of previously delegated functions.

The 2020 Act enables the Council to establish Community Asset Committees and Council's Chief Executive Officer (CEO) to delegate duties and functions through an Instrument of Delegation. This report proposes that the Anderson Roadknight Reserve Community Asset Committee be established under section 65 of the 2020 Act, along with membership.

Recommendation

That Council, in exercise of the power conferred by section 65 of the *Local Government Act 2020*:

1. Establishes, from the date of this resolution, as a Community Asset Committee, the Anderson Roadknight Reserve Community Asset Committee (**Committee**).
2. Determines that the purpose of the Committee is to manage the Aireys Inlet tennis courts and community hall in accordance with delegated duties and functions.
3. Determines that the members of the Committee are:
 - 3.1. Anne Whelan
 - 3.2. Karen Jacques
 - 3.3. Phil Rounsevell
 - 3.4. Libby Stapleton
 - 3.5. John McInerney
 - 3.6. Gail Timmers
 - 3.7. Barry Whelan
 - 3.8. Keith Bremner
 - 3.9. Edith Barton
4. Reviews committee membership before 1 September 2022 and on a four-yearly cycle thereafter.
5. Determines that all members of the Committee have voting rights on the Committee.
6. Notes the Committee must adhere to Chapter 2, Part 3, Clause 3 of the Council's Governance Rules relating to the Recording of Minutes.

4.7 Local Government Act 2020 - Anderson Roadknight Reserve Community Asset Committee - Establishment and Membership

Council Resolution

MOVED Cr Clive Goldsworthy, Seconded Cr David Bell

That Council, in exercise of the power conferred by section 65 of the *Local Government Act 2020*:

1. Establishes, from the date of this resolution, as a Community Asset Committee, the Anderson Roadknight Reserve Community Asset Committee (**Committee**).
2. Determines that the purpose of the Committee is to manage the Aireys Inlet tennis courts and community hall in accordance with delegated duties and functions.
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 - 3.5. John McInerney
 - 3.6. Gail Timmers
 - 3.7. Barry Whelan
 - 3.8. Keith Bremner
 - 3.9. Edith Barton
4. Reviews committee membership before 1 September 2022 and on a four-yearly cycle thereafter.
5. Determines that all members of the Committee have voting rights on the Committee.
6. Notes the Committee must adhere to Chapter 2, Part 3, Clause 3 of the Council's Governance Rules relating to the Recording of Minutes.

CARRIED 9:0

4.7 Local Government Act 2020 - Anderson Roadknight Reserve Community Asset Committee - Establishment and Membership

Report

Officer Direct or Indirect Interest

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

Background

Section 65 of the 2020 Act commenced on 1 May 2020. As part of the 2020 Act implementation, a grace period of 4 months was provided within the legislation, and therefore if Council wishes to establish Community Asset Committees to replace the special committees that operated under the 1989 Act the new committees need to be established by 1 September 2020.

Discussion

Under the 2020 Act, Council may through resolution establish a Community Asset Committee for the purpose of managing an asset in the municipality. Under the new legislation, the powers and functions of the committee are delegated to the Committee by the CEO under section 47 of the 2020 Act. The committee will report to the CEO, who in turn reports annually to the Council on the activities of the Community Asset Committee.

Section 47 of the Local Government Act 2020 is provided below to further outline the role of the CEO in delegating powers to the Community Asset Committee.

47 Delegations by Chief Executive Officer

(1) The Chief Executive Officer may by instrument of delegation delegate any power, duty or function of the Council that has been delegated to the Chief Executive Officer by the Council to—

- (a) a member of Council staff; or*
- (b) the members of a Community Asset Committee.*

Council will retain the responsibility of establishing or disbanding committees under section 65 of the new Act and maintains responsibility for membership to these committees; appointing new members through Council resolution.

Council has historically reviewed s86 Instruments of Delegation and membership on a four-yearly cycle within 12 months of a Council election. The 2020 Act doesn't set any timeframes for membership and the new Instrument of Delegation issued by the CEO won't refer to membership criteria or appointments, unless Council chooses to delegate this power to the CEO in the future. It is proposed that the committees be established with members appointed for an initial period of two years for the following reasons:

1. This will provide sufficient time for current members to assist Council to settle the new framework; and
2. Establishing a review date that is mid-term for Council and clear of the peak post-election workload will allow Council to consider this matter at less busy time.

The draft instrument of delegation from the CEO has been developed and provided to existing committees for their review. The Instruments of Delegation for each committee will be completed and signed once Council has established the committees and prior to the 1 September 2020 deadline.

The responsibilities of the committee listed in the Instrument of Delegation generally reflect current maintenance arrangements, however, there is greater focus and detail with respect to governance requirements, monitoring and reporting. It is proposed that committee members will also undertake important governance training shortly after their establishment.

Greater empowerment of the community in relation to community assets may be integral to their future business model, however, the implementation of the 2020 Act has not allowed time for this to be explored at this time. Officers will continue to work with committees and communities that wish to explore alternative management models.

4.7 Local Government Act 2020 - Anderson Roadknight Reserve Community Asset Committee - Establishment and Membership

Council Plan

Theme 1 Community Wellbeing
Objective 1.1 Support people to participate in and contribute to community life
Strategy 1.1.2 Facilitate and support high levels of volunteering in the community

Theme 5 High Performing Council
Objective 5.2 Ensure that Council decision-making is balanced and transparent and the community is involved and informed

Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	No
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes
Risk Assessment	No
Communication	Yes
Human Rights Charter	Yes

Governance Principles - Local Government Act 2020 (LGA 2020)

The establishment of this Community Asset Committee ensures the ongoing work of committees of Council who deliver valuable service to local communities through the provision of managing the operations of a Council asset. This is achieving the best outcome for the community.

Policy/Relevant Law

Community Asset Committees are established in accordance with section 65 of the Local Government Act 2020.

Public Transparency

The establishment of the Community Asset Committees, including membership, is transparent to the community through this report and the livestreaming of Council's meeting where the decision is to be considered. Instruments of Delegation for each of the committees will be made available to any member of the public upon request.

Service Performance

Community Asset Committees provide valuable service to the community and regular users of the facilities which they assist Council in managing. This allows for responsive service that is delivered from within the community

4.7 Local Government Act 2020 - Anderson Roadknight Reserve Community Asset Committee - Establishment and Membership

Communication

Existing special committees have been communicated with throughout the process of implementing the 2020 Act to ensure awareness of any potential changes and to explain new Community Asset Committees are required. The committees have been provided with the CEO's proposed Instruments of Delegation

The committee members will be provided with information about the establishment of the committee and their appointment as members of the new committee following Council's consideration of this item

Human Rights Charter

A review of Human Rights using the Impact Assessment Tool as a guide against the establishment and appointment of members to the committee has been undertaken, and no apparent human rights have been impinged.

Options

Option 1 – establish the Community Asset Committee

This option is recommended by officers as this will ensure the valuable work of this volunteer committee can continue without disruption.

Option 2 – do not establish the Committee as a Community Asset Committee

This option is not recommended by officers. The current special committee cannot operate after 1 September and so it is important to have new committees in place by this date. If new Community Asset Committees are not established under the 2020 Act at that time, the committee's delegations will no longer be operable, and the community's use and enjoyment of the asset could be interrupted until alternative management arrangements are established.

Conclusion

The 2020 Act recognises the ongoing value in community's being empowered to undertake day to day operation and management of community assets. With the transition from the Local Government Act 1989 to the Local Government Act 2020, it is recommended by officers that the Anderson Roadknight Reserve Community Asset Committee be established under section 65 of the 2020 Act, allowing the committee to continue to provide management functions over the community asset.

4.8 Local Government Act 2020 - Anglesea Bike Park Community Asset Committee - Establishment and Membership

Author's Title: Coordinator Governance
Department: Governance & Risk
Division: Governance & Infrastructure
Appendix: Nil

General Manager: John Bertoldi
File No: F12/647
Trim No: IC20/1179

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

☐ Yes

☒ No

Reason: Nil

Status:
Defined as confidential information in accordance with Local Government Act 2020, Section 3(1):

☐ Yes

☒ No

Reason: Nil

Purpose

The purpose of this report is to establish the Anglesea Bike Park Community Asset Committee in accordance with section 65 of the Local Government Act 2020.

Summary

Council and local communities have benefited for a number of years from the voluntary work of eight special committees formed under section 86 of the Local Government Act 1989 (the 1989 Act). These special committees were formed for the purpose of undertaking daily operational and maintenance activities at nominated halls and recreation reserves. The committees also create greater local connection and bring local knowledge that results in more effective use of the facilities.

With the commencement of the Local Government Act 2020 (the 2020 Act) the eight special committees will cease to exist. Council needs to establish committees in accordance with the new legislation, or else arrange for alternative delivery of previously delegated functions.

The 2020 Act enables the Council to establish Community Asset Committees and Council's Chief Executive Officer (CEO) to delegate duties and functions through an Instrument of Delegation. This report proposes that the Anglesea Bike Park Community Asset Committee be established under section 65 of the 2020 Act, along with membership.

Recommendation

That Council, in exercise of the power conferred by section 65 of the *Local Government Act 2020*:

1. Establishes, from the date of this resolution, as a Community Asset Committee, the Anglesea Bike Park Community Asset Committee (**Committee**).
2. Determines that the purpose of the Committee is to manage the 4-cross track, trials area, jumps area, trails and shelter in accordance with delegated duties and functions.
3. Determines that the members of the Committee are:
 - 3.1. Zac Hinton
 - 3.2. Mick Willoughby
 - 3.3. Rod De Vries
 - 3.4. Mike Bodsworth
 - 3.5. Kate Maffett
 - 3.6. Greg Langham
 - 3.7. Ari Lingham
4. Reviews committee membership before 1 September 2022 and on a four-yearly cycle thereafter.
5. Determines that all members of the Committee have voting rights on the Committee.
6. Notes the Committee must adhere to Chapter 2, Part 3, Clause 3 of the Council's Governance Rules relating to the Recording of Minutes.

4.8 Local Government Act 2020 - Anglesea Bike Park Community Asset Committee - Establishment and Membership

Council Resolution

MOVED Cr Clive Goldsworthy, Seconded Cr David Bell

That Council, in exercise of the power conferred by section 65 of the *Local Government Act 2020*:

1. Establishes, from the date of this resolution, as a Community Asset Committee, the Anglesea Bike Park Community Asset Committee (**Committee**).
2. Determines that the purpose of the Committee is to manage the 4-cross track, trials area, jumps area, trails and shelter in accordance with delegated duties and functions.
3. Determines that the members of the Committee are:
 - 3.1. Zac Hinton
 - 3.2. Mick Willoughby
 - 3.3. Rod De Vries
 - 3.4. Mike Bodsworth
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 - 3.6. Greg Langham
 - 3.7. Ari Lingham
4. Reviews committee membership before 1 September 2022 and on a four-yearly cycle thereafter.
5. Determines that all members of the Committee have voting rights on the Committee.
6. Notes the Committee must adhere to Chapter 2, Part 3, Clause 3 of the Council's Governance Rules relating to the Recording of Minutes.

CARRIED 9:0

4.8 Local Government Act 2020 - Anglesea Bike Park Community Asset Committee - Establishment and Membership

Report

Officer Direct or Indirect Interest

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

Background

Section 65 of the 2020 Act commenced on 1 May 2020. As part of the 2020 Act implementation, a grace period of 4 months was provided within the legislation, and therefore if Council wishes to establish Community Asset Committees to replace the special committees that operated under the 1989 Act the new committees need to be established by 1 September 2020.

Discussion

Under the 2020 Act, Council may through resolution establish a Community Asset Committee for the purpose of managing an asset in the municipality. Under the new legislation, the powers and functions of the committee are delegated to the Committee by the CEO under section 47 of the 2020 Act. The committee will report to the CEO, who in turn reports annually to the Council on the activities of the Community Asset Committee.

Section 47 of the Local Government Act 2020 is provided below to further outline the role of the CEO in delegating powers to the Community Asset Committee.

47 Delegations by Chief Executive Officer

(1) The Chief Executive Officer may by instrument of delegation delegate any power, duty or function of the Council that has been delegated to the Chief Executive Officer by the Council to—

- (a) a member of Council staff; or*
- (b) the members of a Community Asset Committee.*

Council will retain the responsibility of establishing or disbanding committees under section 65 of the new Act and maintains responsibility for membership to these committees; appointing new members through Council resolution.

Council has historically reviewed s86 Instruments of Delegation and membership on a four-yearly cycle within 12 months of a Council election. The 2020 Act doesn't set any timeframes for membership and the new Instrument of Delegation issued by the CEO won't refer to membership criteria or appointments, unless Council chooses to delegate this power to the CEO in the future. It is proposed that the committees be established with members appointed for an initial period of two years for the following reasons:

1. This will provide sufficient time for current members to assist Council to settle the new framework; and
2. Establishing a review date that is mid-term for Council and clear of the peak post-election workload will allow Council to consider this matter at less busy time.

The draft instrument of delegation from the CEO has been developed and provided to existing committees for their review. The Instruments of Delegation for each committee will be completed and signed once Council has established the committees and prior to the 1 September 2020 deadline.

The responsibilities of the committee listed in the Instrument of Delegation generally reflect current maintenance arrangements, however, there is greater focus and detail with respect to governance requirements, monitoring and reporting. It is proposed that committee members will also undertake important governance training shortly after their establishment.

Greater empowerment of the community in relation to community assets may be integral to their future business model, however, the implementation of the 2020 Act has not allowed time for this to be explored at this time. Officers will continue to work with committees and communities that wish to explore alternative management models.

4.8 Local Government Act 2020 - Anglesea Bike Park Community Asset Committee - Establishment and Membership

Council Plan

Theme 1 Community Wellbeing
Objective 1.1 Support people to participate in and contribute to community life
Strategy 1.1.2 Facilitate and support high levels of volunteering in the community

Theme 5 High Performing Council
Objective 5.2 Ensure that Council decision-making is balanced and transparent and the community is involved and informed

Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	No
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes
Risk Assessment	No
Communication	Yes
Human Rights Charter	Yes

Governance Principles - Local Government Act 2020 (LGA 2020)

The establishment of this Community Asset Committee ensures the ongoing work of committees of Council who deliver valuable service to local communities through the provision of managing the operations of a Council asset. This is achieving the best outcome for the community.

Policy/Relevant Law

Community Asset Committees are established in accordance with section 65 of the Local Government Act 2020.

Public Transparency

The establishment of the Community Asset Committees, including membership, is transparent to the community through this report and the livestreaming of Council's meeting where the decision is to be considered. Instruments of Delegation for each of the committees will be made available to any member of the public upon request.

Service Performance

Community Asset Committees provide valuable service to the community and regular users of the facilities which they assist Council in managing. This allows for responsive service that is delivered from within the community

4.8 Local Government Act 2020 - Anglesea Bike Park Community Asset Committee - Establishment and Membership

Communication

Existing special committees have been communicated with throughout the process of implementing the 2020 Act to ensure awareness of any potential changes and to explain new Community Asset Committees are required. The committees have been provided with the CEO's proposed Instruments of Delegation

The committee members will be provided with information about the establishment of the committee and their appointment as members of the new committee following Council's consideration of this item

Human Rights Charter

A review of Human Rights using the Impact Assessment Tool as a guide against the establishment and appointment of members to the committee has been undertaken, and no apparent human rights have been impinged.

Options

Option 1 – establish the Community Asset Committee

This option is recommended by officers as this will ensure the valuable work of this volunteer committee can continue without disruption.

Option 2 – do not establish the Committee as a Community Asset Committee

This option is not recommended by officers. The current special committee cannot operate after 1 September and so it is important to have new committees in place by this date. If new Community Asset Committees are not established under the 2020 Act at that time, the committee's delegations will no longer be operable, and the community's use and enjoyment of the asset could be interrupted until alternative management arrangements are established.

Conclusion

The 2020 Act recognises the ongoing value in community's being empowered to undertake day to day operation and management of community assets. With the transition from the Local Government Act 1989 to the Local Government Act 2020, it is recommended by officers that the Anglesea Bike Park Community Asset Committee be established under section 65 of the 2020 Act, allowing the committee to continue to provide management functions over the community asset.

4.9 Local Government Act 2020 - Connewarre Reserve Community Asset Committee - Establishment and Membership

Author's Title: Coordinator Governance
Department: Governance & Risk
Division: Governance & Infrastructure
Appendix: Nil

General Manager: John Bertoldi
File No: F12/647
Trim No: IC20/1180

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

☐ Yes

☒ No

Reason: Nil

Status:
Defined as confidential information in accordance with Local Government Act 2020, Section 3(1):

☐ Yes

☒ No

Reason: Nil

Purpose

The purpose of this report is to establish the Connewarre Reserve Community Asset Committee in accordance with section 65 of the Local Government Act 2020.

Summary

Council and local communities have benefited for a number of years from the voluntary work of eight special committees formed under section 86 of the Local Government Act 1989 (the 1989 Act). These special committees were formed for the purpose of undertaking daily operational and maintenance activities at nominated halls and recreation reserves. The committees also create greater local connection and bring local knowledge that results in more effective use of the facilities.

With the commencement of the Local Government Act 2020 (the 2020 Act) the eight special committees will cease to exist. Council needs to establish committees in accordance with the new legislation, or else arrange for alternative delivery of previously delegated functions.

The 2020 Act enables the Council to establish Community Asset Committees and Council's Chief Executive Officer (CEO) to delegate duties and functions through an Instrument of Delegation. This report proposes that the Connewarre Reserve Community Asset Committee be established under section 65 of the 2020 Act, along with membership.

Recommendation

That Council, in exercise of the power conferred by section 65 of the *Local Government Act 2020*:

1. Establishes, from the date of this resolution, as a Community Asset Committee, the Connewarre Reserve Community Asset Committee (**Committee**).
2. Determines that the purpose of the Committee is to manage the hall, skate park, playground, tennis courts, sports fields and equestrian centre in accordance with delegated duties and functions.
3. Determines that the members of the Committee are:
 - 3.1. Allan Reeve
 - 3.2. Colleen Carroll
 - 3.3. Emma Pritchett
 - 3.4. Frank Burchell
 - 3.5. Gordon Elliot
 - 3.6. Jeff Dans
 - 3.7. Michael Bjork-Billings
 - 3.8. Steve Findlay
 - 3.9. Kathy Scanlon
4. Reviews committee membership before 1 September 2022 and on a four-yearly cycle thereafter.
5. Determines that all members of the Committee have voting rights on the Committee.
6. Notes the Committee must adhere to Chapter 2, Part 3, Clause 3 of the Council's Governance Rules relating to the Recording of Minutes.

4.9 Local Government Act 2020 - Connewarre Reserve Community Asset Committee - Establishment and Membership

Council Resolution

MOVED Cr Clive Goldsworthy, Seconded Cr David Bell

That Council, in exercise of the power conferred by section 65 of the *Local Government Act 2020*:

1. Establishes, from the date of this resolution, as a Community Asset Committee, the Connewarre Reserve Community Asset Committee (**Committee**).
2. Determines that the purpose of the Committee is to manage the hall, skate park, playground, tennis courts, sports fields and equestrian centre in accordance with delegated duties and functions.
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 - 3.4. Frank Burchell
 - 3.5. Gordon Elliot
 - 3.6. Jeff Dans
 - 3.7. Michael Bjork-Billings
 - 3.8. Steve Findlay
 - 3.9. Kathy Scanlon
4. Reviews committee membership before 1 September 2022 and on a four-yearly cycle thereafter.
5. Determines that all members of the Committee have voting rights on the Committee.
6. Notes the Committee must adhere to Chapter 2, Part 3, Clause 3 of the Council's Governance Rules relating to the Recording of Minutes.

CARRIED 9:0

4.9 Local Government Act 2020 - Connewarre Reserve Community Asset Committee - Establishment and Membership

Report

Officer Direct or Indirect Interest

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

Background

Section 65 of the 2020 Act commenced on 1 May 2020. As part of the 2020 Act implementation, a grace period of 4 months was provided within the legislation, and therefore if Council wishes to establish Community Asset Committees to replace the special committees that operated under the 1989 Act the new committees need to be established by 1 September 2020.

Discussion

Under the 2020 Act, Council may through resolution establish a Community Asset Committee for the purpose of managing an asset in the municipality. Under the new legislation, the powers and functions of the committee are delegated to the Committee by the CEO under section 47 of the 2020 Act. The committee will report to the CEO, who in turn reports annually to the Council on the activities of the Community Asset Committee.

Section 47 of the Local Government Act 2020 is provided below to further outline the role of the CEO in delegating powers to the Community Asset Committee.

47 Delegations by Chief Executive Officer

(1) The Chief Executive Officer may by instrument of delegation delegate any power, duty or function of the Council that has been delegated to the Chief Executive Officer by the Council to—

- (a) a member of Council staff; or*
- (b) the members of a Community Asset Committee.*

Council will retain the responsibility of establishing or disbanding committees under section 65 of the new Act and maintains responsibility for membership to these committees; appointing new members through Council resolution.

Council has historically reviewed s86 Instruments of Delegation and membership on a four-yearly cycle within 12 months of a Council election. The 2020 Act doesn't set any timeframes for membership and the new Instrument of Delegation issued by the CEO won't refer to membership criteria or appointments, unless Council chooses to delegate this power to the CEO in the future. It is proposed that the committees be established with members appointed for an initial period of two years for the following reasons:

1. This will provide sufficient time for current members to assist Council to settle the new framework; and
2. Establishing a review date that is mid-term for Council and clear of the peak post-election workload will allow Council to consider this matter at less busy time.

The draft instrument of delegation from the CEO has been developed and provided to existing committees for their review. The Instruments of Delegation for each committee will be completed and signed once Council has established the committees and prior to the 1 September 2020 deadline.

The responsibilities of the committee listed in the Instrument of Delegation generally reflect current maintenance arrangements, however, there is greater focus and detail with respect to governance requirements, monitoring and reporting. It is proposed that committee members will also undertake important governance training shortly after their establishment.

Greater empowerment of the community in relation to community assets may be integral to their future business model, however, the implementation of the 2020 Act has not allowed time for this to be explored at this time. Officers will continue to work with committees and communities that wish to explore alternative management models.

4.9 Local Government Act 2020 - Connewarre Reserve Community Asset Committee - Establishment and Membership

Council Plan

Theme 1 Community Wellbeing
Objective 1.1 Support people to participate in and contribute to community life
Strategy 1.1.2 Facilitate and support high levels of volunteering in the community

Theme 5 High Performing Council
Objective 5.2 Ensure that Council decision-making is balanced and transparent and the community is involved and informed

Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	No
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes
Risk Assessment	No
Communication	Yes
Human Rights Charter	Yes

Governance Principles - Local Government Act 2020 (LGA 2020)

The establishment of this Community Asset Committee ensures the ongoing work of committees of Council who deliver valuable service to local communities through the provision of managing the operations of a Council asset. This is achieving the best outcome for the community.

Policy/Relevant Law

Community Asset Committees are established in accordance with section 65 of the Local Government Act 2020.

Public Transparency

The establishment of the Community Asset Committees, including membership, is transparent to the community through this report and the livestreaming of Council's meeting where the decision is to be considered. Instruments of Delegation for each of the committees will be made available to any member of the public upon request.

Service Performance

Community Asset Committees provide valuable service to the community and regular users of the facilities which they assist Council in managing. This allows for responsive service that is delivered from within the community

4.9 Local Government Act 2020 - Connewarre Reserve Community Asset Committee - Establishment and Membership

Communication

Existing special committees have been communicated with throughout the process of implementing the 2020 Act to ensure awareness of any potential changes and to explain new Community Asset Committees are required. The committees have been provided with the CEO's proposed Instruments of Delegation

The committee members will be provided with information about the establishment of the committee and their appointment as members of the new committee following Council's consideration of this item

Human Rights Charter

A review of Human Rights using the Impact Assessment Tool as a guide against the establishment and appointment of members to the committee has been undertaken, and no apparent human rights have been impinged.

Options

Option 1 – establish the Community Asset Committee

This option is recommended by officers as this will ensure the valuable work of this volunteer committee can continue without disruption.

Option 2 – do not establish the Committee as a Community Asset Committee

This option is not recommended by officers. The current special committee cannot operate after 1 September and so it is important to have new committees in place by this date. If new Community Asset Committees are not established under the 2020 Act at that time, the committee's delegations will no longer be operable, and the community's use and enjoyment of the asset could be interrupted until alternative management arrangements are established.

Conclusion

The 2020 Act recognises the ongoing value in community's being empowered to undertake day to day operation and management of community assets. With the transition from the Local Government Act 1989 to the Local Government Act 2020, it is recommended by officers that the Connewarre Reserve Community Asset Committee be established under section 65 of the 2020 Act, allowing the committee to continue to provide management functions over the community asset.

4.10 Local Government Act 2020 - Deans Marsh Community Asset Committee - Establishment and Membership

Author's Title: Coordinator Governance
Department: Governance & Risk
Division: Governance & Infrastructure
Appendix: Nil

General Manager: John Bertoldi
File No: F12/647
Trim No: IC20/1177

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

☐ Yes

☒ No

Reason: Nil

Status:
Defined as confidential information in accordance
with Local Government Act 2020, Section 3(1):

☐ Yes

☒ No

Reason: Nil

Purpose

The purpose of this report is to establish the Deans Marsh Community Asset Committee in accordance with section 65 of the Local Government Act 2020.

Summary

Council and local communities have benefited for a number of years from the voluntary work of eight special committees formed under section 86 of the Local Government Act 1989 (the 1989 Act). These special committees were formed for the purpose of undertaking daily operational and maintenance activities at nominated halls and recreation reserves. The committees also create greater local connection and bring local knowledge that results in more effective use of the facilities.

With the commencement of the Local Government Act 2020 (the 2020 Act) the eight special committees will cease to exist. Council needs to establish committees in accordance with the new legislation, or else arrange for alternative delivery of previously delegated functions.

The 2020 Act enables the Council to establish Community Asset Committees and Council's Chief Executive Officer (CEO) to delegate duties and functions through an Instrument of Delegation. This report proposes that the Deans Marsh Community Asset Committee be established under section 65 of the 2020 Act, along with membership.

Recommendation

That Council, in exercise of the power conferred by section 65 of the *Local Government Act 2020*:

1. Establishes, from the date of this resolution, as a Community Asset Committee, the Deans Marsh Community Asset Committee (**Committee**).
2. Determines that the purpose of the Committee is to manage the Deans Marsh hall, community cottage, skate park, playground, pavilions, tennis courts and sports oval in accordance with delegated duties and functions.
3. Determines that the members of the Committee are:
 - 3.1. Tony Watts
 - 3.2. Deb Jarvis
 - 3.3. Lynette Clucas
 - 3.4. Victor Goldsztein
 - 3.5. Gen Picot
 - 3.6. Lisa Jarvis
 - 3.7. Madeleine McCarney
4. Reviews committee membership before 1 September 2022 and on a four-yearly cycle thereafter.
5. Determines that all members of the Committee have voting rights on the Committee.
6. Notes the Committee must adhere to Chapter 2, Part 3, Clause 3 of the Council's Governance Rules relating to the Recording of Minutes.

