

Minutes

Meeting of Council
Tuesday, 23 March 2021

Held via video conference
(Zoom)

Commenced at 6:02pm

Council:

Cr Libby Stapleton (Mayor)
Cr Gary Allen
Cr Paul Barker
Cr Mike Bodsworth
Cr Kate Gazzard
Cr Rose Hodge
Cr Liz Pattison
Cr Adrian Schonfelder
Cr Heather Wellington

MINUTES FOR THE MEETING OF SURF COAST SHIRE COUNCIL
HELD VIA VIDEO CONFERENCE (ZOOM)
ON TUESDAY 23 MARCH 2021 AT 6:02PM

PRESENT:

Cr Libby Stapleton (Mayor)
Cr Gary Allen
Cr Paul Barker
Cr Mike Bodsworth
Cr Kate Gazzard
Cr Rose Hodge
Cr Liz Pattison
Cr Adrian Schonfelder

In Attendance:

Acting Chief Executive Officer – Anne Howard
Acting General Manager Governance & Infrastructure – John Bertoldi
General Manager Culture & Community – Chris Pike
General Manager Environment & Development – Ransce Salan
Coordinator Governance – Liberty Nash
Governance Statutory Compliance & Reporting Officer – Zoe Eastick

OPENING:

Cr Libby Stapleton opened the meeting.

The Surf Coast Shire local government area spans the traditional lands of the Wadawurrung People and the Eastern Maar People. The main Council offices in Torquay are on Wadawurrung Country. Being an online meeting today, we wish acknowledge the Traditional Owners of the lands on which each person is attending and pay respect to Elders past and present. Council also acknowledges other Aboriginal people that may be attending the meeting today.

PLEDGE:

Cr Gazzard 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:

Council Resolution

MOVED Cr Adrian Schonfelder, Seconded Cr Mike Bodsworth

That an apology be received from Cr Wellington.

CARRIED 8:0

CONFIRMATION OF MINUTES:

Council Resolution

MOVED Cr Gary Allen, Seconded Cr Kate Gazzard

That Council notes the minutes of the Council Meeting held on 23 February 2021, and the Unscheduled Council Meeting held on 16 March 2021 as correct records of the meetings.

CARRIED 8:0

LEAVE OF ABSENCE REQUESTS:

Nil

CONFLICTS OF INTEREST:

Cr Liz Pattison declared a material conflict of interest with relation to agenda item 6.3, as her husband is the Chair on the board for Ocean Mind. This falls within the scope of section 128 of the Local Government Act 2020.

PRESENTATIONS:

Nil.

PUBLIC QUESTION TIME:

Due to the meeting being held virtually, public questions were submitted in advance and read out and answered by the Acting Chief Executive Officer.

Questions 1 and 2 were received by Swami Samadhijyoti Saraswati

Question 1: Soil Disposal

On two public notice boards recently, there was a callout for (quote) "Anywhere to dump clean fill close to Lorne? Certainly not top soil quite a bit of clay in it". This material was being moved via a contractor working on Stribling Reserve. This is of concern to the community, especially in the context of the recent soil dumping problem in the region, the SCS's refusal of the Planning Permit Application 19/0099 Deans Marsh, and the subsequent VCAT Hearing *Smartt v Surf Coast SC* [2020] VCAT 1348 (8 December 2020). <http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2020/1348.html>.

Given that works are being undertaken on a SCS property, what guarantee does the community have that the contractors and council delegates are acting in accordance with council policy and the waste material is not being dumped somewhere locally?

Anne Howard, Acting Chief Executive Officer, answered:

Once alerted to the social media post Council staff spoke with the head contractor to determine exactly what happened. Officers confirmed that the soil was disposed of correctly through a registered facility in Geelong. This was evidenced by documentation (a receipt). The head contractor was able to reiterate to the subcontractor that all excess soil derived from the project needs to be disposed of in accordance with the project plan (which required excess soil to be disposed of at a registered facility).

Question 2: Construction Waste Disposal

The SCS Planning Portal outlines a number of Planning Applications in the Lorne ward, some of which will require significant amounts of cut and fill, and removal of clean waste.

Given that the SCS aims to achieve a higher level of sustainability within the region, does the SCS have, or will it implement an auditing process (as a measure of best practice) for the disposal of waste material as part of the approval for Planning Applications?

Anne Howard, Acting Chief Executive Officer, answered:

Council does not currently have an auditing process for disposal of waste materials as part of Planning Permit applications. In many of its planning permit applications Council must consider appropriate design (including, but not limited to earthworks). Council aims to avoid or minimise earthworks by encouraging applicants to carry out site responsive designs. In some relevant instances Council also requires works to be conducted in accordance with Construction and Waste Management Plans (CMPs and WMPs).

Where cut and fill cannot be avoided due to site constraints, the onus is on the applicant to ensure they dispose of material at an appropriate facility. Council also requires environmental and geotechnical assessments as part of certain applications where the planning scheme requires it and conditions planning permits appropriately.

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1. PETITIONS & JOINT LETTERS

Nil

2. RESPONSIBLE & PLANNING AUTHORITIES

Nil

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:** IC21/442

Appendix:

Nil

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 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 March 2021 are included in this report. All figures in this report are exclusive of GST.

Recommendation

That Council:

1. Approves the project budget adjustments and ratifies the project budget adjustments endorsed by the Executive Management Team outlined in Tables 1 to 6 in this report.
2. Approves the net changes to cash reserves resulting from the project budget adjustments listed in this report:

Funding Sources	Transfers From/ (To) Reserve
Asset Renewal Reserve	(371,175)
Waste Reserve	162,800
Grand Total	(208,375)

Council Resolution

MOVED Cr Adrian Schonfelder, Seconded Cr Rose Hodge

That Council:

1. Approves the project budget adjustments and ratifies the project budget adjustments endorsed by the Executive Management Team outlined in Tables 1 to 6 in this report.
2. Approves the net changes to cash reserves resulting from the project budget adjustments listed in this report:

Funding Sources	Transfers From/ (To) Reserve
Asset Renewal Reserve	(371,175)
Waste Reserve	162,800
Grand Total	(208,375)

CARRIED 8:0

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

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 are presented to Council for approval. Transfers endorsed by the Executive Management Team are 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 project adjustments, detailed in Table 1 and 2, are required where it has been identified that projects require adjustments to their approved budgets to allow achievement of project scope and objectives; or there is a request to adjust scope of project. The project adjustments in Table 1 have been endorsed at an Executive Management Team meeting.

Table 1 – For Council Ratification - Projects Requiring Adjustment

Project Name	Funding Source	Basis for Variation	Project Allocation \$
Cape Otway Road Widening Stage 5	Project Account	This project is part funded by Roads to Recovery grant funds that will be off-set by a new Agrilinks grant, and therefore R2R funds can be re-distributed to other R2R projects.	(450,000)
Darian Road to Highlander Street Reconstruction Works	Asset Renewal Reserve	Change of project funding from Asset Renewal to Roads to Recovery Funding	(450,000)
Darian Road to Highlander Street Reconstruction Works	Grant Funded	Change of project funding from Asset Renewal to Roads to Recovery Funding	450,000
Cape Otway Road Widening Stage 5	Grant Funded	Funding confirmation letter received for Agrilinks grant.	1,050,000
Nautical Rise Linear Park Indigenous Edible Orchard Garden	Grant Funded	Funding agreement executed and funds received from Lions Club to support additional Yarning Circle scope and provide 100 hours of mulching and ground preparation works.	5,896

Table 2 – For Council Approval - Projects Requiring Adjustment

Project Name	Funding Source	Basis for Variation	Project Allocation \$
Anglesea Transfer Station E-waste and Problem Waste Facility	Waste Reserve	Following quantity surveyor advice on the design, additional funds required to undertake the project. New Life of Project budget \$734,300.	162,800

4.1 Project Budget Adjustments and Cash Reserve Transfers

Project Name	Funding Source	Basis for Variation	Project Allocation \$
Winchelsea Transfer Station Backhoe	Asset Renewal Reserve	Reassignment of Civil Works backhoe to the Winchelsea Transfer Station and allow for purchase of higher specification backhoe to allow greater flexibility in usage for Civil Works team requiring additional budget allocation.	28,825

The following budget transfers, detailed in Tables 3 and 4, are newly initiated projects, Table 3 projects have been endorsed at an Executive Management Team meeting. .