4.10 Local Government Act 2020 - Deans Marsh Community Asset Committee - Establishment and Membership

Amended Recommendation

That Council, in exercise of the power conferred by section 65 of the *Local Government Act 2020*:

1. Establishes, from the date of this resolution, as a Community Asset Committee, the Deans Marsh Community Hall & Memorial Reserve Community Asset Committee (**Committee**).
2. Determines that the purpose of the Committee is to manage the Deans Marsh Community hall, community cottage, skate park, playground, pavilions, tennis courts and sports oval in accordance with delegated duties and functions.
3. Determines that the members of the Committee are:
 - 3.1. Tony Watts
 - 3.2. Deb Jarvis
 - 3.3. Lynette Clucas
 - 3.4. Victor Goldsztein
 - 3.5. Gen Picot
 - 3.6. Lisa Jarvis
 - 3.7. Madeleine McCarney
 - 3.8. Michael Atkinson
4. Reviews committee membership before 1 September 2022 and on a four-yearly cycle thereafter.
5. Determines that all members of the Committee have voting rights on the Committee.
6. Notes the Committee must adhere to Chapter 2, Part 3, Clause 3 of the Council's Governance Rules relating to the Recording of Minutes.

Council Resolution

MOVED Cr Clive Goldsworthy, Seconded Cr Martin Duke

That Council, in exercise of the power conferred by section 65 of the *Local Government Act 2020*:

1. Establishes, from the date of this resolution, as a Community Asset Committee, the Deans Marsh Community Hall & Memorial Reserve Community Asset Committee (**Committee**).
2. Determines that the purpose of the Committee is to manage the Deans Marsh hall, community cottage, skate park, playground, pavilions, tennis courts and sports oval in accordance with delegated duties and functions.
3. Determines that the members of the Committee are:
 - 3.1. Tony Watts
 - 3.2. Deb Jarvis
 - 3.3. Lynette Clucas
 - 3.4. Victor Goldsztein
 - 3.5. Gen Picot
 - 3.6. Lisa Jarvis
 - 3.7. Madeleine McCarney
 - 3.8. Michael Atkinson
4. Reviews committee membership before 1 September 2022 and on a four-yearly cycle thereafter.
5. Determines that all members of the Committee have voting rights on the Committee.
6. Notes the Committee must adhere to Chapter 2, Part 3, Clause 3 of the Council's Governance Rules relating to the Recording of Minutes.

CARRIED 9:0

4.10 Local Government Act 2020 - Deans Marsh Community Asset Committee - Establishment and Membership

Report

Officer Direct or Indirect Interest

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

Background

Section 65 of the 2020 Act commenced on 1 May 2020. As part of the 2020 Act implementation, a grace period of 4 months was provided within the legislation, and therefore if Council wishes to establish Community Asset Committees to replace the special committees that operated under the 1989 Act the new committees need to be established by 1 September 2020.

Discussion

Under the 2020 Act, Council may through resolution establish a Community Asset Committee for the purpose of managing an asset in the municipality. Under the new legislation, the powers and functions of the committee are delegated to the Committee by the CEO under section 47 of the 2020 Act. The committee will report to the CEO, who in turn reports annually to the Council on the activities of the Community Asset Committee.

Section 47 of the Local Government Act 2020 is provided below to further outline the role of the CEO in delegating powers to the Community Asset Committee.

47 Delegations by Chief Executive Officer

(1) The Chief Executive Officer may by instrument of delegation delegate any power, duty or function of the Council that has been delegated to the Chief Executive Officer by the Council to—

- (a) a member of Council staff; or*
- (b) the members of a Community Asset Committee.*

Council will retain the responsibility of establishing or disbanding committees under section 65 of the new Act and maintains responsibility for membership to these committees; appointing new members through Council resolution.

Council has historically reviewed s86 Instruments of Delegation and membership on a four-yearly cycle within 12 months of a Council election. The 2020 Act doesn't set any timeframes for membership and the new Instrument of Delegation issued by the CEO won't refer to membership criteria or appointments, unless Council chooses to delegate this power to the CEO in the future. It is proposed that the committees be established with members appointed for an initial period of two years for the following reasons:

1. This will provide sufficient time for current members to assist Council to settle the new framework; and
2. Establishing a review date that is mid-term for Council and clear of the peak post-election workload will allow Council to consider this matter at less busy time.

The draft instrument of delegation from the CEO has been developed and provided to existing committees for their review. The Instruments of Delegation for each committee will be completed and signed once Council has established the committees and prior to the 1 September 2020 deadline.

The responsibilities of the committee listed in the Instrument of Delegation generally reflect current maintenance arrangements, however, there is greater focus and detail with respect to governance requirements, monitoring and reporting. It is proposed that committee members will also undertake important governance training shortly after their establishment.

Greater empowerment of the community in relation to community assets may be integral to their future business model, however, the implementation of the 2020 Act has not allowed time for this to be explored at this time. Officers will continue to work with committees and communities that wish to explore alternative management models.

4.10 Local Government Act 2020 - Deans Marsh Community Asset Committee - Establishment and Membership

Council Plan

Theme 1 Community Wellbeing
Objective 1.1 Support people to participate in and contribute to community life
Strategy 1.1.2 Facilitate and support high levels of volunteering in the community

Theme 5 High Performing Council
Objective 5.2 Ensure that Council decision-making is balanced and transparent and the community is involved and informed

Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	No
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes
Risk Assessment	No
Communication	Yes
Human Rights Charter	Yes

Governance Principles - Local Government Act 2020 (LGA 2020)

The establishment of this Community Asset Committee ensures the ongoing work of committees of Council who deliver valuable service to local communities through the provision of managing the operations of a Council asset. This is achieving the best outcome for the community.

Policy/Relevant Law

Community Asset Committees are established in accordance with section 65 of the Local Government Act 2020.

Public Transparency

The establishment of the Community Asset Committees, including membership, is transparent to the community through this report and the livestreaming of Council's meeting where the decision is to be considered. Instruments of Delegation for each of the committees will be made available to any member of the public upon request.

Service Performance

Community Asset Committees provide valuable service to the community and regular users of the facilities which they assist Council in managing. This allows for responsive service that is delivered from within the community

4.10 Local Government Act 2020 - Deans Marsh Community Asset Committee - Establishment and Membership

Communication

Existing special committees have been communicated with throughout the process of implementing the 2020 Act to ensure awareness of any potential changes and to explain new Community Asset Committees are required. The committees have been provided with the CEO's proposed Instruments of Delegation

The committee members will be provided with information about the establishment of the committee and their appointment as members of the new committee following Council's consideration of this item

Human Rights Charter

A review of Human Rights using the Impact Assessment Tool as a guide against the establishment and appointment of members to the committee has been undertaken, and no apparent human rights have been impinged.

Options

Option 1 – establish the Community Asset Committee

This option is recommended by officers as this will ensure the valuable work of this volunteer committee can continue without disruption.

Option 2 – do not establish the Committee as a Community Asset Committee

This option is not recommended by officers. The current special committee cannot operate after 1 September and so it is important to have new committees in place by this date. If new Community Asset Committees are not established under the 2020 Act at that time, the committee's delegations will no longer be operable, and the community's use and enjoyment of the asset could be interrupted until alternative management arrangements are established.

Conclusion

The 2020 Act recognises the ongoing value in community's being empowered to undertake day to day operation and management of community assets. With the transition from the Local Government Act 1989 to the Local Government Act 2020, it is recommended by officers that the Deans Marsh Community Asset Committee be established under section 65 of the 2020 Act, allowing the committee to continue to provide management functions over the community asset.

4.11 Local Government Act 2020 - Eastern Reserve Community Asset Committee - Establishment and Membership

Author's Title: Coordinator Governance
Department: Governance & Risk
Division: Governance & Infrastructure
Appendix: Nil

General Manager: John Bertoldi
File No: F12/647
Trim No: IC20/1181

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

☐ Yes

☒ No

Reason: Nil

Status:
Defined as confidential information in accordance
with Local Government Act 2020, Section 3(1):

☐ Yes

☒ No

Reason: Nil

Purpose

The purpose of this report is to establish the Eastern Reserve Community Asset Committee in accordance with section 65 of the Local Government Act 2020.

Summary

Council and local communities have benefited for a number of years from the voluntary work of eight special committees formed under section 86 of the Local Government Act 1989 (the 1989 Act). These special committees were formed for the purpose of undertaking daily operational and maintenance activities at nominated halls and recreation reserves. The committees also create greater local connection and bring local knowledge that results in more effective use of the facilities.

With the commencement of the Local Government Act 2020 (the 2020 Act) the eight special committees will cease to exist. Council needs to establish committees in accordance with the new legislation, or else arrange for alternative delivery of previously delegated functions.

The 2020 Act enables the Council to establish Community Asset Committees and Council's Chief Executive Officer (CEO) to delegate duties and functions through an Instrument of Delegation. This report proposes that the Eastern Reserve Community Asset Committee be established under section 65 of the 2020 Act, along with membership.

Recommendation

That Council, in exercise of the power conferred by section 65 of the *Local Government Act 2020*:

1. Establishes, from the date of this resolution, as a Community Asset Committee, the Eastern Reserve Community Asset Committee (**Committee**).
2. Determines that the purpose of the Committee is to manage the pavilion, sports oval and netball courts in accordance with delegated duties and functions.
3. Determines that the members of the Committee are:
 - 3.1. Caroline Shelbourne
 - 3.2. Campbell Brumby
 - 3.3. Greg Leeson
 - 3.4. Steve Leigh
 - 3.5. Martin Kavanagh
 - 3.6. Cam McGregor
4. Reviews committee membership before 1 September 2022 and on a four-yearly cycle thereafter.
5. Determines that all members of the Committee have voting rights on the Committee.
6. Notes the Committee must adhere to Chapter 2, Part 3, Clause 3 of the Council's Governance Rules relating to the Recording of Minutes.

4.11 Local Government Act 2020 - Eastern Reserve Community Asset Committee - Establishment and Membership

Council Resolution

MOVED Cr Clive Goldsworthy, Seconded Cr David Bell

That Council, in exercise of the power conferred by section 65 of the *Local Government Act 2020*:

1. Establishes, from the date of this resolution, as a Community Asset Committee, the Eastern Reserve Community Asset Committee (**Committee**).
2. Determines that the purpose of the Committee is to manage the pavilion, sports oval and netball courts in accordance with delegated duties and functions.
3. Determines that the members of the Committee are:
 - 3.1. Caroline Shelbourne
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5. Determines that all members of the Committee have voting rights on the Committee.
6. Notes the Committee must adhere to Chapter 2, Part 3, Clause 3 of the Council's Governance Rules relating to the Recording of Minutes.

CARRIED 9:0

4.11 Local Government Act 2020 - Eastern Reserve Community Asset Committee - Establishment and Membership

Report

Officer Direct or Indirect Interest

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

Background

Section 65 of the 2020 Act commenced on 1 May 2020. As part of the 2020 Act implementation, a grace period of 4 months was provided within the legislation, and therefore if Council wishes to establish Community Asset Committees to replace the special committees that operated under the 1989 Act the new committees need to be established by 1 September 2020.

Discussion

Under the 2020 Act, Council may through resolution establish a Community Asset Committee for the purpose of managing an asset in the municipality. Under the new legislation, the powers and functions of the committee are delegated to the Committee by the CEO under section 47 of the 2020 Act. The committee will report to the CEO, who in turn reports annually to the Council on the activities of the Community Asset Committee.

Section 47 of the Local Government Act 2020 is provided below to further outline the role of the CEO in delegating powers to the Community Asset Committee.

47 Delegations by Chief Executive Officer

(1) The Chief Executive Officer may by instrument of delegation delegate any power, duty or function of the Council that has been delegated to the Chief Executive Officer by the Council to—

- (a) a member of Council staff; or*
- (b) the members of a Community Asset Committee.*

Council will retain the responsibility of establishing or disbanding committees under section 65 of the new Act and maintains responsibility for membership to these committees; appointing new members through Council resolution.

Council has historically reviewed s86 Instruments of Delegation and membership on a four-yearly cycle within 12 months of a Council election. The 2020 Act doesn't set any timeframes for membership and the new Instrument of Delegation issued by the CEO won't refer to membership criteria or appointments, unless Council chooses to delegate this power to the CEO in the future. It is proposed that the committees be established with members appointed for an initial period of two years for the following reasons:

1. This will provide sufficient time for current members to assist Council to settle the new framework; and
2. Establishing a review date that is mid-term for Council and clear of the peak post-election workload will allow Council to consider this matter at less busy time.

The draft instrument of delegation from the CEO has been developed and provided to existing committees for their review. The Instruments of Delegation for each committee will be completed and signed once Council has established the committees and prior to the 1 September 2020 deadline.

The responsibilities of the committee listed in the Instrument of Delegation generally reflect current maintenance arrangements, however, there is greater focus and detail with respect to governance requirements, monitoring and reporting. It is proposed that committee members will also undertake important governance training shortly after their establishment.

Greater empowerment of the community in relation to community assets may be integral to their future business model, however, the implementation of the 2020 Act has not allowed time for this to be explored at this time. Officers will continue to work with committees and communities that wish to explore alternative management models.

4.11 Local Government Act 2020 - Eastern Reserve Community Asset Committee - Establishment and Membership

Council Plan

Theme 1 Community Wellbeing
Objective 1.1 Support people to participate in and contribute to community life
Strategy 1.1.2 Facilitate and support high levels of volunteering in the community

Theme 5 High Performing Council
Objective 5.2 Ensure that Council decision-making is balanced and transparent and the community is involved and informed

Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	No
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes
Risk Assessment	No
Communication	Yes
Human Rights Charter	Yes

Governance Principles - Local Government Act 2020 (LGA 2020)

The establishment of this Community Asset Committee ensures the ongoing work of committees of Council who deliver valuable service to local communities through the provision of managing the operations of a Council asset. This is achieving the best outcome for the community.

Policy/Relevant Law

Community Asset Committees are established in accordance with section 65 of the Local Government Act 2020.

Public Transparency

The establishment of the Community Asset Committees, including membership, is transparent to the community through this report and the livestreaming of Council's meeting where the decision is to be considered. Instruments of Delegation for each of the committees will be made available to any member of the public upon request.

Service Performance

Community Asset Committees provide valuable service to the community and regular users of the facilities which they assist Council in managing. This allows for responsive service that is delivered from within the community

4.11 Local Government Act 2020 - Eastern Reserve Community Asset Committee - Establishment and Membership

Communication

Existing special committees have been communicated with throughout the process of implementing the 2020 Act to ensure awareness of any potential changes and to explain new Community Asset Committees are required. The committees have been provided with the CEO's proposed Instruments of Delegation

The committee members will be provided with information about the establishment of the committee and their appointment as members of the new committee following Council's consideration of this item

Human Rights Charter

A review of Human Rights using the Impact Assessment Tool as a guide against the establishment and appointment of members to the committee has been undertaken, and no apparent human rights have been impinged.

Options

Option 1 – establish the Community Asset Committee

This option is recommended by officers as this will ensure the valuable work of this volunteer committee can continue without disruption.

Option 2 – do not establish the Committee as a Community Asset Committee

This option is not recommended by officers. The current special committee cannot operate after 1 September and so it is important to have new committees in place by this date. If new Community Asset Committees are not established under the 2020 Act at that time, the committee's delegations will no longer be operable, and the community's use and enjoyment of the asset could be interrupted until alternative management arrangements are established.

Conclusion

The 2020 Act recognises the ongoing value in community's being empowered to undertake day to day operation and management of community assets. With the transition from the Local Government Act 1989 to the Local Government Act 2020, it is recommended by officers that the Eastern Reserve Community Asset Committee be established under section 65 of the 2020 Act, allowing the committee to continue to provide management functions over the community asset.

4.12 Local Government Act 2020 - Globe Theatre Community Asset Committees - Establishment and Membership

Author's Title: Coordinator Governance
Department: Governance & Risk
Division: Governance & Infrastructure
Appendix: Nil

General Manager: John Bertoldi
File No: F12/647
Trim No: IC20/1182

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

☐ Yes

☒ No

Reason: Nil

Status:
Defined as confidential information in accordance
with Local Government Act 2020, Section 3(1):

☐ Yes

☒ No

Reason: Nil

Purpose

The purpose of this report is to establish the Globe Theatre Community Asset Committee in accordance with section 65 of the Local Government Act 2020.

Summary

Council and local communities have benefited for a number of years from the voluntary work of eight special committees formed under section 86 of the Local Government Act 1989 (the 1989 Act). These special committees were formed for the purpose of undertaking daily operational and maintenance activities at nominated halls and recreation reserves. The committees also create greater local connection and bring local knowledge that results in more effective use of the facilities.

With the commencement of the Local Government Act 2020 (the 2020 Act) the eight special committees will cease to exist. Council needs to establish committees in accordance with the new legislation, or else arrange for alternative delivery of previously delegated functions.

The 2020 Act enables the Council to establish Community Asset Committees and Council's Chief Executive Officer (CEO) to delegate duties and functions through an Instrument of Delegation. This report proposes that the Globe Theatre Community Asset Committee be established under section 65 of the 2020 Act, along with membership.

Recommendation

That Council, in exercise of the power conferred by section 65 of the *Local Government Act 2020*:

1. Establishes, from the date of this resolution, as a Community Asset Committee, the Globe Theatre Community Asset Committee (**Committee**).
2. Determines that the purpose of the Committee is to manage the main theatre, supper room, kitchen and amenities in accordance with delegated duties and functions.
3. Determines that the members of the Committee are:
 - 3.1. Chris Thompson
 - 3.2. Helen Brown
 - 3.3. Maureen King
 - 3.4. Ray King
 - 3.5. Trevor Brown
 - 3.6. Murray Aisbett
 - 3.7. Neil Cameron
4. Reviews committee membership before 1 September 2022 and on a four-yearly cycle thereafter.
5. Determines that all members of the Committee have voting rights on the Committee.
6. Notes the Committee must adhere to Chapter 2, Part 3, Clause 3 of the Council's Governance Rules relating to the Recording of Minutes.

4.12 Local Government Act 2020 - Globe Theatre Community Asset Committees - Establishment and Membership

Council Resolution

MOVED Cr Clive Goldsworthy, Seconded Cr David Bell

That Council, in exercise of the power conferred by section 65 of the *Local Government Act 2020*:

1. Establishes, from the date of this resolution, as a Community Asset Committee, the Globe Theatre Community Asset Committee (**Committee**).
2. Determines that the purpose of the Committee is to manage the main theatre, supper room, kitchen and amenities in accordance with delegated duties and functions.
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5. Determines that all members of the Committee have voting rights on the Committee.
6. Notes the Committee must adhere to Chapter 2, Part 3, Clause 3 of the Council's Governance Rules relating to the Recording of Minutes.

CARRIED 9:0

4.12 Local Government Act 2020 - Globe Theatre Community Asset Committees - Establishment and Membership

Report

Officer Direct or Indirect Interest

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

Background

Section 65 of the 2020 Act commenced on 1 May 2020. As part of the 2020 Act implementation, a grace period of 4 months was provided within the legislation, and therefore if Council wishes to establish Community Asset Committees to replace the special committees that operated under the 1989 Act the new committees need to be established by 1 September 2020.

Discussion

Under the 2020 Act, Council may through resolution establish a Community Asset Committee for the purpose of managing an asset in the municipality. Under the new legislation, the powers and functions of the committee are delegated to the Committee by the CEO under section 47 of the 2020 Act. The committee will report to the CEO, who in turn reports annually to the Council on the activities of the Community Asset Committee.

Section 47 of the Local Government Act 2020 is provided below to further outline the role of the CEO in delegating powers to the Community Asset Committee.

47 Delegations by Chief Executive Officer

(1) The Chief Executive Officer may by instrument of delegation delegate any power, duty or function of the Council that has been delegated to the Chief Executive Officer by the Council to—

- (a) a member of Council staff; or*
- (b) the members of a Community Asset Committee.*

Council will retain the responsibility of establishing or disbanding committees under section 65 of the new Act and maintains responsibility for membership to these committees; appointing new members through Council resolution.

Council has historically reviewed s86 Instruments of Delegation and membership on a four-yearly cycle within 12 months of a Council election. The 2020 Act doesn't set any timeframes for membership and the new Instrument of Delegation issued by the CEO won't refer to membership criteria or appointments, unless Council chooses to delegate this power to the CEO in the future. It is proposed that the committees be established with members appointed for an initial period of two years for the following reasons:

1. This will provide sufficient time for current members to assist Council to settle the new framework; and
2. Establishing a review date that is mid-term for Council and clear of the peak post-election workload will allow Council to consider this matter at less busy time.

The draft instrument of delegation from the CEO has been developed and provided to existing committees for their review. The Instruments of Delegation for each committee will be completed and signed once Council has established the committees and prior to the 1 September 2020 deadline.

The responsibilities of the committee listed in the Instrument of Delegation generally reflect current maintenance arrangements, however, there is greater focus and detail with respect to governance requirements, monitoring and reporting. It is proposed that committee members will also undertake important governance training shortly after their establishment.

Greater empowerment of the community in relation to community assets may be integral to their future business model, however, the implementation of the 2020 Act has not allowed time for this to be explored at this time. Officers will continue to work with committees and communities that wish to explore alternative management models.

Council Plan

Theme 1 Community Wellbeing

Objective 1.1 Support people to participate in and contribute to community life

4.12 Local Government Act 2020 - Globe Theatre Community Asset Committees - Establishment and Membership

Strategy 1.1.2 Facilitate and support high levels of volunteering in the community

Theme 5 High Performing Council

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

Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	No
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes
Risk Assessment	No
Communication	Yes
Human Rights Charter	Yes

Governance Principles - Local Government Act 2020 (LGA 2020)

The establishment of this Community Asset Committee ensures the ongoing work of committees of Council who deliver valuable service to local communities through the provision of managing the operations of a Council asset. This is achieving the best outcome for the community.

Policy/Relevant Law

Community Asset Committees are established in accordance with section 65 of the Local Government Act 2020.

Public Transparency

The establishment of the Community Asset Committees, including membership, is transparent to the community through this report and the livestreaming of Council's meeting where the decision is to be considered. Instruments of Delegation for each of the committees will be made available to any member of the public upon request.

Service Performance

Community Asset Committees provide valuable service to the community and regular users of the facilities which they assist Council in managing. This allows for responsive service that is delivered from within the community

4.12 Local Government Act 2020 - Globe Theatre Community Asset Committees - Establishment and Membership

Communication

Existing special committees have been communicated with throughout the process of implementing the 2020 Act to ensure awareness of any potential changes and to explain new Community Asset Committees are required. The committees have been provided with the CEO's proposed Instruments of Delegation

The committee members will be provided with information about the establishment of the committee and their appointment as members of the new committee following Council's consideration of this item

Human Rights Charter

A review of Human Rights using the Impact Assessment Tool as a guide against the establishment and appointment of members to the committee has been undertaken, and no apparent human rights have been impinged.

Options

Option 1 – establish the Community Asset Committee

This option is recommended by officers as this will ensure the valuable work of this volunteer committee can continue without disruption.

Option 2 – do not establish the Committee as a Community Asset Committee

This option is not recommended by officers. The current special committee cannot operate after 1 September and so it is important to have new committees in place by this date. If new Community Asset Committees are not established under the 2020 Act at that time, the committee's delegations will no longer be operable, and the community's use and enjoyment of the asset could be interrupted until alternative management arrangements are established.

Conclusion

The 2020 Act recognises the ongoing value in community's being empowered to undertake day to day operation and management of community assets. With the transition from the Local Government Act 1989 to the Local Government Act 2020, it is recommended by officers that the Globe Theatre Community Asset Committee be established under section 65 of the 2020 Act, allowing the committee to continue to provide management functions over the community asset.

4.13 Local Government Act 2020 - Modewarre Reserve Community Asset Committee - Establishment and Membership

Author's Title: Coordinator Governance
Department: Governance & Risk
Division: Governance & Infrastructure
Appendix: Nil

General Manager: John Bertoldi
File No: F12/647
Trim No: IC20/1183

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

☐ Yes

☒ No

Reason: Nil

Status:
Defined as confidential information in accordance
with Local Government Act 2020, Section 3(1):

☐ Yes

☒ No

Reason: Nil

Purpose

The purpose of this report is to establish the Modewarre Reserve Community Asset Committee in accordance with section 65 of the Local Government Act 2020.

Summary

Council and local communities have benefited for a number of years from the voluntary work of eight special committees formed under section 86 of the Local Government Act 1989 (the 1989 Act). These special committees were formed for the purpose of undertaking daily operational and maintenance activities at nominated halls and recreation reserves. The committees also create greater local connection and bring local knowledge that results in more effective use of the facilities.

With the commencement of the Local Government Act 2020 (the 2020 Act) the eight special committees will cease to exist. Council needs to establish committees in accordance with the new legislation, or else arrange for alternative delivery of previously delegated functions.

The 2020 Act enables the Council to establish Community Asset Committees and Council's Chief Executive Officer (CEO) to delegate duties and functions through an Instrument of Delegation. This report proposes that the Modewarre Reserve Community Asset Committee be established under section 65 of the 2020 Act, along with membership.

Recommendation

That Council, in exercise of the power conferred by section 65 of the *Local Government Act 2020*:

1. Establishes, from the date of this resolution, as a Community Asset Committee, the Modewarre Reserve Community Asset Committee (**Committee**).
2. Determines that the purpose of the Committee is to manage the hall, playground, tennis court, sports oval and historic bluestone building in accordance with delegated duties and functions.
3. Determines that the members of the Committee are:
 - 3.1. Brian Tanner
 - 3.2. Jenny Hampshire
 - 3.3. Ken Hole
 - 3.4. Laurie Lowndes
 - 3.5. Merv Stephenson
 - 3.6. Natalia Stephenson
 - 3.7. Sandra Tanner
4. Reviews committee membership before 1 September 2022 and on a four-yearly cycle thereafter.
5. Determines that all members of the Committee have voting rights on the Committee.
6. Notes the Committee must adhere to Chapter 2, Part 3, Clause 3 of the Council's Governance Rules relating to the Recording of Minutes.

4.13 Local Government Act 2020 - Modewarre Reserve Community Asset Committee - Establishment and Membership

Council Resolution

MOVED Cr Clive Goldsworthy, Seconded Cr David Bell

That Council, in exercise of the power conferred by section 65 of the *Local Government Act 2020*:

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5. Determines that all members of the Committee have voting rights on the Committee.
6. Notes the Committee must adhere to Chapter 2, Part 3, Clause 3 of the Council's Governance Rules relating to the Recording of Minutes.

CARRIED 9:0

4.13 Local Government Act 2020 - Modewarre Reserve Community Asset Committee - Establishment and Membership

Report

Officer Direct or Indirect Interest

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

Background

Section 65 of the 2020 Act commenced on 1 May 2020. As part of the 2020 Act implementation, a grace period of 4 months was provided within the legislation, and therefore if Council wishes to establish Community Asset Committees to replace the special committees that operated under the 1989 Act the new committees need to be established by 1 September 2020.

Discussion

Under the 2020 Act, Council may through resolution establish a Community Asset Committee for the purpose of managing an asset in the municipality. Under the new legislation, the powers and functions of the committee are delegated to the Committee by the CEO under section 47 of the 2020 Act. The committee will report to the CEO, who in turn reports annually to the Council on the activities of the Community Asset Committee.

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- (a) a member of Council staff; or*
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Council will retain the responsibility of establishing or disbanding committees under section 65 of the new Act and maintains responsibility for membership to these committees; appointing new members through Council resolution.

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4.13 Local Government Act 2020 - Modewarre Reserve Community Asset Committee - Establishment and Membership

Council Plan

Theme 1 Community Wellbeing
Objective 1.1 Support people to participate in and contribute to community life
Strategy 1.1.2 Facilitate and support high levels of volunteering in the community

Theme 5 High Performing Council
Objective 5.2 Ensure that Council decision-making is balanced and transparent and the community is involved and informed

Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	No
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes
Risk Assessment	No
Communication	Yes
Human Rights Charter	Yes

Governance Principles - Local Government Act 2020 (LGA 2020)

The establishment of this Community Asset Committee ensures the ongoing work of committees of Council who deliver valuable service to local communities through the provision of managing the operations of a Council asset. This is achieving the best outcome for the community.

Policy/Relevant Law

Community Asset Committees are established in accordance with section 65 of the Local Government Act 2020.

Public Transparency

The establishment of the Community Asset Committees, including membership, is transparent to the community through this report and the livestreaming of Council's meeting where the decision is to be considered. Instruments of Delegation for each of the committees will be made available to any member of the public upon request.

Service Performance

Community Asset Committees provide valuable service to the community and regular users of the facilities which they assist Council in managing. This allows for responsive service that is delivered from within the community

4.13 Local Government Act 2020 - Modewarre Reserve Community Asset Committee - Establishment and Membership

Communication

Existing special committees have been communicated with throughout the process of implementing the 2020 Act to ensure awareness of any potential changes and to explain new Community Asset Committees are required. The committees have been provided with the CEO's proposed Instruments of Delegation

The committee members will be provided with information about the establishment of the committee and their appointment as members of the new committee following Council's consideration of this item

Human Rights Charter

A review of Human Rights using the Impact Assessment Tool as a guide against the establishment and appointment of members to the committee has been undertaken, and no apparent human rights have been impinged.

Options

Option 1 – establish the Community Asset Committee

This option is recommended by officers as this will ensure the valuable work of this volunteer committee can continue without disruption.

Option 2 – do not establish the Committee as a Community Asset Committee

This option is not recommended by officers. The current special committee cannot operate after 1 September and so it is important to have new committees in place by this date. If new Community Asset Committees are not established under the 2020 Act at that time, the committee's delegations will no longer be operable, and the community's use and enjoyment of the asset could be interrupted until alternative management arrangements are established.

Conclusion

The 2020 Act recognises the ongoing value in community's being empowered to undertake day to day operation and management of community assets. With the transition from the Local Government Act 1989 to the Local Government Act 2020, it is recommended by officers that the Modewarre Reserve Community Asset Committee be established under section 65 of the 2020 Act, allowing the committee to continue to provide management functions over the community asset.

4.14 Local Government Act 2020 - Stribling Reserve Community Asset Committee - Establishment and Membership

Author's Title: Coordinator Governance

General Manager: John Bertoldi

Department: Governance & Risk

File No: F19/642-2

Division: Governance & Infrastructure

Trim No: IC20/1144

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

Status:

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

Defined as confidential information in accordance
with Local Government Act 2020, Section 3(1):

☐ Yes

☒ No

☐ Yes

☒ No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to establish the Stribling Reserve Community Asset Committee in accordance with section 65 of the Local Government Act 2020.

Summary

Council and local communities have benefited for a number of years from the voluntary work of eight special committees formed under section 86 of the Local Government Act 1989 (the 1989 Act). These special committees were formed for the purpose of undertaking daily operational and maintenance activities at nominated halls and recreation reserves. The committees also create greater local connection and bring local knowledge that results in more effective use of the facilities.

With the commencement of the Local Government Act 2020 (the 2020 Act) the eight special committees will cease to exist. Council needs to establish committees in accordance with the new legislation, or else arrange for alternative delivery of previously delegated functions.

The 2020 Act enables the Council to establish Community Asset Committees and Council's Chief Executive Officer (CEO) to delegate duties and functions through an Instrument of Delegation. This report proposes that the Stribling Reserve Community Asset Committee be established under section 65 of the 2020 Act, along with membership.

Recommendation

That Council, in exercise of the power conferred by section 65 of the *Local Government Act 2020*:

1. Establishes, from the date of this resolution, as a Community Asset Committee, the Stribling Reserve Community Asset Committee (**Committee**).
2. Determines that the purpose of the Committee is to manage the hall, skate park, playground, tennis courts, sports fields and equestrian centre in accordance with delegated duties and functions.
3. Determines that the members of the Committee are:
 - 3.1. Peter Spring
 - 3.2. Carly Enticott
 - 3.3. Phil Muerer
 - 3.4. Linton Ferguson
 - 3.5. Miah Atwell
 - 3.6. Wendy Jarrat
 - 3.7. Don Baldwin
 - 3.8. Don Tyrer
 - 3.9. Geoff Couper
 - 3.10. David Mullen
4. Reviews committee membership before 1 September 2022 and on a four-yearly cycle thereafter.
5. Determines that all members of the Committee have voting rights on the Committee.
6. Notes the Committee must adhere to Chapter 2, Part 3, Clause 3 of the Council's Governance Rules relating to the Recording of Minutes.

4.14 Local Government Act 2020 - Stribling Reserve Community Asset Committee - Establishment and Membership

Council Resolution

MOVED Cr Clive Goldsworthy, Seconded Cr David Bell

That Council, in exercise of the power conferred by section 65 of the *Local Government Act 2020*:

1. Establishes, from the date of this resolution, as a Community Asset Committee, the Stribling Reserve Community Asset Committee (**Committee**).
2. Determines that the purpose of the Committee is to manage the hall, skate park, playground, tennis courts, sports fields and equestrian centre in accordance with delegated duties and functions.
3. Determines that the members of the Committee are:
 - 3.1. Peter Spring
 - 3.2. Carly Enticott
 - 3.3. Phil Muerer
 - 3.4. Linton Ferguson
 - 3.5. Miah Atwell
 - 3.6. Wendy Jarrat
 - 3.7. Don Baldwin
 - 3.8. Don Tyrer
 - 3.9. Geoff Couper
 - 3.10. David Mullen
4. Reviews committee membership before 1 September 2022 and on a four-yearly cycle thereafter.
5. Determines that all members of the Committee have voting rights on the Committee.
6. Notes the Committee must adhere to Chapter 2, Part 3, Clause 3 of the Council's Governance Rules relating to the Recording of Minutes.

CARRIED 9:0

4.14 Local Government Act 2020 - Stripling Reserve Community Asset Committee - Establishment and Membership

Report

Officer Direct or Indirect Interest

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

Background

Section 65 of the 2020 Act commenced on 1 May 2020. As part of the 2020 Act implementation, a grace period of 4 months was provided within the legislation, and therefore if Council wishes to establish Community Asset Committees to replace the special committees that operated under the 1989 Act the new committees need to be established by 1 September 2020.

Discussion

Under the 2020 Act, Council may through resolution establish a Community Asset Committee for the purpose of managing an asset in the municipality. Under the new legislation, the powers and functions of the committee are delegated to the Committee by the CEO under section 47 of the 2020 Act. The committee will report to the CEO, who in turn reports annually to the Council on the activities of the Community Asset Committee.

Section 47 of the Local Government Act 2020 is provided below to further outline the role of the CEO in delegating powers to the Community Asset Committee.

47 Delegations by Chief Executive Officer

(1) The Chief Executive Officer may by instrument of delegation delegate any power, duty or function of the Council that has been delegated to the Chief Executive Officer by the Council to—

- (a) a member of Council staff; or*
- (b) the members of a Community Asset Committee.*

Council will retain the responsibility of establishing or disbanding committees under section 65 of the new Act and maintains responsibility for membership to these committees; appointing new members through Council resolution.

Council has historically reviewed s86 Instruments of Delegation and membership on a four-yearly cycle within 12 months of a Council election. The 2020 Act doesn't set any timeframes for membership and the new Instrument of Delegation issued by the CEO won't refer to membership criteria or appointments, unless Council chooses to delegate this power to the CEO in the future. It is proposed that the committees be established with members appointed for an initial period of two years for the following reasons:

1. This will provide sufficient time for current members to assist Council to settle the new framework; and
2. Establishing a review date that is mid-term for Council and clear of the peak post-election workload will allow Council to consider this matter at less busy time.

The draft instrument of delegation from the CEO has been developed and provided to existing committees for their review. The Instruments of Delegation for each committee will be completed and signed once Council has established the committees and prior to the 1 September 2020 deadline.

The responsibilities of the committee listed in the Instrument of Delegation generally reflect current maintenance arrangements, however, there is greater focus and detail with respect to governance requirements, monitoring and reporting. It is proposed that committee members will also undertake important governance training shortly after their establishment.

Greater empowerment of the community in relation to community assets may be integral to their future business model, however, the implementation of the 2020 Act has not allowed time for this to be explored at this time. Officers will continue to work with committees and communities that wish to explore alternative management models.

4.14 Local Government Act 2020 - Stripling Reserve Community Asset Committee - Establishment and Membership

Council Plan

Theme 1 Community Wellbeing
Objective 1.1 Support people to participate in and contribute to community life
Strategy 1.1.2 Facilitate and support high levels of volunteering in the community

Theme 5 High Performing Council
Objective 5.2 Ensure that Council decision-making is balanced and transparent and the community is involved and informed

Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	No
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
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Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes
Risk Assessment	No
Communication	Yes
Human Rights Charter	Yes

Governance Principles - Local Government Act 2020 (LGA 2020)

The establishment of this Community Asset Committee ensures the ongoing work of committees of Council who deliver valuable service to local communities through the provision of managing the operations of a Council asset. This is achieving the best outcome for the community.

Policy/Relevant Law

Community Asset Committees are established in accordance with section 65 of the Local Government Act 2020.

Public Transparency

The establishment of the Community Asset Committees, including membership, is transparent to the community through this report and the livestreaming of Council's meeting where the decision is to be considered. Instruments of Delegation for each of the committees will be made available to any member of the public upon request.

Service Performance

Community Asset Committees provide valuable service to the community and regular users of the facilities which they assist Council in managing. This allows for responsive service that is delivered from within the community

4.14 Local Government Act 2020 - Stribling Reserve Community Asset Committee - Establishment and Membership

Communication

Existing special committees have been communicated with throughout the process of implementing the 2020 Act to ensure awareness of any potential changes and to explain new Community Asset Committees are required. The committees have been provided with the CEO's proposed Instruments of Delegation

The committee members will be provided with information about the establishment of the committee and their appointment as members of the new committee following Council's consideration of this item

Human Rights Charter

A review of Human Rights using the Impact Assessment Tool as a guide against the establishment and appointment of members to the committee has been undertaken, and no apparent human rights have been impinged.

Options

Option 1 – establish the Community Asset Committee

This option is recommended by officers as this will ensure the valuable work of this volunteer committee can continue without disruption.

Option 2 – do not establish the Committee as a Community Asset Committee

This option is not recommended by officers. The current special committee cannot operate after 1 September and so it is important to have new committees in place by this date. If new Community Asset Committees are not established under the 2020 Act at that time, the committee's delegations will no longer be operable, and the community's use and enjoyment of the asset could be interrupted until alternative management arrangements are established.

Conclusion

The 2020 Act recognises the ongoing value in community's being empowered to undertake day to day operation and management of community assets. With the transition from the Local Government Act 1989 to the Local Government Act 2020, it is recommended by officers that the Stribling Reserve Community Asset Committee be established under section 65 of the 2020 Act, allowing the committee to continue to provide management functions over the community asset.

5. ENVIRONMENT & DEVELOPMENT

5.1 Event Grants Program

Author's Title: Coordinator Events

General Manager: Ransce Salan

Department: Tourism & Events

File No: F20/253

Division: Environment & Development

Trim No: IC20/892

Appendix:

1. Event Grants and Sponsorship Guidelines (D20/145369)

Officer Direct or Indirect Conflict of Interest:

Status:

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

Defined as confidential information in accordance
with Local Government Act 2020, Section 3(1):

☐ Yes

☒ No

☐ Yes

☒ No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to adopt the revised Event Grants and Sponsorship Guidelines.

Summary

Council's Event Grants Program recognises the important role events play in fostering community, economic and/or cultural development across the shire and within its townships. Since it was established in 2014, the program has supported more than 60 Community and Major events' held throughout the Surf Coast Shire.

At the January 2020 Council Meeting, officers were authorised to review the Event Grants Program and provide a report to Council in August 2020.

Over the past six months, officers have conducted extensive research and consultation to determine the best model for supporting a thriving and varied calendar of events, which reflect and celebrate the unique attributes of the region.

Ten key recommendations have been identified and incorporated into the new guidelines, which are proposed to be re-named the *Event Grants and Sponsorship Guidelines*.

It is proposed that the new guidelines be implemented for events held from 1 July 2021 onwards, with the first funding round to open in February 2021.

Recommendation

That Council:

1. Adopts the revised Event Grants and Sponsorship Guidelines.
2. Notes that a communications plan will develop to advise event organisers of the new guidelines and altered timeframe for the release of the program.
3. Authorises officers to launch the 2021/22 Event Grants round in February 2021.

Council Resolution

MOVED Cr Tony Revell, Seconded Cr Martin Duke

That Council:

1. Adopts the revised Event Grants and Sponsorship Guidelines.
2. Notes that a communications plan will develop to advise event organisers of the new guidelines and altered timeframe for the release of the program.
3. Authorises officers to launch the 2021/22 Event Grants round in February 2021.

CARRIED 9:0

5.1 Event Grants Program

Report

Officer Direct or Indirect Interest

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

Background

The Surf Coast Shire hosts hundreds of events each year, ranging from internationally recognised sports events such as the Rip Curl Pro and Cadel Evans Great Ocean Road Race, to mass participation offerings, community-based activities and local markets. Council is a keen supporter of these events and recognises the important role they play in community and civic life. Depending on the nature and scale of the event, they have the potential to deliver significant economic, environmental, social and cultural benefits to the region.

The Events Policy (SCS-022) details Council's role in supporting, partnering, facilitating and delivering events held within the region, including the delivery of an annual Event Grants Program.

Over the past six years, the program has supported more than 60 Community and Major Events held throughout the Surf Coast Shire, with the events collectively delivering significant economic, social, cultural and environmental outcomes.

The current program encompasses three categories:

- Community Events – may be held at any time of year; maximum grant \$5,000
- Major Events – must be held in the off-peak period; maximum grant \$10,000
- Signature Events – may be held at any time of year; funding level based on business case assessment by Council Officers and budget considerations, with final report to be considered by Council.

The annual grants program is currently released each September, with event organisers invited to submit applications via the online 'Smartygrants' portal. Applications are then assessed by a panel of officers, and a report is presented for consideration at the January Council Meeting.

At the January 2020 Council Meeting, Council requested officers review the Event Grants Program and provide a report to Council in August 2020.

Discussion

Since January this year, officers have conducted extensive research and consultation in considering options for improving the Event Grants Program. This included:

- Desktop research of other event grant programs from around Australia
- Interviews with relevant officers from 43 LGA's around Australia
- Online survey to all event organisers and previous grant applicants (57 surveys completed, from 138 invitations)
- Feedback from officers involved in previous assessments
- Analysis of program data from previous six years.

5.1 Event Grants Program

Through this research and consultation, a number of key areas of improvement have been identified, refined and tested with relevant stakeholders, leading to the following 10 recommendations:

	Recommendation	Rationale & Improvements To Current Guidelines
1.	Introduce a Sponsorship category to replace Signature Events (multi-year opportunities)	<ul style="list-style-type: none"> Enables premium tourism (major) and community events to have greater scope for multi-year funding consideration Provides increased opportunity to leverage marketing benefits of events Enables Council to engage with high profile events (and their audience) on a year round basis Open funding
2.	Replace current Major Events category with Tourism Events (3 years funding only; a Tourism Event may choose to apply for sponsorship after this)	<ul style="list-style-type: none"> After 3 years Council would not continue to fund the same event unless it is elevated to the Sponsorship category Tourism Events must demonstrate high levels of visitation and economic benefit Events that can offer major tourism marketing opportunities will also align with this category Off peak focus Funding up to \$10,000
3.	Introduce a new category - Boutique Creative and Special Focus Events	<ul style="list-style-type: none"> Does not rely on high levels of external visitation or economic benefit Boutique Creative focuses on specialised arts and/or cultural events more commonly found in capital cities or larger regional centres Attracts visitors (often in winter), enrich the lives of residents, market the shire to a new and different audience Special Focus Events champion and give special coverage to social, cultural, health or environmental issues in our community (including Indigenous Culture, Sustainable Living, Gender Equality or Physical and Psychological Health) Funding up to \$7,500
4.	Retain Community Event Grants with changes: <ul style="list-style-type: none"> Maximum funding available is \$3,000 Community Christmas Carols to receive \$500/per annum recurrent funding similar to ANZAC Day contributions 	<ul style="list-style-type: none"> Since 2014, the average grant amount for community events has been \$1,163 Community feedback is that annual Christmas Carols need a less onerous application and acquittal process and need funding to continue beyond 3 years; the \$500 grant would be contingent upon event taking place and following standard event authorisation process Up to \$3,000
5.	Tourism, Boutique Creative/Special Focus and Community Event Grants available for a maximum of three years	<ul style="list-style-type: none"> Weening events off Council support frees up funds to support new events or events with a greater need Events may apply for sponsorship at the end of their grant period, if they meet eligibility requirements
6.	Open the grant round in February rather than September (e.g. grants for 21/22 events open in February 2021)	<ul style="list-style-type: none"> Very strong feedback that current September application window is challenging for event organisers, as it is up to 21 months before the event is conducted Significant feedback to alter timing of funding rounds Allocate a fixed amount in budget, to be allocated during assessment phase.
7.	Reset peak event period as Christmas Eve to 31 January plus the Easter period (Good Friday to Easter Sunday)	<ul style="list-style-type: none"> Peak period does not extend to February and March There are often quiet weekends in between January and Easter Modifying what we call "peak" expands opportunities to attract a new Tourism Event in the period between peak summer and Easter

5.1 Event Grants Program

8.	Reset assessment criteria for Tourism (Major) Events: <ul style="list-style-type: none"> Economic Development Opportunities 50% Social Opportunities 25% Cultural Opportunities 25% PASS /FAIL assessment of Environmental Performance 	<ul style="list-style-type: none"> Strengthens environmental criteria in response to climate emergency declaration To be successful in receiving funding , Tourism Events must be able to: <ul style="list-style-type: none"> Demonstrate full compliance with Council's Plastic Wise Policy Achieve a diversion from land-fill of greater than 80% Stream all waste including organics Provide an element of environmental education or awareness for attendees This PASS/FAIL assessment ensures that there is incentive for events with big footprints to prioritise the environment
9.	Introduce assessment criteria for Boutique Creative and Special Focus Events: <ul style="list-style-type: none"> Economic Development Opportunities 30% Social Opportunities 30% Cultural Opportunities 30% Environmental Sustainability 10% 	<ul style="list-style-type: none"> New category; economic development still a factor, but social and cultural opportunities also important
10.	Administrative change - if a funded event returns its grant or there is a surplus after the round allocation, then this remains in the event grants "pool" for the current financial year	<ul style="list-style-type: none"> Provides the opportunity for Council to respond to emerging opportunities Anticipated that later funding round will reduce the number of event cancellations (particularly Community Events)

These recommendations have been incorporated in to the revised Event Grants and Sponsorship Guidelines, attached as an appendix.

Council Plan

Theme 4 Vibrant Economy

Objective 4.2 Facilitate high quality events throughout the year

Strategy 4.2.1 Further develop diverse, major and signature events, communication and promotion program

Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	No
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	Yes
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	No

5.1 Event Grants Program

Risk Assessment	Yes
Communication	Yes
Human Rights Charter	No

Policy/Relevant Law

The Events Policy (SCS-022) details Council's role in supporting, partnering, facilitating and delivering events held within the region, including the delivery of an annual Event Grants Program.

Environmental/Sustainability Implications

All applicants for funding through the Event Grants and Sponsorship Program are required to describe the positive economic, social and environmental outcomes of the proposed event, and all funded events are required to comply with Council's Plastic Wise Events and Markets Policy. Under the revised guidelines, the environmental assessment has been strengthened in response to Council's Climate Emergency declaration, with events to undergo a pass/fail assessment on environmental initiatives.

Community Engagement

In reviewing the guidelines, consultation was undertaken with all Surf Coast event organisers and previous grant applicants. An online survey was sent to 138 individuals, with 57 surveys completed.

Officers also conducted interviews with relevant officers from 43 LGA's around Australia, to assist in forming recommendations.

Public Transparency

All applicants to the Event Grants and Sponsorship program will be assessed by a panel of officers, with recommendations to then come to Council for determination via a report. Each funding recipient will be required to acquit their grant and identify the measurable benefits it produced.

Financial Management

Council's current Event Grants Program (2020-21) has an allocation of \$138,000 - comprising \$50,000 towards Signature Events, \$67,500 to Major Events and \$20,500 to Community Events. The total funding amount for future rounds is expected to remain similar to the current budget allocation.

Risk Assessment

There are no other notable risks associated with this report, as it does not represent a vastly different approach from the previous guidelines. It is anticipated that there will be a favourable response from event organisers and grant applicants, as the recommendations reflect and address strong feedback received from these groups in relation to the timing and administration of funding rounds.

Communication

A communications plan will be developed and delivered to advise event organisers of the new guidelines, including direct email communications advising of the new application window and grant categories. Further promotion will be undertaken in the lead-up to the February 2021 funding round.

Options

Option 1 – adopt the revised Event Grants and Sponsorship Guidelines

This option is recommended by officers as the revised guidelines are based on extensive research and consultation with relevant stakeholders, including event organisers and all previous event grant applicants.

Option 2 – do not adopt the revised Event Grants and Sponsorship Guidelines

This option is not recommended by officers as the revised guidelines reflect consistent feedback on areas of improvement in the format and delivery of program since it was established in 2014.

Conclusion

The revised Event Grants and Sponsorship Guidelines will further enhance Council's ability to support a thriving calendar of events across its townships and regions, contributing to economic, social and cultural opportunities. The recommended changes are based on extensive industry consultation locally and across Australia.

Each year, Surf Coast Shire Council (Council) supports, partners, facilitates or delivers some 200 events across its coastal and hinterland townships and surrounds. These events are valued by Council and are central to the Shire's identity, prosperity and vitality. They form an important part of community and civic life, providing a range of economic, social, cultural and environmental benefits for residents and visitors.

These guidelines outline the Event Grants and Sponsorship Program for individuals, groups and organisations seeking funding from Council for an event within the Shire. They should be read in conjunction with the Events Policy.

1. Purpose of Council's Event Grants and Sponsorship Program

Council's Event Grants and Sponsorship Program provides support to events that foster economic, community and/or cultural development, and prioritise positive environmental outcomes.

2. Program Objectives

- To support and encourage events that attract visitors to the Surf Coast Shire and boost off-peak visitation, overnight stays and expenditure
- To support and encourage events that provide vibrant and diverse experiences for residents and visitors
- To support events that demonstrate clear community benefit
- To encourage and assist events to be financially sustainable
- To provide incentive for events to evolve over time and offer more opportunity for participation
- To provide a level of security for established events and protect our most valuable annual events

3. Event Funding Streams

The program offers four event funding streams:

Funding stream	Details	Funding range
Community Event Grants	<ul style="list-style-type: none"> • Support participation and celebration of our local communities • Usually small scale in nature, with a dominant social and community focus • Predominantly attract local residents 	\$500 - \$3,000
Boutique Creative / Special Focus Event Grants	<p>Boutique creative</p> <ul style="list-style-type: none"> • Specialised arts / cultural events that attract visitors from outside the Surf Coast Shire • Raise the profile of their host town and enrich the lives of residents • Examples include film, music, arts, food and wine festivals and events <p>Special focus</p> <ul style="list-style-type: none"> • Events that champion social, cultural, health or environmental issues in our community • Attract visitors from outside the Surf Coast Shire • Examples include Indigenous Culture, Sustainable Living, Gender Equality, Mental Health and Wellbeing 	\$500 - \$7,500
Tourism Event Grants	<ul style="list-style-type: none"> • High attendance events that attract significant visitation from outside the Surf Coast Shire • Provide measurable economic benefit and the opportunity to promote the region to a broader audience • Examples include mass participation sports events and large scale music festivals 	\$2,000 - \$10,000
Event Sponsorship	<ul style="list-style-type: none"> • Established events that are considered part of the fabric of Surf Coast life • Offer significant economic and/or socio-cultural benefit to the community and host town • May have previously received funding through the various grant streams 	By application

Council officers reserve the right to advise funding applicants of the most appropriate stream for their event.

4. Funding Duration

A successful grant application does not imply ongoing funding. Events should always have an end goal that they become sustainable without support from Council. Community Events, Boutique Creative / Special Focus Events and Tourism Events may apply for single year funding for a maximum period of three years.

After three years, Council may consider entering into a sponsorship agreement with events that meet the criteria of Sponsored Events. These events must develop a strong business case for ongoing support, and must demonstrate:

- Significant economic benefit (including visitation and marketing outcomes)
- Strategies for growth and financial sustainability, including other revenue sources
- Strong local business integration opportunities

Sponsored events may apply for single or multiple year funding agreements, and may seek to extend their sponsorship on completion of the initial term.

5. Eligibility – who can apply for funding?

The following tables provide an overview of the types of organisation and activity that are eligible for support through the program:

Organisation	Yes	No
Commercial entities and businesses	✓	
Not for profit, incorporated bodies, co-operatives or associations	✓	
Groups with an eligible auspice or unincorporated bodies with an eligible auspice*	✓	
Individuals with an ABN or auspice arrangements	✓	
Charitable organisations	✓	
Schools and kindergartens	✓	
Section 86 Committees of Management of the Surf Coast Shire Council		✓
Entities with outstanding debts to Council		✓
Entities that have not provided an evaluation/acquittal form for any previous funding received from Council		✓
Entities that cannot adequately demonstrate financial commitment from other sources		✓
Entities that submit an application without having discussed their proposal with a Council officer		✓

**Auspicing allows not for profit, incorporated organisations to accept grant funding on behalf of individuals or groups who are not incorporated. The auspice organisation is responsible for accepting the grant, receiving the grant and paying the grant to the recipient and ensuring, to the best of their ability, that the funds are used for the purpose for which the grants were intended.*

The auspice will also sign the grant agreement and will be responsible for the grant acquittal. Generally, if your event is auspiced, public liability insurance is the responsibility of the applicant, not the auspice organisation.