Table 3 – For Council Ratification – New Projects

Project Name	Funding Source	Basis for Variation	Project Allocation \$
Road Safety Strategy Review 2021-26	Grant Funded	Agreement executed with Transport Accident Commission to part fund project with grant ratio 2:1. Council co-contribution to project from 2021/22 funds - \$15K Road Safety Strategy Implementation budget.	30,000
Safer Cycling Strategy 2021-26	Grant Funded	Agreement executed with Transport Accident Commission to fully fund project. Council co-contribution to project from 2021/22 Road Safety Strategy Implementation budget \$10k - no grant ratio.	30,000
Torquay Town Centre Pedestrian Safety Improvements	Grant Funded	Agreement executed with Transport Accident Commission to part fund project with grant ratio 1:1. Council co-contribution to project from 2021/22 funds - \$50K Road Safety Strategy Implementation budget, \$50K Annual Pathway Construction budget	100,000
Women Building Surveyor Program	Grant Funded	Successful application and funds received from Victorian Government (DJPR) for this professional development program.	75,000
Kindergarten Central Enrolment Development	Grant Funded	State grant funding confirmed to support the delivery of Three-Year-Old Kindergarten from 2022. Central enrolment supports the creation of a higher quality, more equitable and inclusive early childhood system.	9,000

Table 4 – For Council Approval – New Projects

Project Name	Funding Source	Basis for Variation	Project Allocation \$
Surf Coast Sport and Recreation Centre (SCSRC) Decommissioning	Project Savings Account	Decommissioning of SCSRC in preparation for alternative use including removal of basketball rings, signage, and alterations to security.	6,780

4.1 Project Budget Adjustments and Cash Reserve Transfers

Table 5 – For Council Ratification – Approved Project Adjustment

Project Name	Funding Source	Basis for Variation	Project Allocation \$
Fischer Street and Centreside Drive Intersection Pavement Renewal	Asset Renewal Reserve	Preferred contractor has withdrawn their tender, the next preferred tender from the evaluation process is approximately \$50k higher.	50,000

Table 6 – 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	2,342	3,262	4,291
Budgeted Annual Surplus/(Deficit)	78	920	1,029	(177)
Transfer for Projects Funded in Prior Year	234	-	-	-
Net Allocations During Year	(404)	-	-	-
New Allocations Proposed	-	-	-	-
Closing Balance *	2,342	3,262	4,291	4,115

Accumulated Unallocated Cash Reserve	2020-21 \$'000
Net Allocations During Year	
Event Funding	(155)
PS Amendment Heritage Study Stage 2C	(20)
Geelong Fast Rail Advocacy	(3)
Anglesea Motor Yacht Club Contribution	(28)
Torquay North Traffic Study	(30)
Lorne 150th Anniversary Naming Recognition	(30)
Land Title Update for Carbon Offset	(10)
Council Plan (Including Health and Wellbeing Plan) 2021-25	(66)
Winchelsea Shire Hall Future Use	(10)
Feasibility Study for an Aquatic and Heath Centre	(53)
Net Allocations (From)/To	(404)
New Allocations Proposed	
N/A	
Total New Net Allocations (From)/To	-

*Note includes budgeted annual surplus/(deficit) as per Adopted Budget 2020-21

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

4.1 Project Budget Adjustments and Cash Reserve Transfers

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.

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.

Risk Assessment

Approval of transfers, particular regarding the Winchelsea Transfer Station Backhoe, will support improved Workplace Health and Safety outcomes regarding Waste and Civil Operations practices.

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 March 2021.

4.2 Review of Councillor and Mayoral Allowances

Author's Title: Manager Governance & Risk

General Manager: John Bertoldi

Department: Governance & Risk

File No: F12/1924-3

Division: Governance & Infrastructure

Trim No: IC21/282

Appendix:

Nil

Officer Conflict of Interest:

Status:

In accordance with Local Government Act 2020 –
Section 130:

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 commence the process of reviewing Councillor and Mayoral allowances by the compliance date of 30 June 2021.

Summary

The Local Government Act 2020 foreshadowed the future determination of allowances for the Mayor, Deputy Mayor and Councillors by the Victorian Independent Remuneration Tribunal (the Tribunal). Since the Minister has not yet requested a determination by the Tribunal, Local Government Victoria has advised that the framework under the Local Government Act 1989 continues until the first determination is made by the Tribunal under the 2020 Act.

Consequently, Council is now required to undertake a review of allowances under s74(1) of the Local Government Act 1989, including a period of public exhibition, before a final decision is made by 30 June 2021.

Recommendation

That Council:

1. Provisionally retains the current remuneration levels for Mayoral and Councillor allowances at the highest level in Category 2;
2. Invites public submissions on the levels of remuneration in accordance with the Local Government Act 1989;
3. Determines the final remuneration levels for Mayoral and Councillor allowances at a meeting of Council to be held on 25 May 2021, following a public exhibition period from 1 April 2021 to 28 April 2021.

Council Resolution

MOVED Cr Rose Hodge, Seconded Cr Adrian Schonfelder

That Council:

1. Provisionally retains the current remuneration levels for Mayoral and Councillor allowances at the highest level in Category 2;
2. Invites public submissions on the levels of remuneration in accordance with the Local Government Act 1989;
3. Determines the final remuneration levels for Mayoral and Councillor allowances at a meeting of Council to be held on 25 May 2021, following a public exhibition period from 1 April 2021 to 28 April 2021.

CARRIED 8:0

4.2 Review of Councillor and Mayoral Allowances

Report

Officer Direct or Indirect Interest

The Local Government (Governance and Integrity) Regulations 2020 7(1)(g) provide an exemption for the Mayor and Councillors in matters related to Mayoral and Councillor allowances.

No staff member involved in the preparation of this report has any conflicts of interest with this matter.

Background

The Local Government Act 2020 foreshadowed the future determination of allowances for the Mayor, Deputy Mayor and Councillors by the Victorian Independent Remuneration Tribunal (the Tribunal). Since the Minister has not yet requested a determination by the Tribunal, Local Government Victoria has advised that the framework under the Local Government Act 1989 continues until the first determination is made by the Tribunal under the 2020 Act.

Consequently, Council is required to undertake a review of allowances under s74(1) of the Local Government Act 1989 by 30 June 2021.

Discussion

Local Government Victoria has classified Councils into three different categories, each with an allowance range. Surf Coast Shire Council is in Category 2 which currently allows a range for Councillors from \$10,914 to \$26,245 and a Mayoral allowance of up to \$81,204. (Allowances are also subject to the addition of an amount to cover the superannuation guarantee (currently 9.5%)).

Surf Coast Shire Councillors and the Mayor receive a level of remuneration at the top end of the category, as determined by the previous Council in 2017.

Council is now required to determine the levels of remuneration payable within Category 2, but has no capacity to change the Council's category. The levels of remuneration will be in place until such time as a determination is made by the Tribunal.

To assist the review process officers have carried out benchmarking to establish the levels of remuneration paid by other Councils in the South West Region. The results are outlined in the table below:

4.2 Review of Councillor and Mayoral Allowances

Category 1	Category 2	Category 3
<p><i>Current Range:</i></p> <p><i>Councillors \$8,833-\$21,049</i></p> <p><i>Mayor up to \$62,884</i></p>	<p><i>Current Range:</i></p> <p><i>Councillors \$10,914-\$26,245</i></p> <p><i>Mayor up to \$81,204</i></p>	<p><i>Current Range:</i></p> <p><i>Councillors \$13,123-\$31,444</i></p> <p><i>Mayor up to \$100,434</i></p>
<p>Southern Grampians (top of range)</p> <p>Ararat Rural City (top of range)</p> <p>Corangamite Shire (top of range)</p> <p>Borough of Queenscliffe (Crs top of range, Mayor \$40k)</p> <p>Mansfield Shire (top of range)</p>	<p>Surf Coast Shire (top of range)</p> <p>Moorabool Shire (top of range)</p> <p>Moyne Shire (top of range)</p> <p>Warrnambool City (top of range)</p> <p>Horsham Rural City (top of range)</p>	<p>City of Greater Geelong (top of range)</p> <p>City of Ballarat – (near top of range) Crs: \$30,222 Mayor: \$96,534</p>

Under the 2020 Act individual Councillors can elect to receive the whole allowance, a specified part of the allowance or no allowance.