Activity	Yes	No
Events held outside the Surf Coast Shire		✓
Political or gaming activities		✓
Events that support the Council Plan	✓	
Community Christmas Carols**	✓	
Fundraising events where the primary purpose is to raise funds for a third-party organisation, agency or charity.		✓
Fundraising events where fundraising is the secondary purpose and the fundraising will directly benefit Surf Coast residents	✓	
School, Pre- School and Kindergarten events that are part of the standard curriculum		✓
School, Pre- School and Kindergarten fetes and fairs		✓
School, Pre-School and Kindergarten events that have significant engagement with and appeal to a wider community audience	✓	
Events or activities which have already started		✓
Events that are entirely tradeshow, teaching programs, conferences or lectures		✓
Circuses or events with caged or exotic animals		✓

***Community Christmas Carols are entitled to \$500 grants through a separate application process, and will not be required to submit an application through the annual Event Grants round.*

6. The components of an event that will be funded:

- Marketing and promotional initiatives and collateral
- Venue/site hire
- Equipment hire
- Event planning reports (to \$5,000)
- Photos and video of the event featuring the Surf Coast Shire
- Catering (to \$1,000)
- New event components (growth initiatives)

7. The components of an event that won't be funded:

- Interstate or overseas travel or accommodation
- New building works
- Capital or ongoing maintenance works
- Prize money, awards and trophy production
- New or replacement furniture, equipment or fixtures
- Organisational core operating costs such as funding for permanent staff members, insurance and utilities

8. Assessment Criteria

Funding applications will be assessed using the following criteria. There is no requirement to meet all points in each criteria, however applications that are able to demonstrate these attributes will receive stronger preference.

Criteria	Tourism Events	Boutique Cultural / Special Focus Events	Community Events
Economic development opportunities – describe how the project will stimulate the economy including: <ul style="list-style-type: none"> • Boosting off-peak visitation, overnight stays and expenditure; • The amount of visitation/tourism from people attending from outside the Surf Coast Shire and the length of stay during the event; • The level of training or visitation generated in the lead-up to the event; • The level of expenditure these visitors will generate (or have generated historically); • The opportunities where Surf Coast Shire or the host township can be promoted, the nature of this promotion and the marketing reach; • The level of involvement of local businesses in the event both pre (supply chain expenditure in event set up) or during (local business integration); • The ability of the event to trigger repeat visitation to Surf Coast Shire; • The opportunity to reinforce the brand of the Surf Coast Shire in a positive way. 	60%	40%	10%
Social opportunities – detail the community benefits provided by the event – short and long- term - including: <ul style="list-style-type: none"> • How the event will create social gathering opportunities; • The level to which people of diverse groups, abilities and ages are brought together; • Evidence of how the event will positively impact the host community; • Identify if the social opportunities are short (event specific) or long term (ongoing benefits) in nature; • Level of involvement by local volunteers; • How the event caters for needs of all abilities (including people with a disability). 	20%	30%	60%

Cultural opportunities – describe how the event contributes towards: <ul style="list-style-type: none"> The development of arts and culture in the host township or greater Surf Coast Shire; Arts and cultural networks in the Surf Coast Shire; Other arts and cultural programs and/or projects taking place; Linking attendees to culturally significant aspects of the host community through the event. 	20%	30%	30%
Environmental sustainability - does the event plan for and contribute to: <ul style="list-style-type: none"> Positive environmental sustainable outcomes in the short (event specific) or longer term; Fully comply with Council's Plastic Wise Policy, including elimination of all single use of plastic bottles, plastic bags, plastic straws, plastic packaging and balloons; A level of excellence in event management from an environmental aspect (includes rubbish removal, waste, recycling and techniques that minimise the carbon footprint of the event); Demonstrate a commitment to minimising waste being sent to landfill***; Provide an element of environmental education or awareness for attendees. 	PASS/ FAIL	PASS/ FAIL	PASS/ FAIL

***To be successful in receiving funding, Tourism Events must be able to achieve a diversion from land-fill of greater than 75% and stream all waste including organics.

9. Application Process

The Event Grants Program will be released in February each year and advertised through Council's digital channels and in the Surf Coast Times. Note that a separate application process applies to the Sponsorship Program (refer below).

All applications must be made via Council's online event grants application system, available at www.surfcoast.vic.gov.au

9.1 Community, Boutique Creative / Special Focus and Tourism Events

- Applications submitted via Council's online portal in February. Guidance provided by Council Officers on most appropriate funding stream.
- Submissions close at the end of February. Individual applications assessed by Officers and scored against selection criteria.
- Assessment panel meets and makes recommendations based on assessment criteria and further discussion.
- Report presented to May Council Meeting for consideration. Grants announced publicly.

9.2 Sponsored events

- Event organiser makes contact with Council officer and discusses suitability of event for sponsorship consideration.
- Event organiser works in partnership with Council officer to develop a sponsorship proposal for consideration by Council.
- Event organiser presents proposal at a Councillor Briefing.
- Proposal is then tabled as a report for consideration at a Council Meeting.

10. Grant Agreement & Conditions

Successful applicants will be required to enter into an agreement with Council, which may include the following recognition benefits:

- Surf Coast Shire signage at the event
- Recognition of Surf Coast Shire in all advertising, promotions and social media
- Logo acknowledgment on all printed material including invitations, fliers, posters and programs
- Speaking opportunities for a Surf Coast Shire representative at the event and related activities
- Opportunity for Surf Coast Shire to include messaging in EDMs and other communications to event audience

11. Governance

- Funded groups will need to complete a grant agreement and acquittal report. Council will provide pro-formas. The grant agreement must be signed before any payment can be made, and the acquittal report must be completed within three months of the event. The group will be ineligible for any further grants if this report is not completed.
- It is the responsibility of all applicants to supply relevant taxation and insurance documentation as part of the application process.
- Funds made available through the Event Grants and Sponsorship Program are to be spent on the activities as outlined as part of the application process and agreement.
- Funded groups must seek advice from Council before making significant changes/variations to the event or to the proposed budget.
- Accurate financial records of the recipient organisation must be maintained and made available to Council officers in the event of any further audit by Council into the use of the grant.
- Council officers may request meetings with the applicant to check progress during the period of the activity, or undertake an independent audit of the books and records of the applicant
- Council is not responsible for meeting any shortfall should the event run over budget.
- Any grant funds not expended on the event will be returned to Council.
- Council, its servants, agents and employees shall not be responsible at any time for any liabilities incurred or entered into by the recipient organisation as a result of, or arising out of that organisation's responsibilities under the grant agreement.
- The recipient shall release and indemnify Council, its servants, agents and employees against any claim, demand, liability, costs, expenses, actions arising out of or in any way connected with the activities of the recipient, or the recipient's agents in consequence of the grant agreement except where the claim, demand, liability, costs or action are caused by Council, its servants or agents.
- If the event/program is to be held on Council property, approval must be sought from Council through the relevant department(s).

5.2 Site Remediation Strategy - 50 Witcombe Street, Winchelsea

Author's Title: Coordinator Strategic/Land Use Planning

General Manager: Ransce Salan

Department: Planning & Development

File No: F20/412

Division: Environment & Development

Trim No: IC20/1131

Appendix:

1. DPO13 Schedule (D20/137899)
2. Final Site Remediation Strategy 50 Witcombe Street Winchelsea (D20/136865)

Officer Direct or Indirect Conflict of Interest:

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

☐

Yes

☒

No

Reason: Nil

Status:

Defined as confidential information in accordance with Local Government Act 2020, Section 3(1):

☐

Yes

☒

No

Reason: Nil

Purpose

The purpose of this report is to consider the adoption of a Site Remediation Strategy prepared for 50 Witcombe Street, Winchelsea.

Summary

50 Witcombe Street is the parcel of land south east of the Winchelsea Common recently purchased by Council as the site to be combined with Eastern Reserve to provide a second oval and associated facilities. The land was part of a larger parcel including 135 and 235 Austin Street, all of which are covered by Development Plan Overlay Schedule 13 (DPO13). The DPO13 requires a site remediation strategy for 50 Witcombe Street prior to the approval of a development plan for all of the land covered by the DPO.

Council engaged an appropriately qualified consultant, Senversa Pty. Ltd., to prepare a site remediation strategy for 50 Witcombe Street ("the strategy") to fulfil the requirements of DPO13. The strategy has been completed and is suitable for adoption.

The strategy recommends a number of actions which can be progressively implemented under Council's current operational budget. Council must adopt the strategy in order to formally commit to the actions. The strategy will ensure the responsible management of contamination on the site and enables a development plan to be approved for land covered by DPO13.

Recommendation

That Council:

1. Adopts the Site Remediation Strategy for 50 Witcombe Street, Winchelsea.
2. Following adoption, sends a copy to the Environmental Protection Authority and landowners of adjacent land 135 and 235 Austin Street, Winchelsea for their information.

Council Resolution

MOVED Cr Heather Wellington, Seconded Cr James McIntyre

That Council:

1. Adopts the Site Remediation Strategy for 50 Witcombe Street, Winchelsea.
2. Following adoption, sends a copy to the Environmental Protection Authority and landowners of adjacent land 135 and 235 Austin Street, Winchelsea for their information.

CARRIED 9:0

5.2 Site Remediation Strategy - 50 Witcombe Street, Winchelsea

Report

Officer Direct or Indirect Interest

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

Background

50 Witcombe Street is the parcel of land south east of Winchelsea Common purchased by Council as the site to be combined with Eastern Reserve to provide a second oval with associated pavilion/changerooms and carparking. The land was excised from the larger parcel at 135 Austin Street as shown in the map below (Plate 1) at the time of acquisition.

All of the former Guye land, comprising 50 Witcombe Street, 135 and 235 Austin Street, is covered by a Development Plan Overlay Schedule 13. Council has a current application for a development plan for the land currently being processed. The application has been made by TGM Pty. Ltd. on behalf of the owners of 135 Austin Street.

The Development Plan Schedule 13 (DPO13) requires a Site Remediation Strategy to be prepared for the future oval site at 50 Witcombe Street prior to the approval of the development plan. Refer Appendix 1.

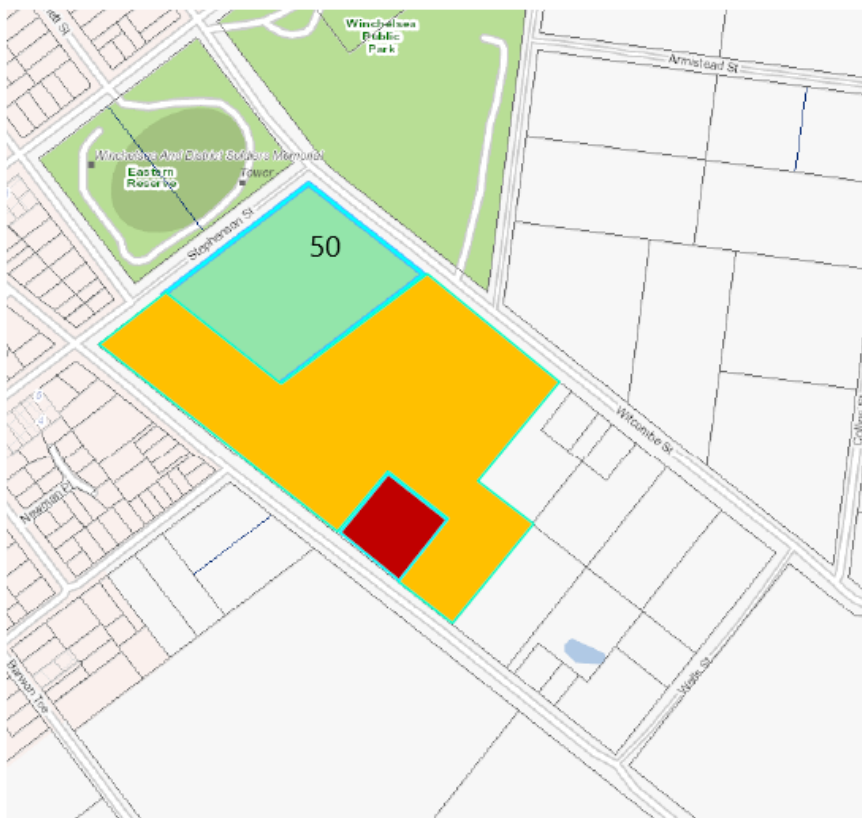


Plate 1: Site Location

Note:

- 50 Witcombe Street boundary
- 135 Austin Street boundary
- 235 Austin Street boundary

Council engaged Senversa Pty. Ltd, which is a firm of contaminated land specialists and environmental auditors, to prepare a Site Remediation Strategy ("The Strategy") for 50 Witcombe Street to fulfil the requirements of DPO13. That strategy has now been completed by the consultant and reviewed by Council officers. When adopted, a copy will be forwarded to the EPA. Refer Attachment 2.

5.2 Site Remediation Strategy - 50 Witcombe Street, Winchelsea

Discussion

The Strategy relies on previous site assessments by Golder Pty Ltd and other experts to determine the extent of lead contamination on the site and adjacent roadsides. The contamination is minor and low risk, but the report recommends manual removal of visible lead shot prior to the commencement of construction works on 50 Witcombe Street or adjacent roads. A Clearance Certificate is required to be issued by a qualified practitioner prior to use of the site for recreation purposes.

The consultants also recommend further work including the preparation of a Construction Environmental Management Plan for 50 Witcombe Street and have advised Council that a Site Environmental Management Plan for road reserves in the area is recommended to manage road contamination. Both plans can be prepared under Council's current operational budget. Further measures such as identifying affected roads in Council's GIS system are also planned.

Council is required to adopt the strategy in order to formally commit to the actions.

The strategy is required to:

- Responsibly manage contamination on the future oval site and adjacent road reserves to ensure it is safe and suitable for a recreation use.
- Fulfil the requirements of DPO13; enabling the current development plan application to be processed and approved.

The main recommendations in the strategy are to, prior to construction works on the site:

1. Prepare a Construction Environmental Management Plan for the site.
2. Undertake an "emu pick" of visible lead shot on the land and dispose of any soil appropriately (i.e. as prescribed waste if necessary).
3. Specify whole lead shot removal and reporting requirements for the development contractor.
4. Obtain a Clearance Certificate prior to the commencement of the use of the site for public open space.
5. Develop a Site Environmental Management Plan for any areas of the site which would require ongoing management of soil contamination. (Note: this is unlikely to be required).

Importantly, the strategy found no indication that the site would be unsuitable for recreation use.

The consultants have also recommended a Site Environmental Management Plan for affected road reserves in the area and identification of those roads on Council's GIS system. Both of those projects are underway using existing resources. In addition, the Construction Environmental Management Plan recommended for 50 Witcombe Street can be commenced immediately utilising Council's current operational budget. Other recommended actions in the strategy will be progressively implemented as required prior to construction works commencing.

Council Plan

Theme	2 Environmental Leadership
Objective	1.3 Improve community safety
Strategy	1.3.1 Understand community safety issues and needs, and design an appropriate local response

5.2 Site Remediation Strategy - 50 Witcombe Street, Winchelsea

Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	Yes
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
Risk Assessment	Yes
Communication	Yes
Human Rights Charter	No

Governance Principles - Local Government Act 2020 (LGA 2020)

Adopting the strategy and implementing the actions within it will ensure the responsible management of site contamination at 50 Witcombe Street and adjacent roadsides. This is the best outcome for the safety of the community and the safety of workers on the site during construction activity. Council is responsibly acting to minimise risks to public health.

Policy/Relevant Law

The regulatory framework for the assessment and management of contaminated land is outlined in the strategy as follows:

It is governed by the requirements of the Environment Protection Act 1970 and subordinate legislation and guidance including:

- State Environment Protection Policy (Prevention and Management of Contamination of Land) 2002
- EPA Publication 759 Environmental Auditor (Contaminated Land) Guidelines 2007.

The incoming Environment Protection Amendment Act 2018 is also scheduled to come into force on 1 July 2021 and Council will be Responsible Authority and party responsible for the management and control of contamination at the site. Council has an obligation where it conducts activities that pose a risk to human health and the environment to take reasonably practicable steps to eliminate or minimise these risks. The strategy and the additional plans recommended fulfil this obligation.

Environmental/Sustainability Implications

Adopting the strategy and implementing the actions within it will provide a framework for the responsible management of site contamination at 50 Witcombe Street and adjacent roadsides for the safety of the community and the environment.

Community Engagement

The strategy is a technical document prepared by an appropriately qualified environmental specialist and auditor. Community consultation was not required. However, a copy of the adopted strategy will be sent to the EPA and the owners of 135 and 235 Austin Street for their information.

5.2 Site Remediation Strategy - 50 Witcombe Street, Winchelsea

Public Transparency

The requirement for a site remediation strategy is contained within the schedule to the Development Plan Overlay Schedule 13 in the Surf Coast Planning Scheme. After adoption a copy of the strategy will be sent to other landowners covered by DPO13 and the EPA.

Financial Management

The additional work and plans recommended in the strategy can be accommodated within the existing operational budget and staff resources, and will not place an undue burden on Council.

Risk Assessment

The strategy provides appropriate framework for the management of contamination at the site. The actions arising from the strategy including manual removal of lead and a Construction Environmental Management Plan for the site will ensure the safety of the community and the safety of workers on the site during construction or when works occur in the adjacent road reserves. The strategy and subsequent plans demonstrate the appropriate management of risk by Council.

Communication

The EPA and the owners of 135 and 235 Austin Street will be advised of Council's adoption of the strategy and provided with a copy for information.

Options

Option 1 – Adopt the strategy

This option is recommended by officers as it ensures the responsible management of contamination on the site at 50 Witcombe Street. The adoption of plans for the management of contamination demonstrates good governance and ensures Council's compliance with its obligations under legislation.

Option 2 – Do not adopt the strategy

This option is not recommended by officers as:

- Council is the Responsible Authority and party for the management of contamination on the site at 50 Witcombe Street. The strategy and its recommended actions will ensure that the risk is managed on the site and plans are in place prior to the commencement of works on the site or adjacent roadsides. If the strategy is not adopted by Council, there is no formal commitment to the actions in the strategy.
- If the strategy is not adopted by Council, the current development plan application cannot be approved; stymying development and creating an adverse economic impact on the landowners.

Conclusion

A satisfactory site remediation strategy has been prepared for 50 Witcombe Street, Winchelsea which complies with DPO13. The strategy ensures the responsible management of contamination on the site and will enable a development plan to be approved for all of the land in Austin Street covered by DPO13. It is recommended that the strategy be adopted and the actions implemented. The plans recommended for 50 Witcombe Street and the road reserves can be implemented immediately under Council's current operational budget.



Site Remediation Strategy

50 Witcombe Street, Winchelsea

Prepared for:
Surf Coast Shire Council
1 Merrijig Drive
Torquay VIC 3228





Distribution

Site Remediation Strategy, 50 Witcombe Street, Winchelsea

3 August 2020

Copies	Recipient
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Copies	Recipient
1 pdf	Senversa Project File

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Executive Summary

Senversa Pty Ltd (Senversa) has prepared this Site Remediation Strategy (SRS) to assist Surf Coast Shire Council (Council) in the redevelopment of the property located at 50 Witcombe Street (the site) for recreation purposes. The SRS has been prepared in response to Schedule 13 to the Development Plan Overlay in the Surf Coast Planning Scheme.

The site has been acquired by Council to be used for the extension of the Eastern Reserve, identified in the Winchelsea Strategy. A master plan for the reserve was adopted by Council in January 2015, but there is no definite date for construction of the second oval and other facilities on the site.

The site and surrounding land had been cleared and has historically been used for low intensity agricultural purposes including stock grazing. The land to the north east comprises the Winchelsea Common which was formerly used by the Winchelsea Gun Club. Environmental investigations completed on and surrounding the site identified lead shot from the gun club in the north eastern portion of the site and within the Witcombe St road reserve. The investigations completed to date indicate that potential contamination of the site is low level and there are no indications that the development of the site for recreation purposes would be unacceptably constrained.

In developing an approach to the SRS, Senversa reviewed the available information to form an understanding of data gaps and additional works which would be required to adhere to Schedule 13 of Development Plan Overlay. The SRS relies on a step wise overarching approach to allow the release of land for the development of the public open space use. The following steps are proposed to inform the implementation of the remediation strategy:

- Review the potential health and environmental risks associated with the proposed use of the site based on the proposed development Master Plan (once completed) and the identification of contamination. This has been completed in this SRS (refer **Section 2.2** and **2.3**).
- Development of a Construction Environmental Management Plan (CEMP) to be implemented by the Development Contractor. The CEMP will comprise the detail of the clean up works required. The CEMP must include:
 - Details on the approach to clean up the whole lead shot impacts identified along the eastern boundary with Witcombe Street.
- Development of a Site Environmental Management Plan(s) (SEMP) for various areas of the site should ongoing management of soil contamination be warranted after all visible whole lead shot has been removed (Note: this requirement is considered unlikely based on the reported low concentrations identified).
 - It is noted also that for the road reserves to the east of the site a separate SEM is proposed to manage legacy gun club residues (whole lead shot, wading and clay target fragments) as required.

In conclusion and provided that the SRS is implemented as described, current investigations have not identified contamination that would preclude the redevelopment of the site in accordance with the proposed recreational land use setting.

Whilst this Executive Summary has endeavoured to accurately summarise the key points of the site remediation strategy report, the latter shall take precedence and the Executive Summary must be read in conjunction with the complete site remediation strategy report.



Contents

Executive Summary	ii
1.0 Introduction.....	1
1.1 Objectives and Scope.....	1
1.2 Background.....	2
1.2.1 Potentially Contaminated Land and Purpose of SRS.....	2
1.3 Schedule 13 of Development Plan Overlay	3
1.3.1 Boundary of DPO13	3
1.3.2 Schedule 7 of the Development Plan Overlay Requirements in Relation to Contamination.....	3
1.3.3 Development Plan Overlay Exemptions.....	4
2.0 Site History and Setting	5
2.1 Site History	5
2.2 Previous Assessments.....	5
2.2.1 Golder Associates, April 2013	5
2.2.2 Golder Associates, June 2013.....	6
2.2.3 DRC Environmental, September 2018.....	7
2.3 Summary of Results and Data Gap Analysis	7
3.0 Site Remediation Strategy.....	8
3.1 Regulatory Considerations	8
3.1.1 Protection of Land	8
3.1.2 Soil Sampling and Classification of Wastes for Disposal and Reuse.....	9
3.2 Overarching Approach	9
3.3 Site Remediation Strategy.....	10
3.3.1 Preferred Approach to Remediation	11
3.3.2 Construction Hold Points	11
3.3.3 Proposed Condition After Clean Up.....	12
3.3.4 Locations of Proposed Clean Up	12
3.3.5 Remediation Schedule	12
3.3.6 Staging and Timeframes for the clean up of the site	12
3.3.7 Responsible Parties	13
4.0 Next Steps.....	14
5.0 References	15
6.0 Limitations	16



1.0 Introduction

1.1 Objectives and Scope

Senversa Pty Ltd (Senversa) has prepared this Site Remediation Strategy (SRS) to assist Surf Coast Shire Council (Council) in the future redevelopment of the site at street address 50 Witcombe Street (the site). The SRS has been prepared in response to Schedule 13 of Development Plan Overlay, which was applied to the parent title in 2014 via Planning Scheme Amendment C83, which rezoned all of the land, now currently addressed as 50 Witcombe Street, 125 Austin Street and 235 Austin Street, to General Residential Zone.

Plate 1 below shows the location of the site, noting that the land subject of the SRS (i.e. 50 Witcombe St) represents only a portion of the original parent title. The site at 50 Witcombe Street is to be acquired by Council to be used for the extension of the Eastern Reserve, identified in the Winchelsea Strategy as a longer term requirement to cater for the active recreational pursuits of the community, by providing a second sporting oval.

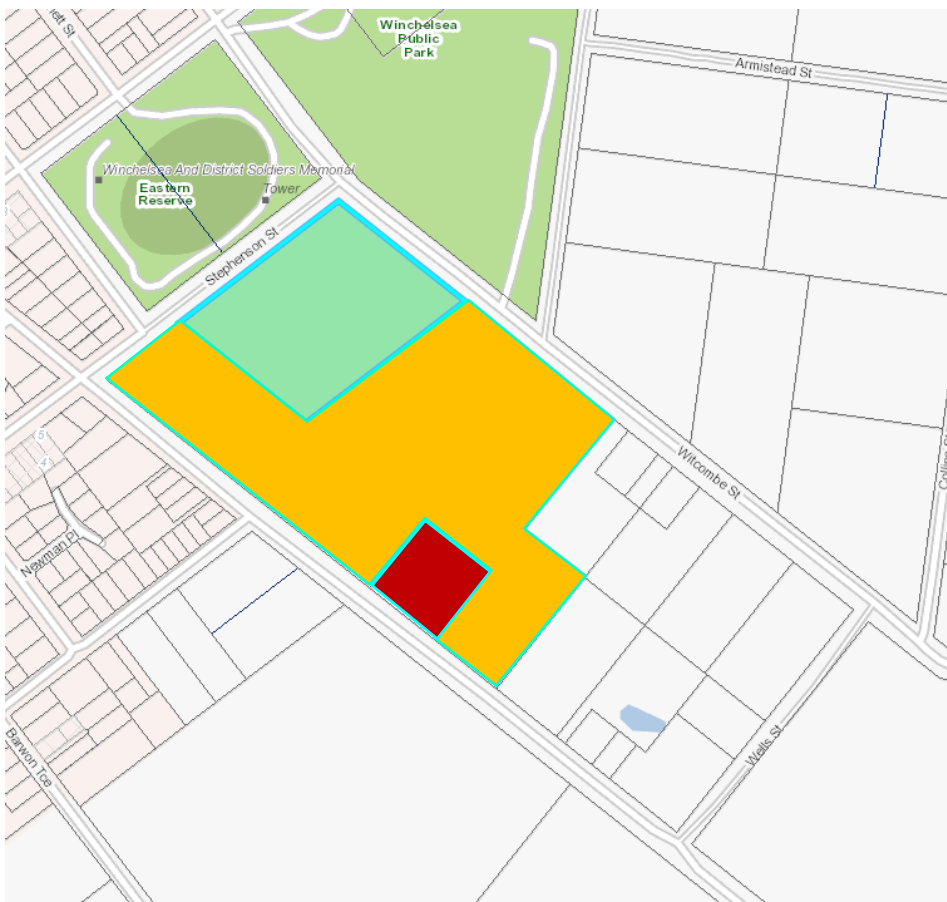


Plate 1: Site Location

Note:

- 50 Witcombe Street boundary
- 135 Austin Street boundary
- 235 Austin Street boundary



A masterplan was adopted for the site in January 2015 (extract of proposed plan provided in **Plate 2** below), but the timeframe for development of the site is indefinite.

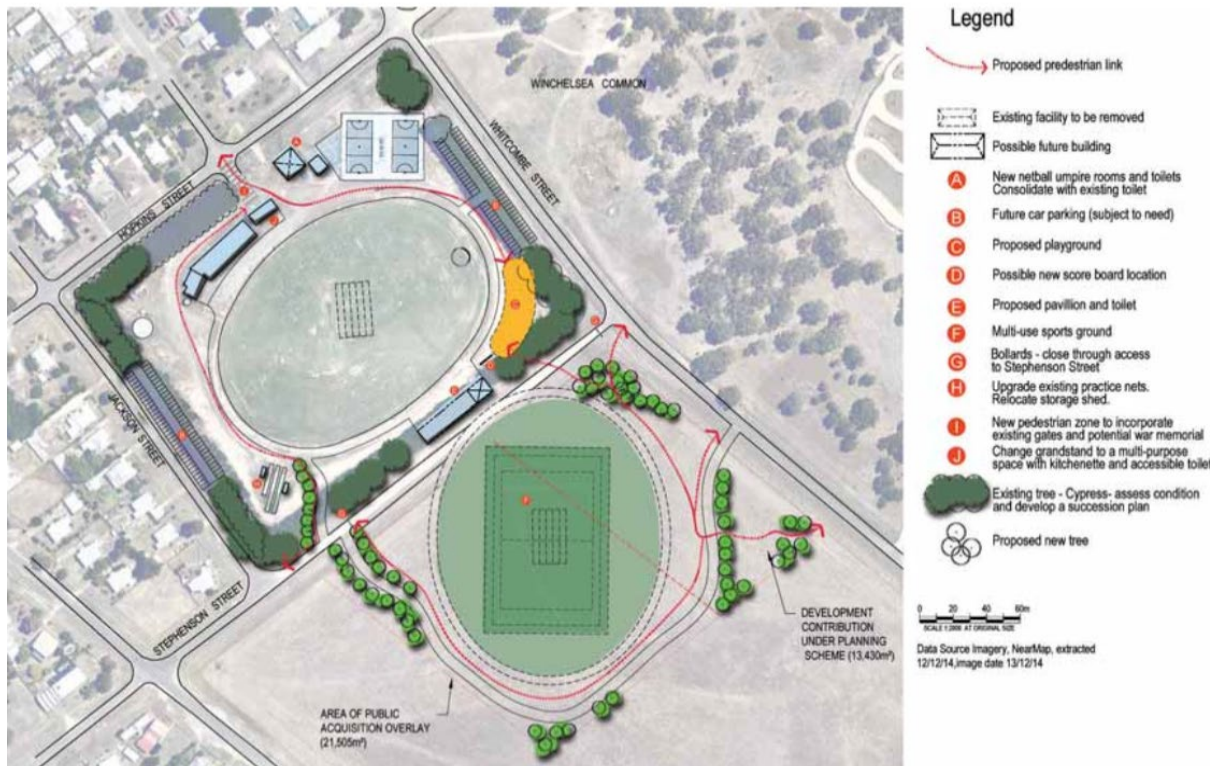


Plate 2: Proposed Masterplan

The SRS presents a framework for the overall management of contaminated land issues at the site that is integrated with the redevelopment plans for the site as a sporting oval, and the requirements of the State legislation on the assessment and management of contaminated land.

1.2 Background

Planning Scheme Amendment C83 rezoned the subject land to General Residential in 2014. The amendment applied to all the land at 135-235 Austin St, including 50 Witcombe St. The amendment:

- Rezoned the land from Farming Zone to General Residential Zone;
- Applied the Development Plan Overlay and associated Schedule 13 (DPO13); and
- Applied the Public Acquisition Overlay over the 50 Witcombe St portion required for the extension of the Eastern Reserve.

1.2.1 Potentially Contaminated Land and Purpose of SRS

Based on the explanatory report accompanying the amendment, it is understood that low level lead (Pb) contamination has been identified at the site. This came about from lead shot being deposited on the site from the activities of the Winchelsea Gun Club which operated from the nearby Winchelsea Common, north east of the site. Details of the previous environmental site assessments is presented in **Section 2.2** of this SRS.

This SRS has been prepared to meet the requirements of Schedule 13 of the Development Plan Overlay, which is further described in the following sections. The purpose of the SRS is to ensure the extent of contamination and clean up required is clear and transparent for future users of the site.



1.3 Schedule 13 of Development Plan Overlay

1.3.1 Boundary of DPO13

The boundary of the DPO13 is presented in **Plate 3** below:

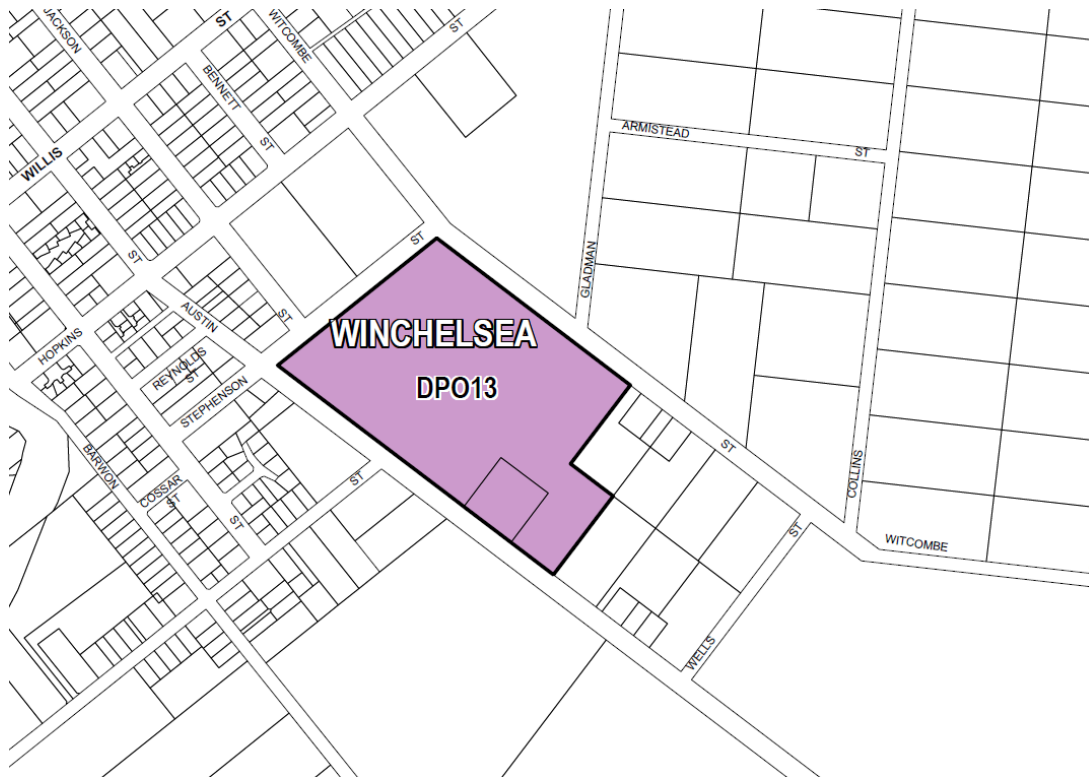


Plate 3: Development Plan Overlay (DPO13) Boundary.

1.3.2 Schedule 7 of the Development Plan Overlay Requirements in Relation to Contamination

Schedule 13 of the Development Plan Overlay specifies with respect to the Extension of Eastern Reserve that the following occur:

Extension of Eastern Reserve

- A Preliminary Environmental Site Assessment to determine the extent of lead shot on the land from former Winchelsea Gun Club activities at the Winchelsea Common. The Assessment should include as appropriate:
 - The nature of the previous activities of the Winchelsea Gun Club that may have affected the subject site.
 - How long the land use or activity took place and where the site is contaminated.
 - A description of the contamination on and/or under the subject site and its extent.
 - Recommendations as to whether, subject to appropriate remediation, the land would be suitable for the proposed use or development.
- The Preliminary Environmental Site Assessment should be conducted by a suitably qualified professional, to the satisfaction of the responsible authority, in accordance with the National Environmental Protection Measure (assessment of site contamination) 1999, as amended.



■ A Site Remediation Strategy Plan which:

1. Describes the:
 - (a) Location of possible land and/or groundwater contamination on the subject site.
 - (b) Potential impacts of any land and/or groundwater contamination (including the potential for vapour intrusion or gas migration) on the proposed land use, the arrangement of land use across the land, and any particular design requirements for the development.
2. Provides an assessment of the:
 - (a) Broad options available for the remediation of soil and/or groundwater including remediation options taking into account logistics, technology availability, estimated cost, and likely effectiveness.
 - (b) Points at which construction would need to stop to ensure appropriate clean-up has taken place.
3. Makes recommendations about the:
 - (a) Preferred approach to the remediation of soil and/or groundwater.
 - (b) Proposed condition after clean-up of the site to suit the proposed uses.
 - (c) Locations across the site of proposed clean-up work.
 - (d) Schedule of activities including any staging of the work.
 - (e) Expected pattern/staging and indicative timeframes for the clean-up of the site (or parts of the site).
 - (f) Indicative site management and monitoring controls needed after each clean-up activity.
4. Identifies the parties responsible for key activities and for subsequent site management and monitoring.
5. Except for ongoing site management and monitoring, the remediation works recommended by the Site Remediation Strategy Plan must be completed prior to the use of the site for public open space purposes.

Note: A Site Remediation Strategy Plan does not need to include:

- a 'Clean Up Plan' or 'Remediation Action Plan',
- engineering design of remediation work,
- specific contaminant treatment procedures,
- quantities of work, or validation procedures.

1.3.3 Development Plan Overlay Exemptions

Whilst not specifically considered by the Development Plan Overlay, there is typically certain works allowed to be completed without approval of the Development Plan and therefore without the Site Remediation Strategy (but in accordance with a Construction Management Plan), namely:

- Earthworks associated with remediation of land in accordance with or for the purpose of obtaining a Certificate or Statement of Environmental Audit under the Environment Protection Act, 1970.
- Construction of that part of any building which is associated with the remediation of land in accordance with or for the purpose of obtaining a Certificate or Statement of Environmental Audit under the Environment Protection Act, 1970.
- Removal of any building for the purpose of remediation of land in accordance with or for the purpose of obtaining a Certificate or Statement of Environmental Audit under the Environment Protection Act, 1970.

Senversa believes that on this basis the responsible authority should allow the progressive assessment, clean up and management of land contamination as part of a staged redevelopment strategy for the site. The proposed staged approach to development is presented in more detail in **Section 3**.



2.0 Site History and Setting

2.1 Site History

Our compilation of the site history information is based on the previous environmental assessment reports listed in **Section 2.2** below.

The site and surrounding land included in the DPO13 (refer to **Section 1.1**) had been cleared and has historically been used for low intensity agricultural purposes including stock grazing. The land to the north east comprises the Winchelsea Common which formerly contained the Winchelsea Gun Club and Go Kart track; now managed as a nature reserve. Lead shot from the Gun Club has been identified on the site as a result of adjoining land uses, and surrounding land as discussed below in **Section 2.2**.

2.2 Previous Assessments

From information provided by Council, the following environmental site assessments are understood to have been completed at and surrounding the site which are relevant to this strategy:

- Preliminary Lead Shot Investigation, Gladman, Armistead and Witcombe Streets, Winchelsea. Golder Associates, 9 April 2013.
- Limited Contaminated Land Assessment – Gun Club Related Impacts: 135 Austin Street, Winchelsea. Golder Associates, 12 June 2013.
- Preliminary Environmental Site Assessment, 135 Austin Street, Winchelsea. DRC Environmental, 21 September 2018.

The following reports have been reviewed to identify the key constraints for the development.

2.2.1 Golder Associates, April 2013

The preliminary lead shot investigation was completed for the public roadside reserves along Gladman, Armistead and Witcombe Streets to investigate the potential lead shot related impacts from the Winchelsea Gun Club located on The Winchelsea Common. The investigation was commissioned by Council in response to concerns raised about potential lead shot extending beyond the boundary of the gun club at Winchelsea Common. The investigation did not assess the site but did include the roadside reserve along the north eastern boundary of the site.

The investigation included a visual inspection and intrusive soil investigation which identified the following:

- Visual inspection identified lead shot on the ground surface at seven locations along Gladman Street, one location along Armistead Street and one location along Witcombe Street.
- Bulk soil samples were collected from 58 locations. The bulk samples were sieved to separate lead shot from the soil to enable assessment of impacts that may have partitioned from lead shot to soil. Soil samples were then sent to a laboratory and analysed for arsenic, antimony and lead.
- Whole lead shot was detected in over 50% of the sample locations. The highest lead shot impact was found in surface soils of the Witcombe Street road reserve and the southern portion of the Gladman Street road reserve.
- The concentrations of lead in sieved soils was found to be below the adopted investigation levels for open space.
- The report indicated that the concentration of lead in a single lead shot is significant and can represent a high risk to health of those that ingest lead shot, particularly children under six years of age. But unless lead shot was ingested, the risk posed to site used with respect to lead in residual soil via exposure pathways such as dust inhalation or dermal contact was considered to be low.
- It was considered that the presence of whole lead shot posed an unacceptable risk to human and animal health via ingestion and management to mitigate the exposure was recommended.



2.2.2 Golder Associates, June 2013

A limited soil investigation was undertaken on a portion of 135 Austin Street, Winchelsea. The portion of the property in which the assessment was completed is also known as 50 Witcombe Street (the subject site). The investigation was completed to assess the contamination caused by the Winchelsea gun club to the north of the site to assist with the rezoning of the site from agricultural use to residential use.

The investigation included a desktop review, a visual walkover to assess the presence of lead shot and an intrusive investigation including chemical analysis of soils. The investigation found the following:

- The site had been cleared and has historically been used for low intensity agricultural purposes including stock grazing.
- The topography of the site generally slopes downwards from the west to the east. The south west corner of the site is a low lying marsh area.
- Low levels of lead shot were identified in surface soils 30 m inside the north eastern boundary (along Witcombe Street) as shown in the **Plate 4** below.



Plate 4: Investigation Locations

- No clay target or waste gun cartridges were observed at any of the locations assessed.
- The presence of lead shot presents a low potential to impact human health in a recreational land use setting. However, the presence of whole lead shot within surface soils at a few locations may present a potential risk to human health if the lead shot is ingested and may present an aesthetic impact in a recreational land use setting.
- The impacts to human health and aesthetic impact was recommended to be further investigated.

The basis for recommending further works is not clear as the identified impacts can be readily managed during the redevelopment of the site.



2.2.3 DRC Environmental, September 2018

The preliminary environmental site assessment (PESA) relates to a portion of 135 Austin Street, located to the immediate south east of the site. The PESA was completed to assess the surficial soil conditions to evaluate the potential contamination caused by the adjacent gun club.

The PESA included a site inspection, X-Ray Fluorescence (XRF) screening for metals at the site, survey of potential lead shot in surface soils and collection of surface soil samples along the northern boundary of the site for laboratory analysis.

The report found the following:

- An environmental audit report had been completed for 235 Austin Street (south of the assessment site).
- The Winchelsea Gun Club is listed on the EPA Priority Sites Register for requirements of assessment and clean up.
- The surface soil at the site comprises sand and clayey sand with grass coverage.
- The XRF screening assessment did not identify potential soil impacts.
- No lead shot was observed on the ground surface.
- Concentrations of lead in the laboratory samples ranged from non-detect to 9 mg/kg, below the adopted assessment criteria of low-density residential use.
- Further assessment / remediation was not recommended.

2.3 Summary of Results and Data Gap Analysis

Investigations completed to date do not indicate any contamination that would unacceptably constrain the proposed site rezoning and development.

Based on the review of works completed to date the following issues have been identified:

- Minor soil impact comprising the presence of four (4) individual whole lead shot pieces in surface soils at three locations abutting the Witcombe St site boundary. With the exception of lead, chemical analysis did not identify concentrations of the contaminants of concern (comprising PAHs, antimony, arsenic) at levels above the laboratory level of reporting (i.e. not detected). Lead was detected at three of the locations in concentrations ranging between 12 mg/kg and 41 mg/kg, well below adopted screening criteria.
- Along the eastern boundary of the site abutting Witcombe St road reserve, the presence of minor lead shot potentially represents a risk to human health if ingested and may present an aesthetic impact to the proposed recreational land use setting.
- No significant chemical contaminants in soil have been identified that, with management, would preclude the redevelopment of the site. The reported concentrations are low and do not represent a risk to groundwater quality.
- The reported contamination (i.e. minor whole lead shot) is not a volatile contaminant and therefore the risk of vapour intrusion or gas migration is considered negligible.

The process for dealing with the above issues is presented in the following sections.



3.0 Site Remediation Strategy

3.1 Regulatory Considerations

The regulatory framework for the assessment and management of contamination land at the site is governed by the requirements of the Environment Protection Act, 1970 and subordinate legislation and guidance including:

- State Environment Protection Policy (Prevention and Management of Contamination of Land), 2002 (SEPP (PMCL)).
- EPA Publication 759 Environmental Auditor (Contaminated Land) Guidelines for Issue of Certificates and Statements of Environmental Audit (EPA, September 2007) 'the Auditor Guidelines'.

We note also that with the incoming Environment Protection Amendment Act, 2018 (<https://www.epa.vic.gov.au/about-epa/laws/new-laws/changing-to-the-new-act>), scheduled to come into force on 1 July 2021, the Council, as Responsible Authority and as the future party responsible for the management and control of contamination at the site will be required to exercise its General Environmental Duty (GED) (https://www.environment.vic.gov.au/data/assets/pdf_file/0019/334450/Factsheet_Environment-Protection-Amendment-Act-2018.pdf). In particular, Council has an obligation where it conducts activities that pose a risk to human health and the environment to take reasonably practicable steps to eliminate or minimise these risks. Further, where there is prescribed notifiable contamination, notify the EPA of this contamination.

3.1.1 Protection of Land

The SEPP (PMCL) sets out the regulatory framework for the prevention and management of contaminated land within the State of Victoria. The goal of the policy is:

“to maintain and where appropriate and practicable improve the condition of the land environment sufficient to protect current and future beneficial uses of land from the detrimental effects of contamination by:

- *preventing contamination of land; and*
- *where pollution has occurred, adopting management practices that will ensure:*
 - *unacceptable risks to human health and the environment are prevented; and*
 - *pollution is cleaned up or otherwise managed to protect beneficial uses.”*

The SEPP (PMCL) identifies land use categories and protected beneficial uses for each of these categories. Land (including soil, fill, sediment, rock and vapour within interstitial spaces) is considered polluted where current and/or future protected beneficial uses for the relevant land use categories are precluded.

The SEPP (PMCL) specifies that the following beneficial uses are protected for consideration of the proposed mixed use pattern of development across the site:

- Maintenance of ecosystems (modified).
- Human health.
- Buildings and structures.
- Aesthetics.
- Production of food, fibre and flora.

The SEPP (PMCL) sets out a policy intent which includes an order of preferences for the clean up of land such that treatment and reuse on-site is preferred to treatment and reuse off-site and long term containment off-site is least preferred.



3.1.2 Soil Sampling and Classification of Wastes for Disposal and Reuse

Should waste soils be generated from site redevelopment, then the control of the movement of waste materials (including contaminated soil), in particular Prescribed Industrial Wastes as defined by the EP Act, is set out in the Environment Protection (Industrial Waste Resource) Regulations, 2009.

Guidance around the sampling, transport and disposal of wastes is consolidated in the EPA's Industrial Waste Resource Guidelines (IWRG) and the following principal guidelines are relevant for the disposal of solids and soils:

- IWRG600.2 Waste Categorisation.
- IWRG621 Soil Hazard Categorisation and Management.
- IWRG631 Solid Industrial Waste Hazard Categorisation and Management.
- IWRG701 Sampling and Analysis of Waters, Wastewaters, Soils, Waste.
- IWRG702 Soil Sampling Guidance.

3.2 Overarching Approach

In developing an approach to the SRS, Senversa has reviewed the available information to form an understanding of data gaps and additional works which would be required to adhere to Schedule 13 of Development Plan Overlay.

The overarching approach for the redevelopment of potentially contaminated land at the site is described as follows:

- Review the potential health and environmental risks associated with the proposed use of the site based on the proposed development Master Plan and the identification of contamination. The proposed Master Plan may allow flexibility to introduce less sensitive land uses if necessary due to environmental constraints (i.e. hardstand carpark in areas containing contaminated soil).
- Development of a Construction Environmental Management Plan (CEMP) to be implemented appointed Development Contractor to take into account all aspects of the proposed earthworks and construction and the management required for dealing with contaminated soil or the presence of unexpected finds.
 - The CEMP will comprise the detail of the clean up works required. The CEMP must include details on the approach to clean up the whole lead shot impacts identified along the eastern boundary with Witcombe Street. The CEMP will require approval by the Responsible Authority (Council) to ensure the feasibility of the approach.
- Development of a Site Environmental Management Plan(s) (SEMP) for various areas of the site should ongoing management of soil contamination be warranted after all visible whole lead shot has been removed (Note: this requirement is considered unlikely based on the reported low concentrations identified).
 - It is noted also that for the road reserves to the east of the site a separate SEM is proposed to manage legacy gun club residues (whole lead shot, wading and clay target fragments) as required.

The overall strategy is to address contamination issues to allow public open space (recreational reserve) use over the site. However, based on the reserve proposed for the site, there may be opportunities for differing levels of clean up necessary to ensure various areas are suitable for use. Based on our current understanding of contamination, changes to land use over source areas of contamination are likely to be relatively localised and development associated with contamination issues would be relatively minor in the context of the overall development.

Where clean up and management measures allow impacts to be dealt with in-situ, as described above, the strategy must consider the level of involvement and approval from the EPA and the Responsible Authority (Council) to ensure it is consistent with planning criteria.

The details of the strategy to address these issues are described in the following sections.



3.3 Site Remediation Strategy

As presented in **Section 1.3**, the SRS has been prepared in a manner consistent with the requirements of the Development Plan Overlay and is presented in the following sections.

As part of the overall development and clean up works, roles and responsibilities of parties involved should be clearly defined. An example framework for this is outlined in **Table 3-1** below.

Table 3-1: Roles and Responsibilities

Role	Responsibility
Site Owner / Principal	<ul style="list-style-type: none"> Overarching responsibility for the successful redevelopment of the site.
Superintendent	<ul style="list-style-type: none"> Responsible for monitoring the execution of the Contract and directing the Development Contractor as required, to achieve the objectives of the works. Responsible for the coordination of the review of documents to be submitted by the Development Contractor prior to the commencement of works.
Environmental Consultant (Contaminated Land Management)	<ul style="list-style-type: none"> Prepare the Construction Environmental Management Plan to be implemented by the Development Contractor. Be provided site access during the earthworks to collect any samples as they see fit. Assessing environmental quality of on-site soils for reuse or disposal from the site and off-site materials proposed to be imported to backfill excavations. Review and spot check of materials tracking prepared by the Development Contractor. Liaise with the Superintendent to direct additional works as required of the Contract. Liaise with EPA (where required) on behalf of the Client.
Development Contractor	<ul style="list-style-type: none"> Obtaining permits and approvals necessary to complete the works. Comply at all times with OH&S plan, Construction Environmental Management Plan, Quality Assurance Plan and Materials Tracking Plan approved by the Superintendent Completion of works nominated by the Superintendent as per the Contract
Waste Removal Contractor	<ul style="list-style-type: none"> Conduct the clean up works. Comply at all times with OH&S plan, Construction Environmental Management Plan, Quality Assurance Plan and Materials Tracking Plan approved by the Superintendent.
Clearance Certificate Contractor (Occupational Hygienist)	<ul style="list-style-type: none"> An Occupational Hygienist who is Victorian based and a full member of the Australian Institute of Occupational Hygiene (AIOH) will monitor and provide visual and written clearance certification that all visible whole lead shot has been removed from the site. Report to the Superintendent on the status of construction hold point(s). <p>There is no special qualification for the removal of whole lead shot, however a common industry practice in the verification of the management of physical objects in the asbestos clearance certificate model which has been adopted for this SRS. This approach requires the waste removalist contractor to work with an occupation hygienist who will be required to provide the clearance certificate stating that visible lead shot has been removed.</p>



3.3.1 Preferred Approach to Remediation

*This section addresses and makes recommendations in relation to the **'Broad options available and a preferred approach to the remediation of soil and groundwater'**, and **'Preferred approach to the remediation of soil'** as required by the Development Plan Overlay.*

Based on the contamination being limited to very minor whole lead shot in surface soils coincident with the Witcombe St boundary, a detailed remediation feasibility study is not required. It is proposed to manage the identified contaminated soil during development of the site as follows:

- Either prior to construction contract award, or upon award of the construction contract, engage a suitably qualified waste removal contractor (either by the Development Contractor, or by a party appointed by the Responsible Authority) to complete a detailed site walk over and 'emu pick' the removal of whole lead shot across the site. The emu pick method is considered the most appropriate in terms of an option for whole lead shot from surface soil as other options are limited in situations where only a small amount of material has been observed. For example, as the material is non-ferrous a magnet could not be used. Nor would it be worthwhile excavating and screening the material given the inadvertent mixing that could occur, further reducing the effectiveness of separating the material from the soil. Nor would a vacuum suck truck be recommended since the 'impact' is so low and localised and this effort would still require a form of inspection after the works. In the end the emu pick method is a common approach used for visual removal.
- Upon removal of the lead shot from the site, obtain from a person independent of the Development Contractor, a clearance certificate provided by a qualified occupational hygienist (refer to **Section 3.3**) stating that all visible whole lead shot has been removed from the site. Ideally, the independent clearance certificate provider shall be appointed by the waste removalist contractor, or the Principal.
- The identified works must be completed before earthworks commence but may be completed following mobilisation of the Development Contractor to the site.

3.3.2 Construction Hold Points

*This section addresses and makes recommendations in relation to the **'Points at which construction would need to stop to ensure clean up has taken place'**, as required by the Development Plan Overlay.*

As identified in **Section 3.3.1** above, no construction works may commence until all visible whole lead shot has been removed from the site. The following requirements must also be met:

- With the exception of site mobilisation and establishment, the whole lead shot clearance certificate must be produced by a suitably qualified practitioner in the management of contaminated land, prior to the commencement of site works.
- Upon construction, any surface soils generated from the scraping and removal of geotechnically reject topsoil must be stockpiled and chemically assessed and categorised in accordance with EPA Industrial Waste Resource Guidelines, to determine its waste disposal or reuse requirements:
 - Confirmation that the soil is either IWRG Fill Material and therefore suitable for unrestricted reuse at another site or disposal to landfill as Industrial Waste; OR
 - Confirmation that the soil is a Prescribed Industrial Waste, Either Category A, B or C Contaminated Soil and appropriately disposed of at a facility licensed to receive the material.



3.3.3 Proposed Condition After Clean Up

This section addresses and makes recommendations in relation to the 'Proposed condition after clean-up of the site to suit proposed uses' and 'Indicative site management and monitoring controls needed after clean-up', as required by the Development Plan Overlay.

Based on the current condition of the site, visual inspection and chemical analysis completed by Golder Associates in 2013 has confirmed a low risk. However, the presence of isolated occurrences of whole lead shot within surface soils at a few locations near the Witcombe Street boundary may present a potential risk to human health if the lead shot is ingested and may present an aesthetic impact in a recreational land use setting. Based on this, it is proposed to further reduce this risk by mechanical removal of the whole lead shot that was identified in the proximity of the eastern portion of the site abutting Witcombe Street.

At the completion of these works, the final site condition will be further improved, consistent with the proposed recreational land use. Further, the whole lead shot removal program will likely mean that there will be no requirement for any ongoing site management and/or monitoring controls.

3.3.4 Locations of Proposed Clean Up

This section addresses and makes recommendations in relation to the 'Locations across the site of proposed clean up work', as required by the Development Plan Overlay.

Based on the findings of historical reports (refer to **Section 2.2**), it is likely that clean up of surface soil will be required in the following areas:

- The roadside reserve along Witcombe St.
- The north eastern portion of the site, from the site boundary running along Witcombe Street to approximately 30m inside the site boundary.

The final area remediated must be stated in the whole of lead shot clearance certificate to be provided following clean up of the identified areas of the site. Other areas may be identified during development works at the site. If identified, these areas will need to be incorporated into the clean up works and site clean up clearance certificate reporting.