The 1989 Act requires that a preliminary decision on allowance levels is made by Council, prior to inviting public submissions under s223 of that Act, with Council then making a final decision on allowance levels before 30 June 2021. It is therefore recommended that Council formally determines the levels of remuneration for the Mayor and Councillors prior to a period of public exhibition.

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

4.2 Review of Councillor and Mayoral Allowances

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)

In conducting this statutory review Council will be ensuring it is giving priority to the Governance Principles contained in the Local Government Act 2020, including the need to achieve best outcomes for the municipal community.

Policy/Relevant Law

This process ensures Council's compliance with the Local Government Act 1989 which remains in force until such time as the Minister requests a determination by the Victorian Independent Remuneration Tribunal under the new Local Government Act.

Community Engagement

Following initial adoption of the remuneration levels, the matter will be placed on public exhibition with submissions being invited for Council's consideration prior to final decision being made.

Public Transparency

Mayoral and Councillor allowances are determined in open Council with payments being published on the website and through the Council Chamber on a quarterly basis. A summary is also included in Council's Annual Report.

Financial Management

A budget for Mayoral and Councillor allowances is in place to cover the costs associated with this report.

Risk Assessment

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

Communication

The initial decision will be placed on public exhibition via Council's website and public notice for comment.

Options

Option 1 – Determine levels of remuneration and place on exhibition for public submissions

This option is recommended by officers as it will ensure compliance with Council's obligations under the legislation.

Option 2 – Do not determine levels of remuneration

This option is not recommended by officers as failure to carry out the review in accordance with the legislation would be a compliance breach.

Conclusion

Council has one opportunity during its term to set the levels of remuneration for the Mayor and Councillors and is now required to commence that process to ensure compliance with Local Government legislation.

4.3 SCS-018 Councillor Gifts, Benefits and Hospitality Policy

Author's Title: Governance Statutory Compliance and Reporting Officer **General Manager:** John Bertoldi

Department: Governance & Risk

File No: F17/78

Division: Governance & Infrastructure

Trim No: IC21/413

Appendix:

1. Draft SCS-018 Councillor Gifts, Benefits and Hospitality Policy (D21/41592)

Officer Conflict of Interest:

In accordance with Local Government Act 2020 – Section 130:

Yes

No

Status:

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

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to present SCS-018 Councillor Gifts, Benefits and Hospitality Policy for adoption.

Summary

Section 138(1) of the *Local Government Act 2020* (the Act) outlines that a Councillor gift policy must be adopted prior to 24 April 2021. The Policy has been reviewed to ensure compliance with the Act. Councillors have been invited to provide feedback on the draft policy on two separate occasions and this feedback has been incorporated into the attached policy.

The policy continues to comply with recommendations by the Victorian Auditor General's Office (VAGO) and the Victorian Public Sector Commission's (VPSC) Gifts Benefits and Hospitality framework and also includes updates relevant to the 2020 Act.

The revised policy is now presented for Council's consideration.

Recommendation

That Council adopts SCS-018 Councillor Gifts, Benefits and Hospitality Policy as attached at Appendix 1.

Council Resolution

MOVED Cr Adrian Schonfelder, Seconded Cr Mike Bodsworth

That Council adopts SCS-018 Councillor Gifts, Benefits and Hospitality Policy as attached at Appendix 1.

CARRIED 8:0

4.3 SCS-018 Councillor Gifts, Benefits and Hospitality Policy

Report

Officer Direct or Indirect Interest

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

Background

The Policy underwent a major review prior to its adoption by Council in November 2019. This review included changes to the policy that ensured greater alignment with VAGO recommendations and the Victorian Public Sector Commission's Gifts Benefits and Hospitality framework.

The current review continues to comply with public sector best practices as outlined above and also includes updates which reflect the changes in the new Act (outlined below). The scope has also been limited to Councillors only and the staff policy will exist separately.

Discussion

Officers and Councillors have contributed to the current review of the policy.

Recommended officer updates to the policy include:

- Further guidance and clarity around terminology and definitions to reflect the 2020 Act (including anonymous gifts, disclosable gifts and conflict of interest).
- Further information about Council's maintenance of a gift register to reflect the 2020 Act requirements (s. 138(a)).
- Removal of sections relevant to staff only.
- Administrative updates to improve quality and accuracy of policy.

The policy has been presented to Councillors at two Councillor Briefings and feedback has been incorporated into the attached draft policy including:

- An increase in the value of non-token offers from over \$20 to over \$30.
- The addition of an exception which allows for Councillors to bring their partners to events/functions if the offer specifically extends the invitation to the Councillor's partner, and this occurs at no cost to Council and does not constitute a conflict of interest. The policy previously stated that councillors are to refuse offers that extend to their relatives or friends (section 2).

Council Plan

Theme 5 High Performing Council

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

Strategy Nil

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

4.3 SCS-018 Councillor Gifts, Benefits and Hospitality Policy

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)

This review has taken into account current public sector best practice guidelines (VAGO and VPSC) and has been influenced by research and consultation with numerous similar sized Victorian Councils. The policy was also presented to the Audit and Risk Committee at its March meeting.

Policy/Relevant Law

Section 138 of the Act outlines:

- 1) A Council must adopt a Councillor gift policy within the period of 6 months after this section comes into operation (before 24 April 2021).
- 2) The gift policy must to include-
 - a) procedures for the maintenance of a gift register; and
 - b) any other matters prescribed by the regulations.
- 3) A Council may review and update the Councillor gift policy.

Section 137 of the Act outlines that Councillors are not to accept anonymous gifts which exceed the gift disclosure threshold (currently \$500).

The officer recommendation presented in this report ensures compliance with these legislative requirements.

Public Transparency

The policy mandates that Councillors must report all non-token offers of gifts, benefits and hospitality and these declarations are included on a public register which is uploaded on Council's website quarterly.

Risk Assessment

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

Compliance with the policy reduces risks associated with Councillor conflicts of interest. The policy encourages Councillors to decline and declare offers that could lead to a conflict of interest, including repeat offers from a single organisation or individual.

Communication

The policy will be uploaded to Council's website for the community to access.

Options

Option 1 – Adopt the policy as presented

This option is recommended by officers as the policy is compliant with legislative requirements, it meets current best practice guidelines and ensures that Council meets timeframes outlined in the Act.

Option 2 – Adopt the policy with amendments

This option is not recommended by officers as any amendments may not have been adequately explored to ensure that legislative requirements continue to be met and the policy remains in line current best practice guidelines.

Option 3 – Do not adopt the policy

This option is not recommended by officers as Council must adopt a Councillor Gift Policy before 24 April 2021 to be compliant with the Act.

Conclusion

It is recommended that Council adopts a gift policy that is consistent with current legislation, contemporary public sector best practice guidelines and community expectations of public officials.

4.3 SCS-018 Councillor Gifts, Benefits and Hospitality Policy

APPENDIX 1 DRAFT SCS-018 COUNCILLOR GIFTS, BENEFITS AND HOSPITALITY POLICY



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COUNCIL POLICY

SCS-018 Councillor Gifts, Benefits and Hospitality Policy

TRIM Reference: D21/41592 Due for Review: March 2023
Responsible Officer: Manager Governance and Risk

Purpose

This policy outlines Surf Coast Shire Council's (Council) position on:

- responding to offers of gifts, benefits and hospitality from external parties; and
- providing gifts, benefits and hospitality to external parties.

This policy is intended to support Councillors to avoid conflicts of interest, maintain high levels of integrity and retain public trust. It is consistent with and supports behaviour outlined in the *Local Government Act 2020* and the Councillor Code of Conduct (SCS-002).

Policy Principles

Council is committed to and will uphold the following principles in applying this policy:

Policy Principle	This means...
Impartiality	Individuals have a duty to place the public interest above their private interests when carrying out their official functions. They will not accept gifts, benefits or hospitality that could raise a reasonable perception of actual bias or preferential treatment. Individuals do not accept offers from those about whom they are likely to make business decisions.
Accountability	Individuals are accountable for: <ul style="list-style-type: none">• declaring all non-token offers of gifts, benefits and hospitality including those offers that were subsequently declined;• declining non-token offers of gifts, benefits and hospitality that do not relate to a legitimate business benefit, or if an exception applies under this policy, seeking approval before accepting the offer; and• the responsible provision of gifts, benefits and hospitality.
Integrity	Individuals strive to earn and sustain public trust through providing or responding to offers of gifts, benefits and hospitality in a manner that is consistent with community expectations. Individuals will refuse any offer that may lead to a general or material conflict of interest.
Risk-based approach	Council, through its policies, processes and Audit & Risk Committee, will ensure gifts, benefits and hospitality risks are assessed and managed appropriately.

Scope

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

4.3 SCS-018 Councillor Gifts, Benefits and Hospitality Policy



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Policy

As a general principle, Councillors should decline any offer of gifts, benefits or hospitality in a way that does not cause offence.

Councillors will not make a request for gifts, benefits or hospitality a condition of any financial or in-kind support being provided to any external party.

Receiving gifts, benefits and hospitality

This section sets out the process for accepting, declining and recording offers of gifts, benefits and hospitality. Any exceptions to this process must have the prior written approval of the Mayor (Councillors) or Chief Executive Officer (Mayor).

1. Management of offers of gifts, benefits and hospitality

Value	Roles and Responsibilities
Token offers i.e. \$30 or less	<ul style="list-style-type: none">Councillors can generally accept token offers without approval or declaring the offer on Council's register, as long as the offer does not create a conflict of interest or lead to reputational damage.
Non-token offers i.e. more than \$30	<ul style="list-style-type: none">All offers (accepted or declined) to be declared and added to the register.Mayor to receive and sign the form and pass onto CEO.CEO will determine outcome in accordance with the policy and notify Councillor.For gifts received by the Mayor the form will be sent straight to the CEO to determine the outcome in accordance with the policy.

2. Offers to be refused

2.1. Councillors must refuse offers:

- likely to influence them or be perceived to influence them in the course of their duties, or that raise a general or material conflict of interest;
- could bring them or Council into disrepute;
- made by a person or organisation which they will likely make or influence a decision (this applies to processes involving grants, sponsorship, regulation, enforcement or licensing);
- that could be a bribe or an inducement to make a decision or act in a particular way;
- that extend to their relatives or friends, except in the instance where a Councillor is invited to attend a function or event and the offer specifically extends the invitation to the Councillor's partner, and this occurs at no cost to Council and does not constitute a conflict of interest;
- where, in relation to hospitality and events, the Mayor considers that the organisation will already be sufficiently represented to meet its business needs;
- where acceptance could be perceived as endorsement of a product or service, or acceptance could unfairly advantage the sponsor in future procurement decisions;
- made by a person or organisation with a primary purpose to lobby Council;
- of money (including gift vouchers and gift cards), or that can be used in a similar way to money or easily converted to money.

2.2. Councillors must not accept anonymous gifts as defined in section 137 of the Act. If a Councillor finds themselves in possession of a gift and they don't know the name and address of the person who gave it, they can give the gift to the Council for disposal within 30 days to avoid a breach of the Act.

2.3. If an individual considers that they have been offered a bribe or inducement, the offer must be refused and reported to the General Manager Governance & Infrastructure or the Manager Governance & Risk.

4.3 SCS-018 Councillor Gifts, Benefits and Hospitality Policy



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COUNCIL POLICY

- 2.4. In all circumstances where offers of money are made that are prohibited through this policy or by legislation, they must be refused and reported to the General Manager Governance & Infrastructure or the Manager Governance & Risk.
- 2.5. All instances where suspected criminal or corrupt conduct has occurred will be reported to Victoria Police or the Independent Broad-based Anti-corruption Commission by the General Manager Governance & Infrastructure or the Manager Governance & Risk.

3. Considerations when refusing an offer

- 3.1. Where a Councillor declines an offer of a gift, benefit or hospitality, it is important to decline in a way that does not cause offence to the donor or damage relationships. This can be achieved by explaining Council's policy and ensuring the donor understands that the offer is appreciated.
- 3.2. In some cases it would be inappropriate to refuse an offer (e.g. official gift from government officials or international delegates). In such instances the gift should be accepted on behalf of Council, passed over to the CEO and recorded on the Gifts, Benefits and Hospitality Form and register.
- 3.3. All declined non-token offers of gifts, benefits and hospitality must be recorded on the Gifts, Benefits and Hospitality Form and register.

4. Accepting non-token offers (over \$30)

- 4.1. Unless otherwise determined, all gifts remain the property of Council. The Chief Executive Officer shall make a determination on the retention, use or allocation of any offers received.
- 4.2. All accepted non-token offers must be approved and recorded in the register and must not raise a general or material conflict of interest or have the potential to bring the individual, or Council into disrepute.
 - 4.2.1. Where the gift has been accepted and would likely bring the individual or the organisation into disrepute, the organisation will, where possible, return the gift.
 - 4.2.2. Where the gift has been accepted and it has the potential to create a general or material conflict of interest, the organisation will, where possible, return the gift or otherwise seek to mitigate any associated risk.
- 4.3. Individuals can only accept non-token offers if there is a legitimate business benefit. This includes an offer to the individual in the course of official duties which relates to the individual's responsibilities and has a benefit to Council.
- 4.4. Individuals may be offered a gift, benefit or hospitality where there is no opportunity to seek written approval prior to accepting. In these cases, the individual must seek approval within five business days of receiving the offer using the Gifts, Benefits and Hospitality Form.
- 4.5. Where Councillors are offered gifts for speaking at conferences or meetings, it is reasonable to accept a modest non-token gift. All such gifts must be reported via the Gifts, Benefits and Hospitality Form and recorded on the register

5. Recording offers of gifts, benefits and hospitality (Gift Register)

- 5.1. Councillors must record all non-token offers of gifts, benefits and hospitality, received or declined, on a Gifts, Benefits and Hospitality Form and submit for approval and registration.
- 5.2. All repeat offers of gifts, benefits and hospitality, received or declined, must be recorded on a Gifts, Benefits and Hospitality Form and submitted for approval and registration.

4.3 SCS-018 Councillor Gifts, Benefits and Hospitality Policy



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COUNCIL POLICY

- 5.3. The business reason for accepting the non-token offer will be recorded in the register with sufficient detail to link the acceptance of the offer to the individual's work functions and the benefit to Council.
- 5.4. Individuals must provide an acceptable level of detail on the Gifts, Benefits and Hospitality Form when recording the business reason for accepting or declining the offer.
- 5.5. Completed and signed Gifts, Benefits and Hospitality Forms must be submitted to Governance with 14 days of the offer and details will be added to the register. A public version of the register will be published on Council's website and will cover the current and the previous financial year. The register will be updated by Governance on a quarterly basis.

6. Repeat offers and conflict of interest

- 6.1. All repeat offers from the same person or organisation are required to be declined and declared using the Gifts, Benefits and Hospitality Form.
- 6.2. The accumulative value of repeat offers is recorded in the register to ensure that a material conflict of interest does not occur.
- 6.3. Multiple offers of any value from the same person or organisation has the potential to add up to become a disclosable gift as defined in the Act.

7. Ceremonial gifts

- 7.1. Official gifts provided as part of the culture and practices of communities and government, within Australia or internationally, are the property of the Council, irrespective of value and should be accepted by individuals on behalf of Council and passed over to the CEO.
- 7.2. The receipt of ceremonial gifts are to be declared using the Gifts, Benefits and Hospitality Form and are to be recorded on Council's register.

Provision of gifts, benefits and hospitality

This section sets out the requirements of Councillors when providing gifts, benefits and hospitality to others.

8. Requirements when providing gifts, benefits and hospitality

- 8.1. Gifts, benefits and hospitality may be provided to welcome guests, facilitate the development of business relationships, further Council's business outcomes and/or to celebrate achievements.
- 8.2. Where gifts or hospitality are provided, the following must be applicable:
 - any gift or hospitality must be provided for a business reason that furthers the conduct of official business or other legitimate organisational goals or promotes and supports Council policy objectives and priorities;
 - any costs are proportionate to the benefits obtained for Council and would be considered reasonable in terms of community expectations;
 - it does not raise a general or material conflict of interest; and
 - when hospitality is provided, individuals demonstrate professionalism in their conduct and uphold their duty of care obligations to other participants.

4.3 SCS-018 Councillor Gifts, Benefits and Hospitality Policy



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Breaches

9. Policy Breaches

- 9.1. Disciplinary action consistent with the SCS-002 Councillor Code of Conduct and relevant legislation may be taken where an individual fails to adhere to this policy. This includes where an individual fails to avoid wherever possible, or identify, declare and manage a conflict of interest related to gifts, benefits and hospitality in accordance with the *Local Government Act 2020*.
- 9.2. Councillors are responsible for maintaining their own records in relation to receipt of 'disclosable gifts' as defined in the *Local Government Act 2020*, and where applicable, reporting these on their Personal Interest return. Failure to do so could constitute an offence under that Act.
- 9.3. Council will communicate its policy on the offering and provision of gifts, benefits and hospitality through its website and as part of any procurement process.