3.3.5 Remediation Schedule

This section addresses and makes recommendations in relation to the 'Schedule of activities including any staging of the works', as required by the Development Plan Overlay.

The works schedule for remediation will be planned to coincide with the development schedule for the site (where possible). As such, the works must be completed prior to the commencement of earthworks at the site. At the completion of the clean-up works and production of the necessary clearance certificate as described in **Section 3.3.1** above, construction earthworks may commence.

3.3.6 Staging and Timeframes for the clean up of the site

This section addresses and makes recommendations in relation to the 'Expected pattern/staging and indicative timeframes for the clean up of the site', as required by the Development Plan Overlay.

The activity that must be completed prior to the commencement of earthworks is the whole of lead shot identification and removal. Prior to the completion of the works and use of the site for public open space purposes the responsible party must produce a clearance certificate confirming that all visible whole lead shot has been removed.



3.3.7 Responsible Parties

This section addresses and makes recommendations in relation to the 'Identifying the parties responsible for key activities and for subsequent site management and monitoring', as required by the Development Plan Overlay.

As outlined in **Section 3.3**, prior to the commencement of works, the Responsible Authority must identify who will be responsible for the conduct of the clean up works and who will be an independent person verifying the removal of whole lead shot and provision of the clearance certificate.



4.0 Next Steps

As detailed in **Section 3.2**, the SRS relies on a step wise overarching approach to allow the release of land for the development of the public open space use. The following next steps are proposed to implement the remediation strategy, prior to the commencement of construction works on the site:

- Preparation of a Construction Environmental Management Plan (CEMP) detailing the works and measures required to protect human health and the environment during the works and also to:
 - Objectives of the CEMP.
 - Prescribe roles and responsibilities for the works.
 - Detail the works in particular the areas of the site requiring clean up works.
 - Environmental management requirements detailing measures to minimise generation of dust, odour, runoff, management of personal hygiene, etc.
 - Specify the materials handling and tracking, including soils required to be categorised for off-site disposal, receipts for the lawful disposal of wastes (including whole lead shot).
 - Managing unexpected finds, environmental monitoring during the works.
- In preparation of the contract of works for the Development Contractor, specify the whole lead shot removal and reporting requirements.
- Following the works, and prior to commencement of use of the site for the proposed public open space use, provision of a clearance certificate by a suitably qualified practitioner in the management of contamination of land, detailing that all visible whole lead shot has been removed.
- Development of a Site Environmental Management Plan(s) for various areas of the site should ongoing management of soil contamination be warranted after all visible whole lead shot has been removed (Note: this requirement is considered unlikely based on the reported low concentrations identified).
 - It is noted also that for the road reserves to the east of the site a separate SEMP is proposed to manage legacy gun club residues (whole lead shot, wadding and clay target fragments) as required.

In conclusion and provided that the SRS is implemented as described, current investigations have not identified contamination that would preclude the redevelopment of the site in accordance with the proposed recreational land use setting.



5.0 References

Reports

1. Preliminary Lead Shot Investigation, Gladman, Armistead and Witcombe Streets, Winchelsea. Golder Associates, 9 April 2013.
2. Limited Contaminated Land Assessment – Gun Club Related Impacts: 135 Austin Street, Winchelsea. Golder Associates, 12 June 2013.
3. Preliminary Environmental Site Assessment, 135 Austin Street, Winchelsea. DRC Environmental, 21 September 2018.

Legislation

1. Environment Protection Act (1970) Victoria. Act No 8056/1970.
2. State Environment Protection Policy (Prevention and Management of Contamination of Land).
3. State Environment Protection Policy (Waters).



6.0 Limitations

This report was prepared in response to a request from Surf Coast Shire Council to prepare a remediation strategy for the site. In reaching their conclusions about the site, Surf Coast Shire Council may use this report.

This report is based on a review of the available information provided to Senversa regarding the site. Reasonable care has been taken to avoid reliance upon data and information that may be inaccurate, however the conclusions presented are based on the information available during the assessment.

The scope of work performed as part of this assessment may not be appropriate to satisfy the needs of any other person. Any other person's use of, or reliance on, the findings, conclusions, recommendations or any other material presented herein, is at that person's sole risk.

Senversa notes that subsurface conditions can vary over short distances. The actual characteristics of sub-surface and surface materials that have been used as the basis for this Remediation Strategy may vary significantly between adjacent sampling locations and intervals.



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6. CULTURE & COMMUNITY

6.1 Positive Ageing Reform Readiness Plan Project Update

Author's Title: Project Manager - Positive Ageing

Department: Community Strengthening

Division: Culture & Community

Appendix:

1. Age Friendly Strategy 2020 - 2024 (D20/125060)

Officer Direct or Indirect Conflict of Interest:

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

☐

Yes

☒

No

Reason: Nil

General Manager: Chris Pike

File No: F20/387

Trim No: IC20/874

Status:

Defined as confidential information in accordance
with Local Government Act 2020, Section 3(1):

☐

Yes

☒

No

Reason: Nil

Purpose

The purpose of this report is to provide an update on the Positive Ageing Reform Readiness Plan and seek Council adoption of the Age Friendly Strategy 2020 – 2024.

Summary

In 2016 the Commonwealth Government released the Aged Care Reform Agenda. Since its release the Surf Coast Shire Council has been considering its implications for the community. Much work has been undertaken to ensure the community continues to receive in-home support services, albeit by other service providers, whilst developing Council's new role in creating age friendly communities.

In June 2019 Council adopted the Reform Readiness Plan which outlines a pathway forward in responding to the reforms. A summary of the work undertaken to enact this Plan has included:

- *The development of a new service delivery model:* Working with relevant government departments to ensure in-home support services continue to be provided for residents by alternate service providers.
- *Transitioning aged and disability programs to new service providers:* Five aged and disability programs were transitioned to new service providers from December 2019 to June 2020. These programs include Home Care Package Program, Department of Veterans' Affairs program, National Disability Insurance Scheme, Brokerage services and the Home and Community Care Program for Younger People. The transition of the Commonwealth Home Support Program is to be completed by 30 September 2020. Due to the impact of COVID-19 this transition date was extended from the original date of 30 June 2020.
- *Responding to the Commonwealth Government's review of the Regional Assessment Service:* There have been delays in the development of an agreed, national streamlined assessment framework. As a result the Regional Assessment Service contract has now been extended until 30 June 2022.
- *Development of Council's new role:* Working with the Positive Ageing Advisory Committee and in consultation with the community, Council's *Age Friendly Strategy 2020 – 2024* has been developed. The strategy sets Council's new direction, moving from the historical service delivery model to one of building *Age Friendly Communities* so residents can age well in the place where they live.

Recommendation

That Council:

1. Notes the transition of five of the six aged and disability service delivery programs to new service providers was completed by June 2020.
2. Notes the transition of the final aged and disability service, the Commonwealth Home Support Program, is on schedule to occur on 30 September 2020.
3. Notes Council's contract with the Victorian Department of Health and Human Services for delivery of the Regional Assessment Service has been extended until 30 June 2022 while the Commonwealth Department of Health develops its national model for assessment services.
4. Receives an aged and disability service transition evaluation report by June 2021, assessing the impact of the service provider changes on clients and the community.
5. Adopts the Age Friendly Strategy 2020 – 2024 as attached at Appendix 1.

6.1 Positive Ageing Reform Readiness Plan Project Update

Council Resolution

MOVED Cr Margot Smith, Seconded Cr James McIntyre

That Council:

1. Notes the transition of five of the six aged and disability service delivery programs to new service providers was completed by June 2020.
2. Notes the transition of the final aged and disability service, the Commonwealth Home Support Program, is on schedule to occur on 30 September 2020.
3. Notes Council's contract with the Victorian Department of Health and Human Services for delivery of the Regional Assessment Service has been extended until 30 June 2022 while the Commonwealth Department of Health develops its national model for assessment services.
4. Receives an aged and disability service transition evaluation report by June 2021, assessing the impact of the service provider changes on clients and the community.
5. Adopts the Age Friendly Strategy 2020 – 2024 as attached at Appendix 1.

CARRIED 9:0

6.1 Positive Ageing Reform Readiness Plan Project Update

Report

Officer Direct or Indirect Interest

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

Background

In 2016, the Commonwealth Government determined that reform is necessary to ensure the aged care and disability service system is best placed to meet the needs of an ageing population in an efficient, fair and sustainable way. Since 2016 officers have undertaken activities that can be categorized into four main components, to respond to the impacts of these changes, with Papers aligned to each stage.

Part 1 – Research	<i>Positive Ageing Service Review Research Paper</i>
Part 2 – Options Developed	<i>Positive Ageing Service Review Options Paper</i>
Part 3 – Identification of Preferred Option	<i>Preferred Option Paper</i>
Part 4 – Planning for Change	<i>Positive Ageing Reform Readiness Plan (June 2019)</i>

Council has been consistently updated and has resolved on each stage to date. Key milestones have included:

Council Meeting – 24 July 2018

Council endorsed Option 2 Plan for Change (PLAN AND ACT) in order to prepare for the implications of national reforms to aged care and disability services.

Council Meeting – 25 June 2019

Council adopted the Reform Readiness Plan (June 2019).

Council affirmed that changes to Positive Ageing services arising from the delivery of the Positive Ageing Reform Readiness Plan (June 2019) will only be initiated by future resolutions of the Council.

Council Meeting – 27 August 2019

Council resolved to cease providing specialist support services, namely Brokerage services, National Disability Insurance Scheme services and Home Care Package Program services by December 2019.

Council Meeting – 26 November 2019

Council resolved to exit service delivery of the remaining program areas namely Home and Community Care Program for Younger People, Department of Veteran Affairs Program and Commonwealth Home Support Program by June 2020. *(NB this date has been extended due to the impacts of COVID-19 and is now to occur by 30 September 2020.)*

Council has been advised by its Positive Ageing Advisory Committee since late 2018. The Committee's advice has been instrumental in assisting both officers and Councillors to consider options for the future. The Committee have been actively involved in the development of the proposed *Age Friendly Strategy 2020 – 2024* and will provide leadership in enacting the Plan within their communities once adopted.

Discussion

The Reform Readiness Plan was adopted by Council on 25 June 2019. The Plan outlines a pathway forward ensuring the community continues to receive in-home support services historically provided by Council, whilst developing Council's new role in positive ageing.

There are 5 key actions outlined within the Plan.

- Actions 1-3 refer to the transition of in-home support services to alternate service providers
- Action 4 refers to the transitioning of the Regional Assessment Service
- Action 5 refers to the development of a Positive Ageing Strategic Plan beyond 2020

6.1 Positive Ageing Reform Readiness Plan Project Update

Action 1-3: Transitioning in-home support services to alternate service providers

Transitions Completed

- Clients of Home Care Package, National Disability Insurance Scheme and Brokerage Service programs were transitioned to alternate service providers by 31 December 2019.
- Clients of Department of Veterans' Affairs program were transitioned by 31 March 2020.
- Clients of Home and Community Care Program for Younger People were transitioned by 30 June 2020.

Transition in Progress

Transitioning of Commonwealth Home Support Program is underway. On the instruction of the Commonwealth this service is to be transitioned to three allocated service providers by 30 September 2020, namely:

- Hesse Rural Health
- Great Ocean Road Health
- Mecwacare.

Originally this transition was to be completed by 30 June 2020. Due to the impact of COVID – 19 and in consultation with these 3 new service providers and the Department of Health, the transition date was extended to 30 September 2020.

Action 4: Transitioning of the Regional Assessment Service

Contract Extension

The Department of Health's newly developed Streamlined Assessment Framework was rejected by the aged and disability sector before it commenced. Further work is being undertaken by the Department of Health, to address the issues raised and develop a model which meets the needs of the community.

As a result, Council's Regional Assessment Service's contract has been extended until 30 June 2022. Council has the option of terminating this contract provided 3 months' notice is received by the funding body.

Action 5: Development of a Positive Ageing Strategic Plan beyond 2020

Working with the Positive Ageing Advisory Committee and in consultation with the community, Council's *Age Friendly Strategy 2020 – 2024* has been developed. The Strategy sets Council's new direction, moving from the historical service delivery model, to one of building *Age Friendly Communities* so residents can age well in the place where they live.

The *Age Friendly Strategy 2020 – 2024* is based on the World Health Organisation's Age Friendly Communities framework. In 2006, the World Health Organisation brought together 33 cities to define the important factors needed to create age friendly communities. The eight key areas defined were transportation; housing; social participation; respect and social inclusion; civic participation and employment; communication and information; community support and health services; outdoor spaces and buildings.

In 2016 the Age Friendly Victoria Declaration was signed by Surf Coast Shire Council. In signing this declaration, Council set its commitment to work toward attaining World Health Organisation status as an Age Friendly Community. By utilising this framework Council further affirms its commitment to this and its role in leading and facilitating communities where people of all ages, regardless of ability or life stage, can live a quality, engaged and meaningful life.

Within the proposed *Age Friendly Strategy 2020 – 2024* the eight key areas have five clear components:

- Goal
- Identified needs / issues
- Council's role
- Strategic actions
- Indicators of success

6.1 Positive Ageing Reform Readiness Plan Project Update

It is important to note that although this is a Shire wide plan, when enacting the Plan a placed based approach will be undertaken to provide solutions which are unique to each community.

Additionally the success of the Plan is dependent on a whole of Council response. Although driven by the community strengthening team, officers from across departments will be engaged in specific actions to support the projects and initiatives within the Plan.

Partnerships and collaborations with community groups and organisations, health services, local businesses and individual community members are also imperative to ensure goals are met.

Driven by the Positive Ageing Advisory Committee, an asset based community development approach will be ensured as the foundational framework to create age friendly communities for the Shire.

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
Theme	1 Community Wellbeing
Objective	1.4 Provide support for people in need
Strategy	1.4.2 Pursue Age Friendly City status
Theme	5 High Performing Council
Objective	5.4 Ensure the community has access to the services they need
Strategy	5.1.4 Build on relationships with agencies and key stakeholders for the benefit of the community

Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	Yes
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	Yes
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes
Risk Assessment	Yes
Communication	Yes
Human Rights Charter	Yes

6.1 Positive Ageing Reform Readiness Plan Project Update

Governance Principles - Local Government Act 2020 (LGA 2020)

The Age Friendly Strategy 2020 – 2024 has been developed in accordance with the Governance Principles. Specifically it:

- Is underpinned by principles of social justice, including intergenerational and intergenerational equity and considers the cumulative impact of decision-making.
- Seeks to join up the efforts of all community stakeholders (residents, businesses, diverse non-government organisations and all levels of government) to improve the environmental, social and economic wellbeing of our communities.
- Makes a commitment to align Council supports to empower community members, groups and businesses to create the positive changes they want to see in their communities.
- Recognises that community members are experts in their lives and communities and makes a commitment to seek out the diverse perspectives and experiences of Surf Coast Shire communities to ensure Council's understanding of communities' needs and strengths inform planning, decision-making and advocacy.
- Makes a commitment to be flexible and responsive in its design and implementation of programs and services, trialling and evaluating new ways to achieve community outcomes to ensure innovation and continuous improvement.
- Makes a commitment to partner with residents, community groups, businesses, non-government organisations and all levels of government to achieve shared outcomes for our communities.
- Will support more effective resource allocation through valuing and better utilising community resources and working with a diverse range of partners to achieve shared objectives.
- Makes a commitment to seek out diverse perspectives to inform planning and decision-making and to be principled and equitable in its planning and allocation of resources to support communities' access to infrastructure, open space, facilities, programs and services and networks.

Policy/Relevant Law

The function of a Council, defined under the Public Health and Wellbeing Act 2008, to seek to protect, improve and promote public health and wellbeing within the municipal district by (a) creating an environment which supports the health of members of the local community and strengthens the capacity of the community and individuals to achieve better health.

The Age Friendly Strategy 2020 – 2024 is informed by the Surf Coast Shire Council Plan and seeks to fulfil its purpose to help our community and environment to thrive as described above by creating age friendly communities.

Environmental/Sustainability Implications

In 2019 Council declared a climate emergency and is now working with community to identify priorities and set targets for energy, emissions, water, waste, land use and biodiversity.

The Age Friendly Strategy 2020 – 2024 makes a commitment to align Council supports to empower community members, groups and businesses to create the positive changes they want to see in their communities.

Additionally, the Age Friendly Strategy 2020 – 2024 recognises the sense that individuals and communities have of themselves is inextricably linked to place. In working with communities Council considers the unique and interacting elements across the natural, built, cultural, social and economic environment.

Community Engagement

Community engagement was undertaken across all townships to inform the development of the Age Friendly Strategy 2020 – 2024. The International Association of Public Participation (IAP2) framework was utilised when designing the community engagement process, with the levels of engagement utilised being collaboration, consultation and involvement.

The Positive Ageing Advisory Committee members provided leadership in developing and co-facilitating community engagement processes to gather information. Feedback relating to each of the Age Friendly key areas was collated by township, reviewed by the Advisory Committee members, and then developed into a Shire wide plan.

6.1 Positive Ageing Reform Readiness Plan Project Update

There was a focus on seeking feedback from clients and interested individuals, as well as from local groups and organisations. The activities undertaken to achieve this included:

- Positive Ageing Advisory Committee meetings
- Shire wide Community forum
- Interactive presentations with community members / groups
- Individual discussions via phone
- Individual surveys
- Phone calls
- Utilisation of relevant community consultative data and strategies
- Utilisation of relevant Council data and strategies

In line with LGA 2020 s.56 engagement principles, the Age Friendly Strategy 2020 – 2024 will enable ongoing meaningful and informed community engagement (s.56 d). The Age Friendly Strategy 2020 – 2024 makes a commitment to work with Surf Coast Shire communities to ensure Council's understanding of communities' needs and strengths inform planning, decision-making and advocacy.

Public Transparency

The Age Friendly Strategy 2020 – 2024 Strategy will support transparency in decision-making, actions and information as described above under LGA 2020 s.9 (i).

Strategies/Plans

In line with s.89 of the LGA 2020, developing the Age Friendly Strategy 2020 – 2024 involved an integrated approach, consulting with community groups and organisations, community members and current Council service users. Utilisation of community data, including current community visions was also incorporated into the development of the Strategy.

Annual work plans with clear monitoring of progress and regular reviews to identify and address changing circumstances are outlined within the plan. A number of activities will be undertaken including:

- Ongoing Positive Ageing Advisory Committee
- Bi-monthly Alliance meetings for partnership activities
- Annual Community Forum
- Internal staff forums with relevant departments
- Councillor Briefings and Executive Management Team meetings

Information gathered will form part of the annual evaluation and performance report.

Financial Management

In mapping roles and resource allocation for the purpose of enacting the activities within the Age Friendly Strategy 2020 – 2024, financial management principles have been well considered. A revised staffing structure takes effect on 1 October with a focus on delivering the new plan.

There are four sources of funding to progress the plan:

1. Council Budget
An allocation of Council funds to Age Friendly initiatives and programs are to be subject to the standard Council budget process on an annual basis.
2. State and Commonwealth Government funding
Funding from relevant State and Commonwealth Departments to support identified projects and initiatives will be undertaken annually, to meet the needs of annual plan priorities.
3. Philanthropic and corporate grants
Opportunities to apply for grants through philanthropic and corporate bodies will be sought to support projects.
4. Partnerships with community organisations / groups, businesses and health services
Allocations of funding are secured within partner's budgets to enact identified initiatives within the Plan. Council will collaborate with partner's providing in-kind support.

6.1 Positive Ageing Reform Readiness Plan Project Update

Service Performance

Consistent with service performance principles described under LGA 2020 s.106, the Age Friendly Strategy 2020 – 2024 makes a commitment to understand the communities' needs and strengths to inform planning and decision-making, as well as will undertake principled and equitable planning and allocation of resources to support communities' access to infrastructure, open space, facilities, programs and services and networks.

Risk Assessment

The Age Friendly Strategy 2020 – 2024 builds the capacity of community members and Council officers, including the ability to identify and manage risks associated with community and economic development initiatives.

Utilising a community development approach ensures optimum outcomes for communities. Opportunities to apply community expertise and resources, undertake partnership and collaborative projects, lead to a more sustainable and successful Council business model.

Communication

The adoption of the Age Friendly Strategy 2020 – 2024 will be communicated through established networks and connections with residents, community groups, businesses, peak bodies, other local government and other levels of government. Additionally it will be included in Council media releases as part of the transitional communications plan, via the Positive Ageing Advisory Committee networks and through the Health and Community Services Alliance.

Human Rights Charter

No human rights are negatively impacted by the Age Friendly Strategy 2020 – 2024. Based on the World Health Organisation's Age Friendly Community Framework the strategy promotes the rights of individuals to be valued, respected and actively supported to participate in community life. The initiatives within the strategy aim to ensure communities' human rights are upheld.

Options

Option 1 – Council adopts the Age Friendly Strategy 2020 – 2024 without amendment.

This option is recommended by officers as the Strategy has involved the community in its development, been reviewed by the Positive Ageing Advisory Committee with amendments made throughout the developmental phase, meets all requirements as outlined in the Local Government Act 2020 pertinent to strategies / plans and is based on the World Health Organisations Age Friendly Communities framework providing it with a strong foundation.

Option 2 – Council adopts the Age Friendly Strategy 2020 – 2024 with amendments.

This option is not recommended by officers as the Strategy is based on the World Health Organisation framework, has been supported in its development and approved in its final version by the Positive Ageing Advisory Committee, with the issues raised through community consultation forming the basis of the actions so these concerns can be addressed.

Option 3 – Council does not adopt the Age Friendly Strategy 2020 – 2024

This option is not recommended by officers as the Strategy outlines the actions needed to meet community visions of creating age friendly communities for the shire. For people to age well in the place in which they live such a strategy is necessary to ensure issues are addressed which inhibit this as a possibility for our residents.

6.1 Positive Ageing Reform Readiness Plan Project Update

Conclusion

An age friendly community is one in which older people are valued, respected and actively supported to participate in their community. Moving from a direct service delivery model to a community development model, Council has the opportunity to support and collaborate with communities to ensure people can age well in the place where they live. The Age Friendly Strategy 2020 – 2024 provides clear goals and actions to do this. Furthermore it sets direction toward Council attaining World Health Organisation's Age Friendly Community status, in line with Council's 2016 Age Friendly Declaration.

Council plays a pivotal role in ensuring communities are age friendly for all, regardless of age or accessibility issues. The Age Friendly Strategy 2020 – 2024 provides clear actions to support this role and ensure the Surf Coast Shire is a great place to age well in.

Age Friendly Strategy 2020 - 2024

*Strengthening
communities
through an Age
Friendly framework.*



Contents

Background and context	2
Ageing Population	3
Age Friendly Communities	4
Developing the Plan	5
Enacting the Plan	6
Whole of Community Response – key players	7
Strategic Actions	8

Acknowledgement of Country

Surf Coast Shire spans the traditional lands of the Wadawurrung, Gulidjan and Gadabanud people.

We acknowledge them as the Traditional Owners and protectors of this place.

We acknowledge their ancestors who cared for the land, rivers and sea - and all of its creatures - for thousands of generations.

We pay our respects to elders past, present and future who continue on this path.

Background and Context

In 2016 the Commonwealth Government determined that reform was necessary to ensure that aged care and disability service systems were best placed to meet the needs of an ageing population in an efficient, fair and sustainable way.

Between 2017 - 2020 the Surf Coast Shire Council worked toward responding to the impacts of these reforms. A new service model was developed. This included alternate community and health organisations identified to take over the in-home support service provision historically held by the Council, as of 1 October 2020. It also included setting a new direction for Council's role in Positive Ageing moving into the future.

This Age Friendly Strategy 2020 - 2024 outlines this new role. The Strategy is based on the World Health Organisation's Age Friendly Communities framework and aims to strengthen communities through this lens.

For further information www.surfcoast.vic.gov.au/Community/Over-55s/Positive-Ageing



Ageing Population

The World Health Organisation has estimated that between 2000 and 2050 the number of people aged over 60 is expected to double.

Across Australia, there are 97 Local Government Authorities where the proportion of people aged 75+ comprises more than 10% of the population and most of these are in regional Australia – including the Surf Coast. Residents aged 75+ make up 11.1% of the Surf Coast population. Residents aged 60 – 74 years make up 13.3% of the total population.

Locally, to 2036, the Surf Coast Shire will experience an 84% increase in population of 60+ years. As a proportion of the population, in 2036 the 60+ cohort will grow from 24% to 29%.

With these factors in mind, along with the shift from the historical role of providing in-home support, local government's focus turns to creating age friendly communities.



Age Friendly Communities

An age-friendly community is one where older people are valued, respected and actively supported to participate in their community. In 2006, the World Health Organisation brought together 33 cities to define the important factors needed to create age friendly communities.

EIGHT KEY AREAS WERE DEFINED



Council plays a pivotal role in leading and facilitating communities where people of all ages, regardless of ability or life stage, can live a quality, engaged and meaningful life. The Age Friendly Community framework provides a lens that ensures our communities are more liveable for everyone.

In 2016 the Age Friendly Victoria Declaration was signed by Surf Coast Shire Council.

In signing this declaration, Council has set its commitment to working toward attaining World Health Organisation status as an Age Friendly Community. For more information on Age Friendly Communities <https://extranet.who.int/agefriendlyworld/>

Developing the Plan

Council uses the International Association of Public Participation (IAP2) framework when designing community engagement processes. This framework outlines different levels of engagement. The development of the Positive Ageing Strategy involved collaboration with members of the Positive Ageing Advisory Committee, and consultation with the wider community

Community engagement was undertaken across all townships to inform the development of this plan, with the Positive Ageing Advisory Committee working in collaboration with Council to seek input from the wider Surf Coast Shire community.

The Positive Ageing Advisory Committee members provided leadership in developing and facilitating community engagement processes to gather information from townships across the Shire. There was a focus on seeking feedback from clients and interested individuals, as well as from key local groups.

Feedback relating to each of the Age Friendly key areas was collated by township, reviewed by the Advisory Committee members, and then developed into a Shire wide plan.

Community engagement activities included:

Activity	Audience	IAP2 engagement level
Positive Ageing Advisory Committee	Community representatives	Collaborate
Community forum (Anglesea Hall)	Surf Coast Shire communities Community Groups and organisations Community members Advisory committee reps.	Consult
Interactive presentations with community members	Probus, Committee for Lorne, Client Café Programs	Consult
Individual discussions via phone	Positive ageing clients and interested community members	Consult
Individual surveys	Lorne residents	Consult
Phone calls with representatives of community groups	Neighbourhood houses, Wurdale Recovery Group, Moriac Community Network	Consult
Utilisation of relevant community consultative data and strategies	Deans Marsh District MADCAP: Growing Winch	Consult
Utilisation of relevant Council data and strategies	Community Support Team feedback on COVID-19 impacts across all townships	Consult
Monitoring and evaluation activities (throughout implementation phase)	Advisory committee, stakeholders and wider community	Consult - involve

Due to COVID-19 restrictions, some planned engagement activities could not be undertaken. Online and phone options were provided as an alternative. The Positive Ageing Advisory Committee were confident that the breadth of information attained over the 4 month period sufficiently reflected the issues and needs within their towns.