10. Reporting of breaches

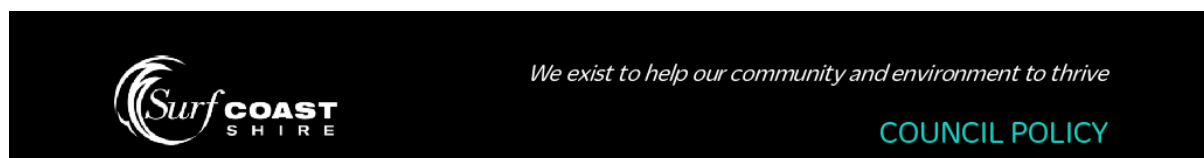
- 10.1. Individuals who consider that gifts, benefits and hospitality or a conflict of interest within Council may not have been declared, or are not being appropriately managed, should speak up and notify the Manager Governance and Risk or the General Manager Governance and Infrastructure. Individuals who believe they have observed corrupt conduct may also make a protected disclosure to the General Manager Governance and Infrastructure or the Manager Governance and Risk.
- 10.2. Council will take appropriate action, including possible disciplinary action, against individuals who discriminate against or victimise those who speak up in good faith.

Definitions

Term	Definition
Act	<i>Local Government Act 2020</i>
Anonymous gifts	Section 137 of the Act outlines: <ol style="list-style-type: none">1) Subject to subsection (2), a Councillor must not accept, directly or indirectly, a gift for the benefit of the Councillor the amount or value of which is Authorised by the Chief Parliamentary Counsel Part 6—Council integrity Local Government Act 2020 No. 9 of 2020 134 equal to or exceeds the gift disclosure threshold unless—<ol style="list-style-type: none">a) the name and address of the person making the gift are known to the Councillor; orb) at the time when the gift is made—<ol style="list-style-type: none">i) the Councillor is given the name and address of the person making the gift; andii) the Councillor reasonably believes that the name and address so given are the true name and address of the person making the gift. Penalty: 60 penalty units. <ol style="list-style-type: none">2) If the name and address of the person making the gift are not known to the Councillor for whose benefit the gift is intended, the Councillor is not in breach of subsection (1) if the Councillor disposes of the gift to the Council within 30 days of the gift being received.3) In addition to the penalty specified in subsection (1), a Councillor who is found guilty of a breach of that subsection must pay to the Council the amount or value of the gift accepted in contravention of that subsection.

In accordance with s137 of the Act, Councillors must not accept any gifts that are equal to or exceed the gift threshold unless the name and address of the person

4.3 SCS-018 Councillor Gifts, Benefits and Hospitality Policy



Term	Definition				
	making the gift are known to the Councillor. A Councillor is not in breach of this clause if the anonymous gift is disposed of to the Council within 30 days.				
<i>Benefit</i>	Benefits include preferential treatment, privileged access, favours or other advantage offered to an individual. They may include invitations to sporting, cultural or social events, access to discounts as a result of a person's employment or position, loyalty programs and promises of a new job. The value of benefits may be difficult to define in dollars, but as they are valued by the individual, they may be used to influence the individual's behaviour.				
<i>Bribe</i>	To give money or some other form of consideration to a public official so as to persuade the official not to exercise their common law or statutory powers or to bestow some privilege or favour.				
<i>Business associate</i>	An individual or body that Council has, or plans to establish, some form of business relationship with, or who may seek commercial or other advantage by offering gifts, benefits or hospitality.				
<i>Ceremonial gifts</i>	Ceremonial gifts are official gifts provided as part of the culture and practices of communities and government, within Australia or internationally. Ceremonial gifts are usually provided when conducting business with official delegates or representatives from another organisation, community or foreign government. Ceremonial gifts are the property of Council, irrespective of value, and should be accepted by individuals on behalf of Council. The receipt of ceremonial gifts should be recorded on the register.				
<i>Conflict of interest</i>	A Councillor has a conflict of interest when they have a personal or private interest that might compromise their ability to act in the public interest as set out in the <i>Local Government Act 2020</i> . A conflict of interest can exist even if no improper action results from it. Conflicts may be: <table border="0"> <tr> <td style="padding-left: 20px;">General</td> <td>If an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty.</td> </tr> <tr> <td style="padding-left: 20px;">Material</td> <td>If an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.</td> </tr> </table>	General	If an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty.	Material	If an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.
General	If an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty.				
Material	If an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.				
<i>External party</i>	Individual person or entity that is not an employee or Councillor of the Surf Coast Shire Council.				
<i>Gift</i>	Gifts are free or discounted items or services and any item or service that would generally be seen by the public as a gift. These include items of high value (e.g. artwork, jewellery or expensive pens), low value (e.g. a small bunch of flowers), consumables (e.g. chocolates) and services (e.g. painting and repairs).				
<i>Gift disclosure threshold</i>	\$500 or a higher amount or value prescribed by the regulations.				

4.3 SCS-018 Councillor Gifts, Benefits and Hospitality Policy



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Term	Definition
<i>Disclosable gift</i>	<p>One or more gifts with a total value of, or more than \$500 that was received from a person in the 5 years preceding the decision on the matter:</p> <ul style="list-style-type: none">a) if the relevant person held the office of Councillor, was a member of Council staff or was a member of a delegated committee at the time the gift was received; orb) if the gift was, or gifts were, or will be, required to be disclosed as an election campaign donation— <p>but does not include the value of any reasonable hospitality received by the relevant person at an event or function that the relevant person attended in an official capacity as a Councillor, member of Council staff or member of a delegated committee.</p>
<i>Hospitality</i>	<p>Hospitality is the friendly reception and entertainment of guests. Hospitality may range from light refreshments at a business meeting to expensive restaurant meals and sponsored travel and accommodation.</p>
<i>Legitimate business benefit</i>	<p>A gift, benefit or hospitality may have a legitimate business benefit if it furthers the conduct of official business or other legitimate goals of Council.</p>
<i>Money</i>	<p>Includes cash, cheques, money orders, travellers' cheques, direct deposits, shares, vouchers or items which can be easily converted to cash, including gift vouchers and credit notes.</p>
<i>Official gifts</i>	<p>Gifts presented to the Shire or the Council including gifts received from a Sister City, organisation or corporation that is bestowing a corporate gift (e.g. plaque, plate, vase, trophy and artwork) or souvenir.</p>
<i>Register</i>	<p>A register of all declarable gifts, benefits and hospitality, including those declined.</p>
<i>Public Register</i>	<p>A sub-set of information contained in a register for publication on Council's website.</p>
<i>Reasonable hospitality</i>	<p>A meal or service provided by a not-for-profit organisation to a Councillor who attends a function or event in an official capacity.</p>
<i>Token offer</i>	<p>A gift, benefit or hospitality that is of inconsequential or trivial value to both the person making the offer and the recipient. Token offers are those that are worth \$30 or less.</p>
<i>Non-token offer</i>	<p>A gift, benefit or hospitality that is, or may be perceived to be by the recipient, the person making the offer or by the wider community, of more than inconsequential value. All offers worth more than \$30 are non-token offers and must be declared through the Gifts, Benefits and Hospitality form and recorded in the register.</p>
<i>Value</i>	<p>The face value or where not easily determined, the estimated retail value.</p>

4.3 SCS-018 Councillor Gifts, Benefits and Hospitality Policy



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Related Procedure

MPR-016 Gifts, Benefits and Hospitality Procedure

References

Council Fraud and Corruption Control Plan

DWELP "Model policy for agencies and boards – Gifts, benefits and hospitality"

Independent Broad-based Anti-corruption Commission (IBAC) Act 2011

Local Government Act 2020 – s137, s. 138, s.127 and s.128.

Local Government Victoria (LGV) Guidelines - Conflicts of Interest – Councillors and Council Staff

SCS-002 Councillor Code of Conduct - Council Policy

SCS-010 Fraud Control – Council Policy

Victorian Auditor-General's Report "Implementing the Gifts, Benefits and Hospitality Framework", December 2015

Victorian Public Sector Commission "Gifts, benefits and hospitality – Policy Framework", October 2016

Victorian Public Sector Commission Gifts, Benefits and Hospitality Policy Guide

Document History

Version	Document History	Approved by – Date
1	<i>Amended</i>	<i>Council Resolution – 26 November 2019</i>
2	<i>Amended in accordance with LGA 2020</i>	<i>Council Resolution -</i>

4.4 Surf Coast Football Club Licence Agreement

Author's Title: Property Officer

General Manager: John Bertoldi

Department: Governance and Risk

File No: F15/602

Division: Governance & Infrastructure

Trim No: IC21/469

Appendix:

Nil

Officer Conflict of Interest:

Status:

In accordance with Local Government Act 2020 –
Section 130:

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 endorse an exemption from the Property Use Agreements Policy (SCS- 034) to enable negotiation of a licence agreement for the Surf Coast Football Club (soccer) at Banyul Warri Fields and the Grant Pavilion Torquay.

Summary

The Surf Coast Football Club has confirmed their commitment to allocate \$100k of members' funds towards the Grant Pavilion upgrade project. In return, Surf Coast Football Club has requested security of a licence term of 5 years with further options of 2 x 2 years. SCS-034 Property Use Agreements Policy allows for a licence agreement to be executed for a maximum of 3 years.

Recommendation

That Council:

1. Notes that it has received a request from the Surf Coast Football Club to enter into a licence agreement for a period of 5 years, which exceeds the term allowed under SCS-034 Property Use Agreements Policy.
2. Authorises the Chief Executive Officer to negotiate and execute a licence agreement with Surf Coast Football Club for an initial term of 5 years with further options of 2 x 2 years.

Council Resolution

MOVED Cr Rose Hodge, Seconded Cr Kate Gazzard

That Council:

1. Notes that it has received a request from the Surf Coast Football Club to enter into a licence agreement for a period of 5 years, which exceeds the term allowed under SCS-034 Property Use Agreements Policy.
2. Authorises the Chief Executive Officer to negotiate and execute a licence agreement with Surf Coast Football Club for an initial term of 5 years with further options of 2 x 2 years.

CARRIED 8:0

4.4 Surf Coast Football Club Licence Agreement

Report

Officer Direct or Indirect Interest

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

Background

Surf Coast Football Club are current tenants of the Banyul Warri Fields and Grant Pavilion in Torquay. The Club have confirmed commitment of \$100k of their members' funds towards the Grant Pavilion upgrade project and have requested security of tenure of the site of initial term of 5 years with further options of 2 x 2 years.

Discussion

Council's Property Use Agreements Policy SCS -034 does not allow consideration for negotiating longer tenure or option for further terms when a tenant provides commitment of funds towards an upgrade of a facility.

Council Plan

Theme 5 High Performing Council

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

Strategy Nil

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)	No
<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	Yes
Communication	Yes
Human Rights Charter	No

Policy/Relevant Law

Under the current Property Use Agreement Policy SCS - 034 there is no consideration to allow Officers to enter into longer-term agreement when a tenant provides financial contribution to a facility.

Risk Assessment

Surf Coast Football Club will be required to provide a current copy of Public Liability Insurance.

Human Rights Charter

Not applicable to this report.

4.4 Surf Coast Football Club Licence Agreement

Options

Option 1 – Officers to negotiate licence agreement with initial term of 5 years with further options of 2 x 2 years

This option is recommended by officers as it will allow Surf Coast Football Club to remain the tenant.

Option 2 – Offer licence agreement under current Property Use Agreements Policy

This option is not recommended by officers as the Property Use Agreements Policy only allows an initial term of 1 to 3 years and does not allow consideration of longer tenure when financial contribution is provided by a tenant to a facility upgrade.

Conclusion

It is recommended that Council approves an exemption to the Property Use Agreements Policy that allows Officers to negotiate a licence agreement with Surf Coast Football Club for initial term of 5 years with a further option of 2 x 2 years.

4.5 S6 Instrument of Delegation

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

General Manager: John Bertoldi
File No: F19/642-3
Trim No: IC21/461

Appendix:

1. S6 - Current Instrument of Delegation - Council to Members of Staff - Awaiting Council Adoption (D16/100258)

Officer Conflict of Interest:

In accordance with Local Government Act 2020 – Section 130:

Yes

No

Status:

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

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to consider the S6 Instrument of Delegation from Council to Members of Staff, which has been reviewed and updated in accordance with established procedures.

Summary

Council is subscribed to a service provided by Maddocks Lawyers which provides bi-annual updates to Council's Instruments of Delegation. Appendix 1 has been updated with the advised revisions and now requires Council adoption. Managers from relevant areas have been engaged to determine which positions need to be assigned to each section to ensure the organisation can continue to function effectively.

The S6 Instrument of Delegation has been reviewed and updated, and is presented for Council approval.

Recommendation

That Council, in the exercise of the powers conferred by the legislation referred to in the attached S6 Instrument of Delegation:

1. Delegates to the members of Council staff holding, acting in or performing the duties of the officers or positions referred to in that Instrument, the powers, duties and functions set out in the Instrument, subject to the conditions and limitations specified in that Instrument;
2. Authorises the Chief Executive Officer to execute the S6 Instrument of Delegation;
3. Approves the S6 Instrument of Delegation to come into force immediately upon execution;
4. 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.

Council Resolution

MOVED Cr Kate Gazzard, Seconded Cr Mike Bodsworth

That Council, in the exercise of the powers conferred by the legislation referred to in the attached S6 Instrument of Delegation:

1. Delegates to the members of Council staff holding, acting in or performing the duties of the officers or positions referred to in that Instrument, the powers, duties and functions set out in the Instrument, subject to the conditions and limitations specified in that Instrument;
2. Authorises the Chief Executive Officer to execute the S6 Instrument of Delegation;
3. Approves the S6 Instrument of Delegation to come into force immediately upon execution;
4. 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 8:0

4.5 S6 Instrument of Delegation

Report

Officer Direct or Indirect Interest

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

Background

Council's Instruments of Delegation are updated biannually as advised by Maddocks Lawyers, and are also updated from time to time as required to reflect changes in roles and organisational structure. The S6 Instrument of Delegation was last updated by Council resolution on 25 August 2020.

Prior to the implementation of the Act, Council had the power to delegate to Council staff in accordance with s98 of the *Local Government Act 1989*. An equivalent provision does not exist in the new Act, however there are provisions under each Act within the Instrument which allow Council to delegate directly to staff. These sections are displayed under each Act within the Instrument.

Discussion

Council's ability to delegate to members of staff is provided under many of the Acts applicable to Council's activities. These delegations allow Council to operate effectively by delegating certain powers to enable staff to undertake specific activities without having to take each decision into the Chamber for resolution before being able to act.

The updates to the S6 Instrument of Delegation as presented in Appendix 1 are summarised as follows:

- *Food Act 1984* - 5 new provisions added.
- *Local Government Act 1989* s181H – provision deleted.
- *Residential Tenancies Act 1997* – 6 provisions which were previously to commence on 1 January 2021 will now commence on 27 April 2021.
- *Road Management Act 2004* s42A(3) – delegate was previously required to consult with VicRoads before road is specified. Delegate is now required to consult with the Head, Transport for Victoria and Minister for Local Government.
- *Road Management Act 2004* s12(4) – 'Power' changed to 'duty'.

The delegates assigned to the new provisions under the *Food Act* have been allocated as advised by the Manager Environment & Community Safety to enable the relevant Council officers to perform their roles. Once adopted, all staff will be informed of the updated instrument in accordance with established procedure.

Council Plan

Theme 5 High Performing Council
Objective 5.2 Ensure that Council decision-making is balanced and transparent and the community is involved and informed
Strategy Select Strategy

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

4.5 S6 Instrument of Delegation

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 fluid and timely decision making in relation to specified Council activities to be 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 Act allows Council to delegate certain matters to the CEO, however does not address delegations from Council to members of staff. The below sections of legislation identify the mechanisms by which Council is authorised to delegate the items in the S6 Instrument of Delegation. This eliminates any concern that Council's ability to delegate to staff has not been taken into account under section 11 of the new Act. Council's delegations are derived from the Maddocks Lawyers Instruments of Delegation package templates and have therefore been thoroughly vetted and reviewed by local government lawyers.