Enacting the Plan

Funding

Projects and initiatives are dependent on securing funding and support from a range of areas.

1. Council Budget

An allocation of Council funds to Age Friendly initiatives and programs are to be subject to the standard Council budget process on an annual basis.

2. State and Commonwealth Government funding

Funding from relevant State and Commonwealth Departments to support identified projects and initiatives will be undertaken annually, to meet the needs of annual plan priorities.

3. Philanthropic and corporate grants

Opportunities to apply for grants through philanthropic and corporate bodies will be sought to support projects.

4. Partnerships with community organisations / groups, businesses and health services

Allocations of funding are secured within partner's budgets to enact identified initiatives within the Plan. Council will collaborate with partner's providing in-kind support.

Monitoring and Evaluation

Annual action plans will be developed with key achievable outcomes defined. A monitoring and evaluation process will be a key component within the annual plan and assist in setting direction for the following year. This annual process will inform the 4 year evaluation cycle and future planning and direction thereafter.

Community engagement activities to gather this information will include:

Activity	Audience	IAP2 engagement level
Positive Ageing Advisory Committee	Community representatives	Collaborate
Alliance meetings for partnership activities	Health Services and community organisations	Collaborate
Annual Community Forum	Community members Community groups Community organisations	Collaborate
Internal staff forums with relevant departments	Relevant Council departments working on key projects	Collaborate
Councillor Briefings and Executive Management Team meetings	Councillors Executive Management Team	Inform Consult

Whole of Community Response - key players

Creating Age Friendly Communities involves a whole of community response. Council's role, as outlined within the strategic actions, includes leadership, collaboration, partnership and advocacy. There are many key players necessary to bring this Plan to life and ensure its success.

Positive Ageing Advisory Committee (PAAC)

Established in October 2018 the PAAC comprises of 11 community representatives, a Councillor and relevant Positive Ageing Council officers. Meeting approximately every 6 weeks, the PAAC provides advice and direction for Council on issues relating to Positive Ageing. They have been active in creating the Plan and will be champions in enacting the Plan in their local areas.

Alliance – Health Support Services

An Alliance is to commence in October 2020 between Council and relevant health and support service providers within the Shire, to ensure the community continues to receive the supports and services necessary to age well in the community. The Alliance will meet regularly to discuss service delivery issues, collaborative projects and initiatives.

Whole of Council

The success of the Plan is dependent on a whole of Council response. Officers from across departments will be engaged in specific actions to support the projects and initiatives within the Plan. Biannual meetings will be established to review progress of the Plan through a whole of council lens.

Community organisations / services

Partnerships will be developed with relevant services and organisations in individual communities to strengthen the responses to the strategic actions. Initiatives will be collaborated on, which support individualised community responses to whole of Shire issues (place based responses).

Place based approach

A place based approach ensures that solutions to whole of Shire issues are adapted to meet the needs of individual communities. Although there may be a common issue across the Shire, solutions to the issue will be dependent on the unique needs of each community.

Businesses

Local businesses will be engaged in relevant components of the Plan, acknowledging their integral role in providing meaningful and accessible participation for an ageing community. Initiatives which encourage the sharing of skills and knowledge, along with meaningful participation in employment (both paid and non-paid) will be explored.

Inter-generational Approach

An inter-generational approach to the delivery of actions and monitoring of the Plan is integral to its success. Age Friendly Communities ensure programs and initiatives support the whole of the community. The community will be engaged in an annual review of the Plan and are key players to both implementation and engagement in initiatives and programs across the Shire.



Strategic Actions



Area one: **TRANSPORTATION**

GOAL: Solutions are developed in response to current transport issues.

COUNCIL'S ROLE: Facilitate and lead collaborative projects.



Area two: **HOUSING**

GOAL: Housing related issues are identified and solutions developed which increase options for people to age well in place.

COUNCIL'S ROLE: Investigate and advocate for necessary changes.



Area three: **SOCIAL PARTICIPATION**

GOAL: A sense of community is further enhanced to address isolation and promote physical, social, mental and spiritual health.

COUNCIL'S ROLE: Partner with and support community organisations and health services.



Area four: **RESPECT & SOCIAL INCLUSION**

GOAL: Opportunities are created which ensure older people in our community are included, valued and respected for the diverse skills, views, experience and knowledge they hold.

COUNCIL'S ROLE: Provide leadership, information and support.



Area five: **CIVIC AND ECONOMIC PARTICIPATION**

GOAL: Meaningful opportunities for people to participate in the community as they age are identified and promoted.

COUNCIL'S ROLE: Develop collaborative partnerships and support initiatives.



Area six: **COMMUNICATION & INFORMATION**

GOAL: Accessible information is provided in a wide range of mediums, and communication opportunities are meaningful.

COUNCIL'S ROLE: Provide training and information, collaborate and advocate for improvements.



Area seven: **COMMUNITY SUPPORT & HEALTH SERVICES**

GOAL: Community support and health services meet the needs of the community and include innovative responses to identified gaps.

COUNCIL'S ROLE: Alliance facilitator, information point and project partner.



Area eight: **PUBLIC OPEN SPACE AND BUILDINGS**

GOAL: Council infrastructure projects (both new and improvements) support the needs of people as they age to remain active, access the community and interact with the natural environment and each other.

COUNCIL'S ROLE: To collaborate with the community and respond to identified needs.



Area one: **Transportation**

Goal: Solutions are developed in response to current transport issues.



Identified needs / issues



Transport options to appointments and shops (local & Geelong)

Seating and shelter at bus stops

Transport to community activities

Lack of disabled parking spots

Lack of transport options for teenagers and elderly – whole of community issue

Unreliability of taxis – “leave you stranded”

Availability of accessible transport when needed - Buses, taxis, ubers, volunteers

Costs and bureaucratic barriers to accessing community buses

Strategic Actions

Council's Role: Facilitate and lead collaborative projects

1. Trial and evaluate community based transport service systems, to meet the needs of the individual communities.

These may include:

- Volunteer transport program
- Community bus service
- Share ride service / discount taxis
- Newly developed options

2. Explore and address issues with current transport options in the Shire including:

- Reliability of taxi service
- Lack of Uber options
- Accessibility of transport options
- Costs and bureaucratic barriers to accessing community buses (including disparity of fees due to locations)
- Infrequency of public transport

3. Work with relevant departments and roads authority to:

- Increase designated disabled parking spots
- Ensure designated spots are in optimum locations
- Increase seating and shelter at bus stops



Indicators of success

- Community transport options have been trialed and evaluated.
- Past barriers have been explored and addressed.
- Input into opportunities to influence decision making regarding parking and seating and shelter at bus stops has been created.



Area two: Housing

Goal: Housing related issues are identified and solutions developed which increase options for people to age well in place.



Identified needs / issues

Lack of smaller housing, nothing to downsize to

Planning restrictions with regard to sub-division of blocks for smaller housing / multiple dwellings on a block ('granny flats')

Retirement villages (pros and cons to this model)

Affordability – need for subsidised housing options / disparity of rates for residential villages

Lack of innovative options – explore US & UK model of land ownership (community land trusts etc)

Lifestyle blocks' constraints

Strategic Actions

Council's Role: Investigate and advocate for necessary changes

1. Investigate planning mechanisms (both barriers and enablers) and advocate for necessary changes to facilitate preferred outcomes of land use for communities.
2. Identify and analyse useful examples from other rural / coastal communities both, nationally and internationally.
3. Develop innovative options of housing, community living and access to affordable land based on investigations.



Indicators of success

- Research has been undertaken identifying barriers and supports impacting on potential housing options/initiatives.
- Advocacy projects to address identified barriers and supports have been undertaken.



Area three: **Social participation**

Goal: A sense of community is further enhanced to address isolation and promote physical, social, mental and spiritual health.



Identified needs / issues

Sense of belonging

Physical activities and sporting clubs

Social interaction and stimulations

Local entertainment for whole of community

Specific groups for areas of interest (eg art, men's shed, probus etc)

Multi-generational social gatherings and groups

Barriers to current programs - needing to sign up to My Aged Care to have access (eg Café and GPAC), costs involved

Repurposing of Shire assets - some facilities are under-utilised, need to increase participation, find innovative ways to get better use

Strategic Actions

Council's Role: Support and partner with community organisations and health services

1. Identify gaps and create both intergenerational and interest specific opportunities for socialisation and program activities.
2. Review possibility of continuing Council run programs such as Café Program, GPAC program with new service providers.
3. Promote, inform and provide linkages to current and new programs within communities.
4. Create opportunities to increase utilisation of Council assets to support identified programs and activities.



Indicators of success

- Social and program activities are identified, enacted and supported.
- Information regarding these are widespread through communities.
- Council assets / spaces are available to support identified activities / programs.



Area four: **Respect & social inclusion**

Goal: Opportunities are created which ensure older people in our community are included, valued and respected for the diverse skills, views, experience and knowledge they hold.



Identified needs / issues

Ideas and requests investigated and acted upon when necessary – listening respectfully

Improved relations between children and elderly

Senior citizens has low membership - Ways to promote senior citz / rebranding

Promotion of 'aged' reflective of diversity of ageing populations

Learn from other communities re being listened to and respected

Far more respect for accumulated and depth of knowledge is needed

Duality in attitudes toward older people – “we are expected to work until we are older yet we are perceived as vulnerable / incapable in lots of ways”

Strategic Actions

Council's Role: Provide leadership, information and support

1. Support and facilitate the Positive Ageing Advisory Committee and ensure advice given is utilised by Council.
2. Ensure promotion and information materials reflect the diversity of the ageing population.
3. Support Senior Citizen Groups to re-vision to ensure a sustainable and relevant future.
4. Support inter-generational programs and activities that promote opportunities for the depth of knowledge and skills of our aged to be shared.



Indicators of success

- Positive Ageing Advisory Committee are included in decision making opportunities to ensure the Shire is an Age Friendly Community.
- Opportunities for older people to meaningfully participate and share skills, knowledge and experience are created.
- Rebranding of services and promotional materials reflect the diversity of older people and their needs/ interests.



Area five: **Civic & economic participation**

Goal: Meaningful opportunities for people to participate in the community as they age are identified and promoted.



Identified needs / issues

Identifying voluntary roles - could there be a Shire wide register/ volunteer bank?

Volunteering opportunities are valuable for people moving into retirement.

Barriers to volunteering – confidentiality, overkill with police checks for every position

Rebuilding after disasters

Utilising skills, knowledge and depth of wisdom of older people

Isolation

Neighbourly cooperation

Duality between being meaningfully employed and older – address barriers / perceptions

Strategic Actions

Council's role: Develop collaborative partnerships and support initiatives

1. Support community groups and training providers to provide opportunities to utilise and enhance the skills of older community members as they age.
2. Be up to date with and promote government initiatives and flexible work opportunities that support participation.
3. Support opportunities for community members to share skills and knowledge by creating meaningful participation in both paid and non-paid employment.
4. Explore the possibility of a Shire wide register of skilled volunteers and centralised information about volunteering opportunities.



Indicators of success

- Information about local volunteering opportunities are available.
- Opportunities created for older people to utilise, share and enhance their skills and participate in a meaningful way.



Area six: **Communication & Information**

Goal: Accessible information is provided in a wide range of mediums, and communication opportunities are meaningful.



Identified needs / issues

More interaction between Council and service groups

Lack of information re services available and how to access them

There is a confusion between providing information and actually communicating

Silos restrict information flow - eg local govt, health, education

Mobile phone and internet issues:

- » How to use them
- » Poor service
- » Learnings from the bushfires

Health issue/disability can be a barrier to accessing resources

Could we map resources for distributing information in an emergency?

Diverse methods of communication for people who don't use internet

Strategic Actions

Council's Role: Provide training and information, collaborate and advocate for improvements.

1. Facilitate age related specific information sessions including such areas as:
 - » Navigating My Aged Care System
 - » Services and supports available in the community
 - » Supports and information for rural specific issues (eg financial impacts of living on rural blocks and accessing pension)
2. Ensure Council communication is accessible for people of all abilities - including using a diverse range of non-electronic modalities.
3. Identify needs and training opportunities to support communication modalities (such as zoom, telehealth, tablets etc), including 1-1 training opportunities. Explore possibility of intergenerational project.
4. Advocate for improved internet and mobile phone accessibility, especially in the hinterland.



Indicators of success

- Communities have access to information which is accessible to all abilities and provided in a variety of modalities.
- Training opportunities have been identified and provided.
- Mobile network advocacy projects have been supported.



Area seven: **Community support & health services**

Goal: Community support and health services meet the needs of the community and include innovative responses to gaps identified.



Identified needs / issues

Lack of medical services available on weekends

GP waiting lists (should older be prioritised / triaged?)

Support for home maintenance issues eg gardening, hard rubbish, gutters, changing light bulbs etc

Lack of information regarding what supports are available

How to reach the isolated to ensure their needs are being met

In home support is an essential service to be able to stay at home

Council continue to be a point of contact for information - We are unsure who we need to contact for different things

Strategic Actions

Council's Role: Alliance Facilitator, information point and project partner.

1. Establish and facilitate an Alliance with health and support service providers to evaluate the transition of in-home support services which would include ensuring:
 - » Communities' needs are being met
 - » Gaps are identified and solutions are developed
 - » Relevant service information is being provided to residents
 - » Best practice models are being followed
2. In partnership with key stakeholders develop a range of solutions to identified needs / service gaps eg.
 - » Accessing home / garden maintenance support to enable residents to age well in place
 - » Access issues to GP's and medical services
3. Provide information, referral pathways and promotion of relevant health services, support groups and aged specific programs.



Indicators of success

- Alliance is established and evaluation has been completed.
- Information about availability and accessibility of local services is distributed widely.



Area eight: **Public open space and buildings**

Goal: Council infrastructure projects (both new and improvements) support the needs of people as they age to remain active, access the community and interact with the natural environment and each other.



Identified needs / issues

Lack of footpaths

Maintenance of footpaths

Ensure pathways lead to community infrastructure (ie shops, medical centre etc)

Accessible beaches

Sufficient accessible toilets

Sufficient disabled parking

Appropriate seating – with backs on them

Dangers in crossing major roads with / without pedestrian crossings

Increase outdoor seating

Signage

Strategic Actions

Council's Role: To collaborate with the community and respond to identified needs.

1. Create and embed processes for the Positive Ageing Advisory Committee to provide advice and give feedback on Council infrastructure improvements, community projects and community identified issues.
2. Create opportunities to co-develop plans with communities when developing existing and new spaces, to ensure they foster community and meet the needs of the community as they age.
3. Ensure infrastructure strategy's and improvement opportunities consider the needs of the whole community, regardless of age and capacity, and address issues raised.



Indicators of success

- Formalised process has been developed for Positive Ageing Advisory Committee to input into Council infrastructure projects (both responsive and proactively).
- Formal opportunities to work with communities when developing spaces have been embedded into Council practice.
- Increase in projects responding to issues raised eg footpaths, outdoor seating, accessibility issues.

6.2 COVID Recovery Assistance Grants Assessment - August

Author's Title: Manager Community Support Team

Department: Community Relations

Division: Culture & Community

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

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

☐

Yes

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No

Reason: Nil

General Manager: Chris Pike

File No: F20/242

Trim No: IC20/1153

Status:

Defined as confidential information in accordance
with Local Government Act 2020, Section 3(1):

☐

Yes

☒

No

Reason: Nil

Purpose

The purpose of this report is to consider funding an initiative from the COVID-19 Recovery Assistance program, receive an update on Rapid Response grants approved and note an application to the State Government for a Council-led COVID-19 recovery initiative.

Summary

Council's COVID-19 Recovery Assistance funding program opened on 25 June 2020 after COVID-19 Recovery Assistance Guidelines (the Guidelines) were adopted in May 2020. This program is designed to assist business and community recovery from the COVID-19 pandemic throughout the 2020-21 financial year.

Council resolved in June 2020 to establish a Rapid Response category for applications up to \$5,000 that can be approved by an officer assessment panel. This is done assessing applications against funding criteria in the Guidelines. A total allocation of \$50,000 for Rapid Response grants was adopted in June 2020.

The assessment panel assessed seven applications up to \$5,000 in the Rapid Response category during this assessment period. Three Rapid Response grants were approved and four applications did not meet the minimum assessment score and were not approved.

Four applications for more than \$5,000 were assessed and one application is recommended for funding as it was assessed by the panel as exceeding the minimum assessment score against the funding criteria. Four applications did not meet the minimum assessment score and are not recommended for funding.

Council-led initiatives can be considered for funding through the COVID-19 Recovery Assistance program. One Council-led initiative was considered during this assessment period which is a continuation of Council's online Arts Trail - PORTAL. A State Government fund, 'Let's Stay Connected' became available in July and PORTAL closely aligns to this funding criteria. Council officers submitted an application for PORTAL to this State Government funding round with the purpose of attracting external funding for this Council-led initiative.

Recommendation

That Council:

1. Allocates \$20,000 from the COVID-19 Recovery Assistance Program to the Otway Wine Cooperative for the Marketing and Online Sales project.
2. Notes officers have determined the following Rapid Response applications will receive funding:
 - 2.1. Deans Marsh Primary School – 'Farm Gate Art' - \$5,000
 - 2.2. Ellie Cheesman Films auspiced by Art of the Minds Incorporated – 'Cooked' documentary - \$5,000
 - 2.3. Torquay Food Aid – 'Food Provision' - \$5,000
3. Notes all successful and unsuccessful grant applicants receive feedback regarding their application.
4. Notes that a \$40,000 application has been submitted to the State Government 'Let's Stay Connected' Program for the Council-led recovery initiative to extend the online Arts Trail - PORTAL.

6.2 COVID Recovery Assistance Grants Assessment - August

Council Resolution

MOVED Cr Tony Revell, Seconded Cr Martin Duke

That Council:

1. Allocates \$20,000 from the COVID-19 Recovery Assistance Program to the Otway Wine Cooperative for the Marketing and Online Sales project.
2. Notes officers have determined the following Rapid Response applications will receive funding:
 - 2.1. Deans Marsh Primary School – 'Farm Gate Art' - \$5,000
 - 2.2. Ellie Cheesman Films auspiced by Art of the Minds Incorporated – 'Cooked' documentary - \$5,000
 - 2.3. Torquay Food Aid – 'Food Provision' - \$5,000
3. Notes all successful and unsuccessful grant applicants receive feedback regarding their application.
4. Notes that a \$40,000 application has been submitted to the State Government 'Let's Stay Connected' Program for the Council-led recovery initiative to extend the online Arts Trail - PORTAL.

CARRIED 9:0

6.2 COVID Recovery Assistance Grants Assessment - August

Report

Officer Direct or Indirect Interest

One member of the assessment panel declared they knew an applicant named in a Rapid Response grant application. That panel member declared this relationship, and while this is not a conflict of interest under the provisions of the Local Government Act, the officer did not assess this application. This action was taken to avoid any perceived conflict of interest. The assessment for this application averaged three scores from the remaining panel members as opposed to an average of four scores for other applications.

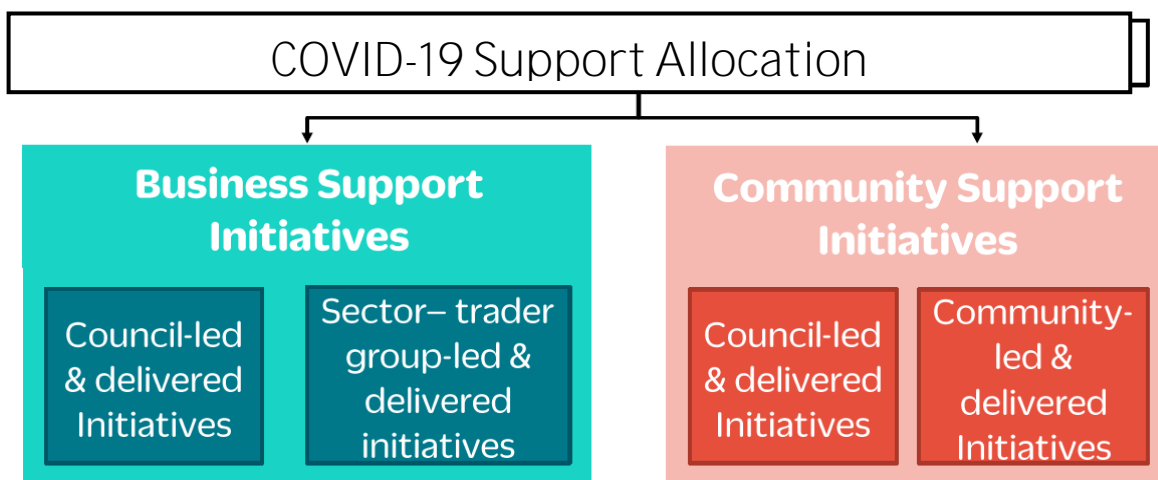
Background

Council allocated \$1.78 million in the 2020-21 budget for COVID support initiatives recognising the pandemic is having and will continue to have a substantial impact on Surf Coast Shire businesses and communities. \$1 million of this allocation was directed to the COVID-19 Recovery Assistance Program.

Council adopted the Guidelines for the COVID-19 Recovery Assistance Program at the 26 May 2020 meeting and the resolution included that Council:

- Affirm that the proposed \$1 million allocation will include provision for community-led initiatives through 2020 and 2021;
- Adopt the Surf Coast COVID-19 Recovery Assistance Guidelines; and
- Consider initiatives and funding proposals in accordance with the Guidelines at future Council meetings;

The adopted guidelines identify the COVID-19 Recovery Assistance Program support initiatives in two focus areas:



The guidelines include:

- Guiding principles
- Assessment criteria – business support and community support
- Eligibility guide for organisations seeking funding
- Monitoring and evaluation approach

Council resolved to allocate \$100,000 to trader groups and \$75,000 to Great Ocean Road Regional Tourism for marketing initiatives at the meeting on 23 June. Council also resolved to:

- Accept applications for the COVID-19 Recovery Assistance Grants Program from 25 June 2020 until such time that Council determines the program shall no longer continue.
- Receive reports at future Council Meetings to consider COVID-19 Recovery Assistance Grant applications.
- Establish a Rapid Response Grants category with a total pool of \$50,000 within the COVID-19 Recovery Assistance Grants Program to cater for small initiatives of up to \$5,000 per application.
- Note that officers will award Rapid Response Grants from 1 July 2020 in accordance with the Surf Coast COVID-19 Recovery Assistance Guidelines and report these allocations at subsequent Council Meetings until the program is ceased or the pool is exhausted.

6.2 COVID Recovery Assistance Grants Assessment - August

Since 25 June, officers have undertaken promotion of the grant program through Council channels, local media and direct contact through community and business networks. Officers have held over 150 conversations with prospective applicants about the grant program including fielding questions about initiatives and the application process.

Eleven applications were received during this assessment period - 25 June to 3 August 2021. Seven applications were up to \$5,000 (Rapid Response) and four applications were above \$5,000.

Discussion

The key elements of the assessment process is outlined in Council's Guidelines. The key elements of organised funding rounds are:

- Opportunities will be widely promoted through Council's communication channels, networks and local media.
- Applications will be made via Council's online grant system.
- Officers will be available to provide information to prospective applicants.
- Applications will be assessed against the funding criteria within these guidelines.
- A panel of Council officers will assess each application against the criteria.
- Officers will make recommendations on each application to the Council.
- The Council will determine the allocation of funds to applicants.
- Communication about funding decisions will be to applicants directly and the wider community.

This process has been applied throughout this assessment period.

The assessment panel comprises four Council officers with relevant experience from the Economic Support Team and the Community Support Team. Proposals were evaluated independently by individual panel members against the adopted key criteria. An average of the individual scores was calculated to identify a final score as a percentage out of 100.

The assessment panel determined 60% was the minimum score for an application to be considered successful. This demonstrates strong alignment with the assessment criteria and ensures projects are well scoped and deliverable.

The total of the grant applications assessed in this assessment period is \$198,977.

The assessment panel has approved \$15,000 via three successful Rapid Response grants. \$20,000 is recommended via this report making the total amount funded in this assessment period \$35,000.

Council's 23 June allocation of \$175,000, combined with the \$35,000 funded and recommended in this assessment period, brings the total amount to date funded from the COVID-19 Recovery Assistance program to \$210,000.

The applications recommended for funding or funded via the Rapid Response category are outlined in Table 1 on the following page. This includes a description of each initiative and a summary of the panel's assessment against the funding guidelines.

6.2 COVID Recovery Assistance Grants Assessment - August

Table 1. – Application recommended for funding above \$5,000

Application recommended for funding that exceed the minimum assessment score.				
Applicant	Otway Wine Cooperative			
Category	Business			
Total Amount Requested	\$20,000	Total Project Cost	\$32,080	
Title / Description	<p>Establish and deliver marketing plan and online sales capability for a wine co-operative which includes Dinny Goonan, “Heroes” Vineyard, Blake’s Estate, Wolesley Wines, Bellbrae Estate, Babeonorek Wines.</p> <p>The local wine industry has been impacted by the pandemic with some wineries in the cooperative experiencing a reduction of up to 70% in sales. All wineries in this cooperative have seen a 100% decline in visitor numbers when restrictions have forced cellar doors to close.</p> <p>This project will deliver a branding strategy, artwork, marketing campaign and a website with online sales capability. These deliverables will be tools used for the long term viability of these businesses.</p> <p>The expected output is an additional 2,500 dozen bottles of wine sold which will help retain jobs at these wineries. The application has sourced quotes from Surf Coast Shire designers and web developers assisting these businesses generate revenue and secure employment.</p>			
Summary assessment against guidelines	<ul style="list-style-type: none">• Strong partnerships.• Evidence of need.• Clear sector benefits.• Positive Impacts local supply chain.			
Evaluation of outcomes	Proposed Outcomes	Activities to achieve outcomes	Outcome Indicator	Methods of data collection
	Maintain sustainable wine sales and improve financial resilience for co-operative members	Online wine sales available through website	Wine sales revenue and profit margins	Compare sales and margins to pre-Covid levels
	Increase in local employment – Creative sector professionals engaged for design, branding and ongoing marketing activities. Ongoing logistics, picking, packing and delivery employment. Jobs in web design and website maintenance.	Employing contractors in Surf Coast Shire to deliver branding strategy, website and marketing campaign. Growth in sales leading to employment in packing, logistics and web maintenance.	Number of local contractors engaged.	Expenditure on engaging contractors
	Increased awareness of the Hinterland as a wine-growing region and tourist destination.	Marketing campaign targeting markets outside Surf Coast Shire	Web sales, visits to website, social media interactions	Focus groups, market research surveys

6.2 COVID Recovery Assistance Grants Assessment - August

Table 2. – Applications approved for funding up to \$5,000 – Rapid Response grants.

Rapid Response applications (up to \$5,000) approved that exceed the minimum assessment score.				
Applicant	Title / Description	Category	Summary assessment against guidelines	Total Amount Requested
Deans Marsh Primary School	Farm Gate Art - Building entrances, gateways & property letterboxes. A woven willow entrance at Memorial Reserve & timber gateway and ceramic tile entrance to Deans Marsh Primary School.	Community	Well scoped. Demonstrates wide community support. Sustainable.	\$5,000
Torquay Food Aid Inc.	Supply food packs to locals in need of immediate support and relief.	Community	Clearly identified need. High benefit for disadvantaged people.	\$5,000
Ellie Cheesman Films auspiced by Art of the Minds Inc.	'COOKED' - short COVID-19 documentary featuring Surf Coast Shire youth comparing with a South Australian outback community.	Community	Addresses a critical need. Accessible and equitable. Creative, lasting effect.	\$5,000

Table 3. - Unsuccessful applications: Rapid Response grants (up to \$5,000) or not recommended for funding (above \$5,000).