The relevant provisions are as follows:

- *Domestic Animals Act 1984* - s41A(4)
- *Environment Protection Act 1970* - s53M(8)
- *Food Act 1984* - s58A
- *Heritage Act 2017* - s116(3)
- *Planning and Environment Act 1987* - s188
- *Residential Tenancies Act 1997* - s524(2)
- *Road Management Act 2004* - s118(1)

Public Transparency

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

Risk Assessment

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 using established processes.

4.5 S6 Instrument of Delegation

Options

Option 1 – Adopt the Instrument of Delegation

This option is recommended by officers to ensure compliance with the relevant legislation, allowing Council activities to continue to operate effectively and without disruption. The Instruments have been provided by lawyers and reviewed by appropriately qualified staff to ensure that all changes are applied correctly.

Option 2 – Adopt the Instrument 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 to this recommendation could result in unqualified personnel being made responsible for actioning operations, or appropriately qualified personnel being unable to perform their roles.

Option 3 – Do not adopt the Instrument of Delegation

This option is not recommended by officers as it would require all related decisions to be made by Council directly, which would significantly impact service delivery and other decision-making processes.

Conclusion

The s6 Instrument of Delegation has been reviewed and updated by officers to reflect legislative changes and is now presented to Council for adoption.

4.5 S6 Instrument of Delegation

**APPENDIX 1 S6 - CURRENT INSTRUMENT OF DELEGATION - COUNCIL TO MEMBERS OF STAFF -
AWAITING COUNCIL ADOPTION**



Surf Coast Shire

Instrument of Delegation

S6 Instrument of Delegation – Council to Members of Council Staff

4.5 S6 Instrument of Delegation



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

4.5 S6 Instrument of Delegation



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~~ 23 March 2021, 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

4.5 S6 Instrument of Delegation



- 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~~ 23 March 2021.

.....
Chief Executive Officer

.....
Dated



S6 Instrument of Delegation - Members of Staff

Domestic Animals Act 1984			
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

4.5 S6 Instrument of Delegation



Food Act 1984			
<i>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).</i>			
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

4.5 S6 Instrument of Delegation



Food Act 1984			
<i>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).</i>			
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.

4.5 S6 Instrument of Delegation



Food Act 1984			
<i>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).</i>			
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))
<u>s 36A</u>	<u>Power to accept an application for registration or notification using online portal</u>	<u>CEH, EHO</u>	<u>Where Council is the registration authority</u> <u>Note: This provision commences on 1 July 2021, unless proclaimed earlier</u> _____
<u>s 36B</u>	<u>Duty to pay the charge for use of online portal</u>	<u>CEH</u>	<u>Where Council is the registration authority</u> <u>Note: This provision commences on 1 July 2021, unless proclaimed earlier</u> _____

4.5 S6 Instrument of Delegation



Food Act 1984			
<i>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).</i>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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
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

4.5 S6 Instrument of Delegation



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
			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
<u>s 38G(1)</u>	<u>Power to require notification of change to the food safety program type used for the food premises</u>	<u>CEH, EHO</u>	<u>Where Council is the registration authority</u> <u>Note: This provision commences on 1 July 2021, unless proclaimed earlier</u>
<u>s 38G(2)</u>	<u>Power to require the proprietor of the food premises to comply with any requirement of the Act</u>	<u>CEH, EHO</u>	<u>Where Council is the registration authority</u> <u>Note: This provision commences on 1 July 2021, unless proclaimed earlier</u>
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	

4.5 S6 Instrument of Delegation



Food Act 1984			
<i>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).</i>			
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
<u>s 40F</u>	<u>Power to cancel registration of food premises</u>	<u>CEH, EHO</u>	<u>Where Council is the registration authority</u> <u>Note: This provision commences on 1 July 2021, unless proclaimed earlier</u>
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

4.5 S6 Instrument of Delegation



Heritage Act 2017			
<p>Section 116(3) states - <i>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.</i></p> <p>NOTE: Responsible authority has the meaning given by section 13 of the Planning and Environment Act 1987</p>			
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.

4.5 S6 Instrument of Delegation



Planning and Environment Act 1987			
<p>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—</p> <p>(a) a committee of the authority; or</p> <p>(b) an officer of the authority; or</p> <p>(c) the Victorian Planning Authority.</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
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	

4.5 S6 Instrument of Delegation



Planning and Environment Act 1987 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— (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
s 8A(5)	Function of receiving notice of the Minister's decision	CSLUP, CSP, GMED, MPD, PStrP, PStaP	
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	

4.5 S6 Instrument of Delegation



Planning and Environment Act 1987			
<p>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—</p> <p>(a) a committee of the authority; or</p> <p>(b) an officer of the authority; or</p> <p>(c) the Victorian Planning Authority.</p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 14	duties of a Responsible Authority as set out in s 14(a) to (d)	CPC, CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, 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	

4.5 S6 Instrument of Delegation



Planning and Environment Act 1987			
<p>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—</p> <p>(a) a committee of the authority; or</p> <p>(b) an officer of the authority; or</p> <p>(c) the Victorian Planning Authority.</p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
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)

4.5 S6 Instrument of Delegation



Planning and Environment Act 1987			
<p>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—</p> <p>(a) a committee of the authority; or (b) an officer of the authority; or (c) the Victorian Planning Authority.</p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			Except those referred to a delegated committee.
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

4.5 S6 Instrument of Delegation



Planning and Environment Act 1987			
<p>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—</p> <p>(a) a committee of the authority; or (b) an officer of the authority; or (c) the Victorian Planning Authority.</p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 30(4)(a)	Duty to say if amendment has lapsed	CSLUP, CSP, MPD, PStrP, PStaP	
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	

4.5 S6 Instrument of Delegation



Planning and Environment Act 1987			
<p>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—</p> <p>(a) a committee of the authority; or</p> <p>(b) an officer of the authority; or</p> <p>(c) the Victorian Planning Authority.</p>			
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

4.5 S6 Instrument of Delegation



<p align="center">Planning and Environment Act 1987</p> <p align="center"><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 align="center"><i>(a) a committee of the authority; or</i></p> <p align="center"><i>(b) an officer of the authority; or</i></p> <p align="center"><i>(c) the Victorian Planning Authority.</i></p>			
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	

4.5 S6 Instrument of Delegation



Planning and Environment Act 1987			
<p>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—</p> <p>(a) a committee of the authority; or</p> <p>(b) an officer of the authority; or</p> <p>(c) the Victorian Planning Authority.</p>			
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	

4.5 S6 Instrument of Delegation



Planning and Environment Act 1987			
<p>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—</p> <p>(a) a committee of the authority; or</p> <p>(b) an officer of the authority; or</p> <p>(c) the Victorian Planning Authority.</p>			
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

4.5 S6 Instrument of Delegation



Planning and Environment Act 1987			
<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> <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>			
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

4.5 S6 Instrument of Delegation



Planning and Environment Act 1987			
<p>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—</p> <p>(a) a committee of the authority; or (b) an officer of the authority; or (c) the Victorian Planning Authority.</p>			
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

4.5 S6 Instrument of Delegation



Planning and Environment Act 1987			
<p>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—</p> <p>(a) a committee of the authority; or (b) an officer of the authority; or (c) the Victorian Planning Authority.</p>			
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

4.5 S6 Instrument of Delegation



Planning and Environment Act 1987			
<p>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—</p> <p>(a) a committee of the authority; or (b) an officer of the authority; or (c) the Victorian Planning Authority.</p>			
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

4.5 S6 Instrument of Delegation



Planning and Environment Act 1987			
<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> <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>			
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

4.5 S6 Instrument of Delegation



Planning and Environment Act 1987			
<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> <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>			
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

4.5 S6 Instrument of Delegation



Planning and Environment Act 1987			
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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	

4.5 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	

4.5 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency or plan preparation costs incurred by a development agency	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

4.5 S6 Instrument of Delegation



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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,	

4.5 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		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	

4.5 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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,	

4.5 S6 Instrument of Delegation



Planning and Environment Act 1987			
<p>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—</p> <p>(a) a committee of the authority; or</p> <p>(b) an officer of the authority; or</p> <p>(c) the Victorian Planning Authority.</p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		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, VP TP, 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, VP TP, 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, VP TP, 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, VP TP, PStrP, PStaP, AOPD, AOPLAN,	

4.5 S6 Instrument of Delegation



Planning and Environment Act 1987 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— (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
		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	

4.5 S6 Instrument of Delegation



<p align="center">Planning and Environment Act 1987</p> <p align="center"><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 align="center"><i>(a) a committee of the authority; or</i></p> <p align="center"><i>(b) an officer of the authority; or</i></p> <p align="center"><i>(c) the Victorian Planning Authority.</i></p>			
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	