Applications not funded (up to \$5,000) or recommended for funding (above \$5,000) as they do not meet the minimum assessment score.				
Applicant	Title / Description	Category	Summary assessment against guidelines	Total Amount Requested
Aireys Inlet & District Association (AIDA)	'Coping with Crisis' - Collating history of the Aireys Inlet and district responses to the 1983 bushfires and the 2020 pandemic	Community	Large component is Ash Wednesday, 1983. Small number of people benefit.	\$105,000
Lorne Business & Tourism Association	Spring Marketing Campaign for Lorne visitation.	Community	Not well budgeted. Little demonstrated support and low accessibility / equity.	\$30,650
Lorne Business & Tourism Association	Spin & Win – Online competition and marketing campaign	Community	Not well budgeted. Little demonstrated support and low accessibility / equity.	\$8,800
Lorne Bowls Club Inc.	Re-Engagement Initiative - engage a coach and equipment to encourage participation.	Community	Need due to COVID is not strong.	\$5,000
Torquay Tigers Cricket Club	Engagement & Accessibility - reduce membership fees for upcoming season.	Community	No project. Proposes to use funding to reduce member fees.	\$5,000
Lorne Historical Society Inc.	Documentation Project which engages a consultant to train members in digital techniques and procedures.	Community	Need due to COVID is not strong.	\$4,800
Anglesea Surf Life Saving Club	'Return to Patrol' - Leadership, mental health and COVID Safe training for 50 club leaders. Produce COVID 19 patrol and mental health plan.	Community	Benefits to a relatively small number of people. Low creativity / innovation.	\$4,727

6.2 COVID Recovery Assistance Grants Assessment - August

The assessment panel reviewed the Council-led initiative PORTAL against the COVID-19 Recovery Assistance assessment criteria. The panel determined the project exceeds the minimum assessment score, it is a strong initiative and will assist community recovery from the pandemic.

PORTAL is an online arts channel that brings people together exploring the creativity that exists within the Surf Coast Shire at this unique time. It offers live and recorded spaces as well as artist development tools and community stories. It is a valuable tool that supports social recovery and brings economic support to the arts sector which is a feature of the Surf Coast Shire economy and has been impacted by COVID-19.

The 'Let's Stay Connected' State Government funding round was established soon after the PORTAL initiative was put forward. The assessment panel recommended that PORTAL be submitted to this State Government grant. If it is unsuccessful in attaining a 'Let's Stay Connected' grant, it is worthy to be considered via an allocation from Council's COVID-19 Recovery Assistance program. This can be subject to a future decision of Council.

Council Plan

Theme 1 Community Wellbeing
Objective 1.4 Provide support for people in need

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 4.1.1 Support and build capability of businesses and business / tourism groups

Theme 5 High Performing Council
Objective 5.2 Ensure that Council decision-making is balanced and transparent and the community is involved and informed

Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	No
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	Yes
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	Yes
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes
Risk Assessment	Yes
Communication	Yes
Human Rights Charter	No

Policy/Relevant Law

6.2 COVID Recovery Assistance Grants Assessment - August

The Surf Coast COVID-19 Recovery Assistance Guidelines consider Council's recovery obligations in the Victorian *Emergency Management Act 2013*. There are 46 responsibilities and actions required of Victorian Councils in current emergency management legislation (such as *The Emergency Management Act 1986* and the *Country Fire Authority Act 1958*), regulations, policy (such as the Emergency Management Manual Victoria) and plans (such as the State Emergency Response Plan and State Emergency Relief and Recovery Plan).

The Department of Environment Land Water and Planning (DELWP) describe a council's role in economic recovery as 'Return economic and business activities (including food and agriculture) to a healthy state and develop new business and employment opportunities' DELWP describe a council's role in social recovery as 'The longer term provision of assistance and access to services that allows individuals, families and communities to achieve an effective level of functioning after an emergency event.' The COVID-19 Recovery Assistance Program helps Council fulfil this role.

Environmental/Sustainability Implications

There are no adverse environmental implications in considering this report. Council's environmental policies will be adhered to in the delivery of the Surf Coast COVID-19 Recovery Assistance funded initiatives. Environmental sustainability is a question in the grant application that influences the overall score of the application.

Business support is one of the focus areas of the program. The guidelines provide advice and assessment criteria that are designed to deliver economic sustainability in sectors impacted by COVID-19.

Community Engagement

Council's Guidelines were informed by engaging with the place based Community Support Groups, Economic Support Team, five Trader Groups, sector specific business groups and individual businesses in Surf Coast Shire.

Advertising for the COVID-19 Recovery Assistance program has been undertaken in local newspapers, social media, Mayors Column, Council website and direct emails.

In addition, engagement continues to take place with trader groups, community groups and business sectors to discuss potential recovery projects.

Over 150 direct conversations have taken place between officers and prospective applicants since 25 June 2020.

Public Transparency

Council's Guidelines and previous funding allocations have been resolved by Council through a public process.

Submissions to the Surf Coast COVID-19 Recovery Assistance program are assessed by officers via a process outlined in Council's adopted guidelines. Recommendations via a report comes to Council for determination. Each funding recipient will be required to acquit their project and identify the measurable benefits it produced.

Projects assessed and approved as Rapid Response grants are reported to Council via monthly reports.

Strategies/Plans

Trader Associations, businesses, industry sectors, community groups and associations were engaged in the development of the Guidelines.

As part of the evaluation criteria applicants are requested to identify how their project aligns with Council strategies and plans.

Financial Management

6.2 COVID Recovery Assistance Grants Assessment - August

The \$1million COVID-19 Support Allocation is identified in Council's Budget 2020-21. It is the source of funding for all recommendations within this report.

The total funding to-date outlined throughout this report is \$210,000 meaning \$790,000 remains available.

There is currently \$35,000 remaining in the Rapid Response grant allocation which was set at the June Council meeting at \$50,000.

Service Performance

Council's guidelines and application process require each applicant to identify measurable outcomes for each initiative. The Guidelines also identify key business support assessment criteria and community support assessment criteria to guide applicants and ensure initiatives remain focussed on COVID-19 recovery.

Projects will also be reported on in order to keep track of benefits achieved as a result of the COVID-19 Support Allocation.

Funding agreements are finalised with successful applicants that identify:

- the purpose of funding (project)
- quantum of funding, and
- the measurable benefits

Risk Assessment

The program is competitive and there is a risk of dissatisfaction with business and community groups when initiatives are deemed unsuccessful.

The Guidelines mitigate risks associated with a large funding allocation by providing a funding framework, principles, objectives and assessment criteria. The Guidelines outline the assessment process which provides clarity and includes officer assessment providing advice to the Council to enable well considered funding decisions.

The Guidelines identify that applicants must speak to an officer prior to commencing their application to minimise the chance of dissatisfaction of not receiving funds.

Officers assess and score submissions and are able to approve funding up to \$5,000. Officers provide recommendations to Council for initiatives above \$5,000.

The assessment panel determined 60% was the minimum score for an application to be considered successful. This demonstrates strong alignment with the assessment criteria and ensures projects are well scoped and deliverable.

Feedback is provided to those organisations with unsuccessful applications.

Communication

Successful applicants will be notified confirming the amount of funding awarded and the requirement to enter into a Funding Agreement.

Unsuccessful applicants are contacted via phone and email advising their submission did not receive funding. Feedback is provided to applicants.

All successful and unsuccessful applications will be contained in Council minutes on the Council's website, including the amounts funded.

Funded groups and initiatives may be featured in Council communication channels and via local media as there will be high interest in local COVID-19 recovery efforts.

6.2 COVID Recovery Assistance Grants Assessment - August

Options

Option 1 – Allocate \$20,000 for the Otway Wine Cooperative project; note the funding of three Rapid Response grants totalling \$15,000, listed in Table 1 of this report; note the 'Let's Stay Connected' grant application for PORTAL of \$40,000.

This option is recommended by officers as it is based on assessment of applications against the funding criteria contained in Council's adopted Guidelines. The supported projects have been identified as exceeding the requirements of the guidelines and assist with business and community recovery.

Officers have approved Rapid Response grants by assessing against funding criteria contained in the guidelines which is consistent with the 23 June Council resolution. Seeking funding for PORTAL via the State Government's 'Let's Stay Connected' grant can deliver a Council-led initiative with external funding.

Option 2 – Approve alternative funding amounts for applications under the COVID-19 Recovery Assistance Grants Program.

This option is not recommended by officers as a detailed assessment of applications has been undertaken by officers against the funding criteria contained in Guidelines following the approved process. The Guidelines provide officers the ability to award Rapid Response Category grants and note these in a report to Council. Awarding a different allocations to Rapid Response projects would not be following the process nor assessing applications against the funding criteria in the Guidelines.

Option 3 – Do not approve any funding under the COVID-19 Recovery Assistance Grants Program

This option is not recommended by officers as the COVID-19 Recovery Assistance Grants Program is a key component of Council's efforts towards responding in a timely manner to the COVID-19 pandemic, for which there is \$1 million allocated in the 2020-21 budget. Officers have conducted a detailed assessment of submissions against the Guidelines, which have been approved by Council. The supported projects have been identified as exceeding the minimum assessment score and enables Council to assist with business and community recovery initiatives.

Conclusion

Council has created financial capacity to assist with business and community recovery. This report recommends funding a COVID-19 Recovery Assistance project to the value of \$20,000 and notes the approved funding of three applications by officers as Rapid Response grants to the value of \$15,000. The outcome of the 'Let's Stay Connected' grant application is expected in the coming months and if unsuccessful, PORTAL can be considered by Council to be funded from the COVID-19 Recovery Assistance Program in the future.

6.3 Bi-Annual Customer Requests & Complaint Handling Report - January to June 2020

Author's Title: Customer Experience Coordinator

Department: Community Relations

Division: Culture & Community

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

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

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Yes

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No

Reason: Nil

General Manager: Chris Pike

File No: F18/254-2

Trim No: IC20/934

Status:

Defined as confidential information in accordance
with Local Government Act 2020, Section 3(1):

☐

Yes

☒

No

Reason: Nil

Purpose

The purpose of this report is to present information on customer requests and complaints for the period 1 January to 30 June 2020.

Summary

Council's Complaints Policy outlines an open and transparent complaint handling system to ensure all complaints are handled fairly and objectively. Council is committed to resolving complaints in a timely manner, recognises people's right to complain and analyses complaint data to find ways to improve.

The Policy commits that a report on complaints performance will be prepared for Council twice a year.

Council's Complaints Policy is aligned with the Victorian Ombudsman's *Good Practice Guide to Handling Complaints* released in 2016. In October 2019, the Victorian Ombudsman released a report – *Revisiting Councils and Complaints*. It reveals how councils have changed their practices and what more can be done so that councils:

- Make it easy to complain
- Respond to complaints effectively
- Learn from complaints to improve services.

The report identified:

- Some councils in Victoria under-report complaints
- Councils overall can improve how they learn from complaints.

In January 2020 Council implemented the latest Ombudsman's recommendations to include missed bins along with overflowing street litter bins, infringement appeals and property valuation objections in future complaint handling reporting data. As expected the change in methodology has resulted in a significant increase in the complaint data for the period.

In the January - June 2020 period Council's complaint data totalled 1788, the top three categories being:

- 878 Missed Bin Service (which equates to 0.09% of total bins collected)
- 701 Infringement Reviews (which equates to 24% of total infringements issued)
- 134 Complaints investigated under the Complaint Handling Policy (resulting from an expression of dissatisfaction from quality, delay or failure of an action taken, decision made, or service provided by Council or its contractor).

In the January to June period Council received 15,344 customer requests through the main software system Authority. 96% of customer requests received during this time were completed within the nominated timeframe.

6.3 Bi-Annual Customer Requests & Complaint Handling Report - January to June 2020

Recommendation

That Council receives and notes the Customer Requests and Complaints Handling Report for the period 1 January to 30 June 2020.

Council Resolution

MOVED Cr Margot Smith, Seconded Cr David Bell

That Council receives and notes the Customer Requests and Complaints Handling Report for the period 1 January to 30 June 2020.

CARRIED 9:0

6.3 Bi-Annual Customer Requests & Complaint Handling Report - January to June 2020

Report

Officer Direct or Indirect Interest

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

Background

Council adopted the Complaints Policy (SCS-032) on 25 June 2019.

The policy commits Council to deal effectively with complaints and guides how complaints handling procedures are implemented. A commitment in the policy states Council will receive a bi-annual report on complaints performance.

The policy defines a complaint as an expression of dissatisfaction with:

- The quality of an action taken, decision made, or service provided by Council or its contractor.
- A delay or failure in providing a service, taking an action, or making a decision by Council or its contractor.

The policy describes a request for service is different to a complaint. Unlike a complaint, a request for service is when a customer wants Council to provide something, generally information or a service, or similarly report a fault such as a maintenance request.

Council's Policy is based on the key features outlined in the Victorian Ombudsman's – *Good Practice Guide to Handling Complaints* released in 2016.

In October 2019, the Victorian Ombudsman released a report – *Revisiting Councils and Complaints*. It reveals how councils have changed their practices and what more can be done so that councils:

- Make it easy to complain
- Respond to complaints effectively
- Learn from complaints to improve services.

The 2019 report outlined the performance of Victorian councils against the Ombudsman's good practice guidance.

In reviewing Surf Coast Shire Council's performance against the Ombudsman's good practice expectations, Council displays many features of good complaint handling, however there is always opportunity to improve.

An example in the Ombudsman's Report is that a report of a missed bin should be defined as a complaint, as represents dissatisfaction with a Council service. Missed bins along with overflowing street litter bins, infringement appeals and property valuation objections should be included in future complaint handling reporting data.

To remain aligned with the Ombudsman's good practice guidance the above recommendations were implemented by Council on 1 January 2020.

Customer requests (including complaints) are registered through a Customer Request Management (CRM) system called Authority.

- In early 2019 Council reformed the customer request system to ensure categories reflected service standards of program areas across 120 services.
- Customers receive a unique reference number and information on when they will receive a response from a subject matter expert.
- Council is committed to completing both customer requests and complaints within the timeframe.
- Council measures the completion rate of requests within the timeframe.

6.3 Bi-Annual Customer Requests & Complaint Handling Report - January to June 2020

Discussion

As expected the change in methodology has resulted in a significant increase in the complaint data for the period. The number of complaints requiring an investigation under the Complaint Handling Policy has remained relatively stable.

In the January - June 2020 period Council's complaint data totalled 1788. The complaint data is made up of the following:

- 41 Positive Ageing Clients (e.g. Community Care Worker was late)
- 878 Missed Bin Services
- 10 Property Valuation Objections
- 20 Overflowing Street Bins
- 701 Infringement Reviews
- 4 Early Years (minor expressions of dissatisfaction remedied through a conversation)
- 134 Complaints Investigated under the Complaint Handling Policy

Service volumes for the newly reported categories of complaints are provided for context:

- 10,157 Positive Ageing client appointments
- 952,770 Bin Collections (including street litter bins)
- 22,936 Property Valuations (conducted annually)
- 2,861 Infringements Issued
- 1,577 Early Years clients

Of the 134 complaints investigated under the Complaint Handling Policy (where an investigation was required):

- 38 complaints were upheld
- 37 complaints were partially upheld
- 42 complaints were not upheld.
- 17 complaints were still under investigation.
- There are recommended changes to practices being implemented as a result of complaints.
- 2 internal reviews of complaint outcomes were requested by customers.
- No complaints registered with the Victorian Ombudsman have resulted in the Ombudsman issuing Council with a proposal for action for the period.

In the January to June period Council received 15,344 customer requests through the customer request management system Authority, also known as CRMs. Officers use a software program called Authority to register and manage complaints and the majority of Council's customer requests.

Of the 15,344 the highest volume areas for customer requests included:

- Waste Management (new residential bin service, bin replacement/repair or general waste enquiry)
- Civil Works (footpath, sealed and unsealed roads)
- Parks and Open Space (recreation reserves, park and tree management)
- Design and Traffic (road safety, street lights and drainage)
- Environment & Development (ranger services, planning and community safety).

96% of Customer Requests captured via the Authority (CRM) system for the January to June period were completed within the nominated timeframe.

6.3 Bi-Annual Customer Requests & Complaint Handling Report - January to June 2020

Complaint Insights

Of the 134 complaints requiring investigation under Councils Complaint Handling Policy, Waste was the prominent complaint topic. This included issues ranging from dissatisfaction with Councils response to the recycling challenges during the state waste crisis, waste collection too early in morning, waste collection truck causing crossover damage, bin not replaced when advised, and rough treatment of bin by contractor.

The other topics of complaints included:

- Failing to get back to the customer.
- Planning and building complaint data includes compliance matters and dissatisfaction related to planning applications and planning decisions.
- Conditions and maintenance of drainage, stormwater and flooding issues.
- Maintenance and condition of sealed and unsealed roads.
- Pool registrations.
- Dog issues.
- Statement formatting.

Where complaints were upheld (fully or partially) the following remedies were offered:

- Apologies offered to the customer.
- Clearer communication to the customer.
- Acknowledgement of concerns and provision of **information to the customer on actions taken**.

Officers have implemented improvements arising from the complaints investigated in the period. Examples include:

- Land Manager to include timeframe in signage and communications relating to temporary infrastructure within public spaces.
- Body Corporate advised to communicate with residents the correct way to present their bins on collection days.
- Changed format of customer statements – improved layout and font size to better assist those with vision impairment.
- More regular inspections of contractor work by team leaders.
- Continue with regular waste contract discussions with Cleanaway to deliver service improvements and contractor behaviour.
- Safe work method statement revised to include inspection after grading of gravel shoulders to determine if a road sweep is required to clear excess gravel.
- Development of a management procedure for allocation of indoor sport courts including processes for review/appeal.
- Improve the frequency and quality of communications with kinder Parent Advisory Groups.
- Feedback, training and performance management for staff.

Council will continue to consider advice from the Victorian Ombudsman to improve its application of the definition of complaints.

Council Plan

Theme	5 High Performing Council
Objective	5.3 Provide quality customer service that is convenient, efficient, timely and responsive
Strategy	5.3.3 Improve how we manage customer requests and complaints

6.3 Bi-Annual Customer Requests & Complaint Handling Report - January to June 2020

Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	No
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	No
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes
Risk Assessment	Yes
Communication	Yes
Human Rights Charter	Yes

Governance Principles - Local Government Act 2020 (LGA 2020)

The Bi-Annual Customer Requests & Complaint Handling Report has been developed in accordance with the Governance Principles. Specifically it:

- Demonstrates a commitment to resolving complaints and highlights a culture that recognises an individual's right to complain.
- Demonstrates complaints are valued and are recognised as being part of our business of serving our communities and improving service delivery. Complaints are dealt with courteously, impartially, within established timeframes and are assessed on merit.
- Demonstrates complaint information is handled according to privacy laws and other relevant legislation. Complaint data is de-identified if reported on more widely.
- Demonstrates we are accountable internally and externally for our decision making and complaint handling performance. We provide explanations and reasons for decisions, and ensure that our decisions are subject to appropriate review processes.
- Demonstrates continuous improvement, acting on, learning from and using complaint data helps us identify problems and improve services.

Public Transparency

Council's complaint handling and customer request policy and processes support transparency in decision-making, actions and information.

Financial Management

There are no significant financial implications in Council considering this report.

Service Performance

Consistent with service performance principles described under LGA 2020 s.106, Council has a fair and effective process for considering and responding to complaints about service provision.

Risk Assessment

There is a reputational risk to Council if it does not comply with reporting commitments as per the Complaints Policy, and recommendations outlined by the Victorian Ombudsman.

6.3 Bi-Annual Customer Requests & Complaint Handling Report - January to June 2020

Communication

This report will be incorporated into Council minutes and made available via the Surf Coast Shire Council website. The contents of the report will also be communicated to staff, to reiterate the importance of complaint handling and the service improvements identified in this report.

Human Rights Charter

No human rights are negatively impacted by the Customer Requests or Complaint Handling Report. Council promotes the right of individuals to make complaints.

Options

Option 1 – Council receives and notes the customer requests and complaints handling report.

This option is recommended by officers as the complaints handling report is a commitment from the Complaints Policy and describes complaint handling performance from 1 January to 30 June 2020. This report is based on Council's complaint handling data recorded for the period. The analysis of complaints offers insights and opportunities for improvement.

Option 2 – Council does not note and receive the customer requests and complaints handling report.

Officers do not recommend this option as this would not uphold the commitment in Council's Complaints Policy.

Conclusion

Complaints and customer requests remain an important opportunity for Council to listen to customers and learn how to do things better.

This report upholds Council's commitment in the Complaints Policy. The report identifies service improvements based on the complaints received for the period 1 January to 30 June 2020. Officers continue to work on improved performance as a result of the analysis of the complaints received.

Council remains committed to completing both customer requests and complaints within the timeframe.

From 1 January 2020, Council implemented relevant recommendations from the Victorian Ombudsman to include service failures such as missed bins in future complaint reporting. This bi-annual report will continue to report performance, and identify service improvements to provide a better experience for our customers.

7. REPORTS FOR NOTING

Nil

8. URGENT BUSINESS

Nil

9. PROCEDURAL BUSINESS

9.1 Advisory Committee Minutes

Author's Title: Governance Officer

General Manager: John Bertoldi

Department: Governance & Risk

File No: F18/221-2

Division: Governance & Infrastructure

Trim No: IC20/1031

Appendix:

1. Bells Beach Committee Minutes - 16 March 2020 (D20/142911)
2. Audit and Risk Committee Minutes - 21 July 2020 (D20/139984)
3. Positive Ageing Advisory Committee Minutes - 24 July 2020 (D20/131810)
4. Hearing of Submissions Committee Minutes - 4 August 2020 (D20/138553)

Officer Direct or Indirect Conflict of Interest:

Status:

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

Defined as confidential information in accordance
with Local Government Act 2020, Section 3(1):

☐ 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. Bells Beach Committee Minutes – 16 March 2020
2. Audit and Risk Committee Minutes – 21 July 2020
3. Positive Ageing Advisory Committee Minutes – 24 July 2020
4. Hearing of Submissions Committee Minutes – 4 August 2020.

Council Resolution

MOVED Cr Clive Goldsworthy, Seconded Cr Brian McKitterick

That Council receives and notes the minutes of the following Advisory Committee meetings:

1. Bells Beach Committee Minutes – 16 March 2020
2. Audit and Risk Committee Minutes – 21 July 2020
3. Positive Ageing Advisory Committee Minutes – 24 July 2020
4. Hearing of Submissions Committee Minutes – 4 August 2020.

CARRIED 9:0

9.2 Section 86 Committee Minutes

Author's Title: Governance Officer

General Manager: John Bertoldi

Department: Governance & Risk

File No: F18/221-2

Division: Governance & Infrastructure

Trim No: IC20/814

Appendix:

1. Deans Marsh Public Hall and Memorial Park Committee Minutes - 6 June 2020 (D20/119232)
2. Stribling Reserve Committee Minutes - 6 June 2020 (D20/123485)
3. Anderson Roadknight Reserve Committee Minutes - 22 June 2020 (D20/123390)

Officer Direct or Indirect Conflict of Interest:

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

☐

Yes

☒

No

Reason: Nil

Status:

Defined as confidential information in accordance
with Local Government Act 2020, Section 3(1):

☐

Yes

☒

No

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. Deans Marsh Public Hall & Memorial Park Committee – 6 June 2020
2. Stribling Reserve Committee – 6 June 2020
3. Anderson Roadknight Reserve Committee – 22 June 2020

Council Resolution

MOVED Cr Margot Smith, Seconded Cr Clive Goldsworthy

That Council receives and notes the following minutes of the Section 86 Committee meetings:

1. Deans Marsh Public Hall & Memorial Park Committee – 6 June 2020
2. Stribling Reserve Committee – 6 June 2020
3. Anderson Roadknight Reserve Committee – 22 June 2020

CARRIED 9:0

9.3 Assemblies of Councillors

Author's Title: Governance Officer

General Manager: John Bertoldi

Department: Governance & Risk

File No: F18/221-2

Division: Governance & Infrastructure

Trim No: IC20/1037

Appendix:

1. Assembly of Councillors - Point Grey Site Visit - 18 June 2020 (D20/149144)
2. Assembly of Councillors - Responsible and Planning Authority Briefing - 28 July 2020 (D20/139496)
3. Assembly of Councillors - Councillor Briefings - 28 July 2020 (D20/139495)
4. Assembly of Councillors - COVID Councillor Briefing - 4 August 2020 (D20/139477)
5. Assembly of Councillors - Councillor Briefings - 4 August 2020 (D20/139476)
6. Assembly of Councillors - COVID Councillor Briefing - 11 August 2020 (D20/144804)
7. Assembly of Councillors - Councillor Briefings - 11 August 2020 (D20/144809)

Officer Direct or Indirect Conflict of Interest:

Status:

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

Defined as confidential information in accordance
with Local Government Act 2020, Section 3(1):

☐ 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 a 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. Point Grey Site Visit - 18 June 2020
2. Responsible Planning Authority Councillor Briefings – 28 July 2020
3. Councillor Briefings – 28 July 2020
4. COVID-19 Councillor Briefing – 4 August 2020
5. Councillor Briefings – 4 August 2020
6. COVID-19 Councillor Briefing – 11 August 2020
7. Councillor Briefings – 11 August 2020

Council Resolution

MOVED Cr Clive Goldsworthy, Seconded Cr Martin Duke

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

1. Point Grey Site Visit - 18 June 2020
2. Responsible Planning Authority Councillor Briefings – 28 July 2020
3. Councillor Briefings – 28 July 2020
4. COVID-19 Councillor Briefing – 4 August 2020
5. Councillor Briefings – 4 August 2020
6. COVID-19 Councillor Briefing – 11 August 2020
7. Councillor Briefings – 11 August 2020

CARRIED 9:0

10. NOTICE OF MOTIONS

Nil

11. CLOSED SECTION

Council Resolution

MOVED Cr Brian McKiterick, Seconded Cr Clive Goldsworthy

That Council, pursuant to section 66(1) and 66(2)(a) of the *Local Government Act 2020*, close the meeting to members of the public at 8:48pm to resolve on matters pertaining to items that deal with information that is confidential in accordance with section 3(1) of the Act, as follows:

- 11.1 **Major Event Opportunity** - confidential in accordance with section 3(1)(xd), pertaining to contractual matters.
- 11.2 **Acting Chief Executive Officer 2020 - 21 Objectives** - confidential in accordance with section 3(1)(xa.), pertaining to personnel matters.
- 11.3 **Audit and Risk Committee Meeting Minutes** - confidential in accordance with section 3(1)(h), pertaining to confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).
- 11.4 **Assemblies of Councillors** - confidential in accordance with section 3(1)(h), pertaining to confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).

CARRIED 9:0

Close: There being no further items of business the meeting closed at 9:13pm