4.5 S6 Instrument of Delegation



Planning and Environment Act 1987			
<p>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—</p> <p>(a) a committee of the authority; or</p> <p>(b) an officer of the authority; or</p> <p>(c) the Victorian Planning Authority.</p>			
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	

4.5 S6 Instrument of Delegation



Planning and Environment Act 1987			
<p>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—</p> <p>(a) a committee of the authority; or</p> <p>(b) an officer of the authority; or</p> <p>(c) the Victorian Planning Authority.</p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	

4.5 S6 Instrument of Delegation



Planning and Environment Act 1987			
<p>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—</p> <p>(a) a committee of the authority; or</p> <p>(b) an officer of the authority; or</p> <p>(c) the Victorian Planning Authority.</p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 60	Duty to consider certain matters	CSLUP, CSP, GMED, MPD, PO, VP, PStrP, PStaP, SPP, TLPPS	
s 60(1A)	Duty to consider certain matters	CSLUP, CSP, GMED, MPD, PO, VP, 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, VP, 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, VP, 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>

4.5 S6 Instrument of Delegation



Planning and Environment Act 1987 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— (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
			<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>

4.5 S6 Instrument of Delegation



Planning and Environment Act 1987			
<p>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—</p> <p>(a) a committee of the authority; or</p> <p>(b) an officer of the authority; or</p> <p>(c) the Victorian Planning Authority.</p>			
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.

4.5 S6 Instrument of Delegation



Planning and Environment Act 1987			
<p>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—</p> <p>(a) a committee of the authority; or (b) an officer of the authority; or (c) the Victorian Planning Authority.</p>			
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.

4.5 S6 Instrument of Delegation



Planning and Environment Act 1987			
<p>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—</p> <p>(a) a committee of the authority; or</p> <p>(b) an officer of the authority; or</p> <p>(c) the Victorian Planning Authority.</p>			
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

4.5 S6 Instrument of Delegation



Planning and Environment Act 1987			
<p>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—</p> <p>(a) a committee of the authority; or (b) an officer of the authority; or (c) the Victorian Planning Authority.</p>			
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.

4.5 S6 Instrument of Delegation



Planning and Environment Act 1987			
<p>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—</p> <p>(a) a committee of the authority; or</p> <p>(b) an officer of the authority; or</p> <p>(c) the Victorian Planning Authority.</p>			
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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<p>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—</p> <p>(a) a committee of the authority; or</p> <p>(b) an officer of the authority; or</p> <p>(c) the Victorian Planning Authority.</p>			
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

4.5 S6 Instrument of Delegation



Planning and Environment Act 1987			
<p>Section 188 states - (1) <i>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="margin-left: 40px;">(a) <i>a committee of the authority; or</i></p> <p style="margin-left: 40px;">(b) <i>an officer of the authority; or</i></p> <p style="margin-left: 40px;">(c) <i>the Victorian Planning Authority.</i></p>			
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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Planning and Environment Act 1987			
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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		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>

4.5 S6 Instrument of Delegation



<p style="text-align: center;">Planning and Environment Act 1987</p> <p style="text-align: center;"><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="text-align: center;"><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
			<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>

4.5 S6 Instrument of Delegation



Planning and Environment Act 1987			
<p>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—</p> <p>(a) a committee of the authority; or</p> <p>(b) an officer of the authority; or</p> <p>(c) the Victorian Planning Authority.</p>			
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

4.5 S6 Instrument of Delegation



Planning and Environment Act 1987			
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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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Planning and Environment Act 1987			
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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	

4.5 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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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<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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.

4.5 S6 Instrument of Delegation



Planning and Environment Act 1987			
<p>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—</p> <p>(a) a committee of the authority; or</p> <p>(b) an officer of the authority; or</p> <p>(c) the Victorian Planning Authority.</p>			
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, VPTSPSP, 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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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,	

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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	

4.5 S6 Instrument of Delegation



Planning and Environment Act 1987			
<p>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—</p> <p>(a) a committee of the authority; or</p> <p>(b) an officer of the authority; or</p> <p>(c) the Victorian Planning Authority.</p>			
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	

4.5 S6 Instrument of Delegation



Planning and Environment Act 1987			
<p>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—</p> <p>(a) a committee of the authority; or</p> <p>(b) an officer of the authority; or</p> <p>(c) the Victorian Planning Authority.</p>			
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

4.5 S6 Instrument of Delegation



<p align="center">Planning and Environment Act 1987</p> <p align="center"><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 align="center"><i>(a) a committee of the authority; or</i></p> <p align="center"><i>(b) an officer of the authority; or</i></p> <p align="center"><i>(c) the Victorian Planning Authority.</i></p>			
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>

4.5 S6 Instrument of Delegation



Planning and Environment Act 1987			
<p>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—</p> <p>(a) a committee of the authority; or (b) an officer of the authority; or (c) the Victorian Planning Authority.</p>			
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	

4.5 S6 Instrument of Delegation



Residential Tenancies Act 1997 Section 3(1) states – <i>Council has the same meaning as in section 3(1) of the Local Government Act 2020.</i> Section 524(2) states – <i>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.</i> 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 4 January 27 April 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 4 January 27 April 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 4 January 27 April 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 4 January 27 April 2021, unless proclaimed earlier
s 142D	Function of receiving notice regarding an unregistered rooming house	CEH, EHO	

4.5 S6 Instrument of Delegation



Residential Tenancies Act 1997			
<p>Section 3(1) states – <i>Council has the same meaning as in section 3(1) of the Local Government Act 2020.</i></p> <p>Section 524(2) states – <i>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.</i></p> <p>Note: Part referenced is Part 14 (s.512 - s.527)</p>			
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 4 January <u>27 April</u> 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 4 January <u>27 April</u> 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	

4.5 S6 Instrument of Delegation



Residential Tenancies Act 1997			
<p>Section 3(1) states – <i>Council has the same meaning as in section 3(1) of the Local Government Act 2020.</i></p> <p>Section 524(2) states – <i>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.</i></p> <p>Note: Part referenced is Part 14 (s.512 - s.527)</p>			
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
<p>Section 118(1) states – <i>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.</i></p> <p>Note: road authority means a person or body specified in or under section 37 – including municipal council.</p>

4.5 S6 Instrument of Delegation



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)	Duty 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

4.5 S6 Instrument of Delegation



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

4.5 S6 Instrument of Delegation



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	

4.5 S6 Instrument of Delegation



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- Head, Transport for Victoria and Minister for Local Government 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	

4.5 S6 Instrument of Delegation



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

4.5 S6 Instrument of Delegation



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	

4.5 S6 Instrument of Delegation



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

4.5 S6 Instrument of Delegation



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

4.5 S6 Instrument of Delegation



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

4.5 S6 Instrument of Delegation



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)

4.5 S6 Instrument of Delegation



Planning and Environment Regulations 2015			
<i>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—</i> (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.

4.5 S6 Instrument of Delegation



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	

4.5 S6 Instrument of Delegation



Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Section 524(2) of the Residential Tenancies Act states – <i>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.</i>			
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	

4.5 S6 Instrument of Delegation



Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Section 524(2) of the Residential Tenancies Act states – <i>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.</i>			
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	

4.5 S6 Instrument of Delegation



Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Section 524(2) of the Residential Tenancies Act states – <i>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.</i>			
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	

4.5 S6 Instrument of Delegation



Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
<p>Section 524(2) of the Residential Tenancies Act states – <i>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.</i></p> <p>Note: Part referenced is Part 14 (s.512 - s.527) under which this regulation is made (s.514).</p>			
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			
<p>Section 118(1) of the Road Management Act 2004 states – <i>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.</i></p> <p>Note: road authority means a person or body specified in or under section 37 – including municipal council.</p>			
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	

4.5 S6 Instrument of Delegation



Road Management (General) Regulations 2016			
<p>Section 118(1) of the Road Management Act 2004 states – <i>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.</i></p> <p>Note: road authority means a person or body specified in or under section 37 – including municipal council.</p>			
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	

4.5 S6 Instrument of Delegation



Road Management (Works and Infrastructure) Regulations 2015			
<i>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.</i>			
<i>Note: road authority means a person or body specified in or under section 37 – including municipal council.</i>			
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

5. ENVIRONMENT & DEVELOPMENT

Nil

6. CULTURE & COMMUNITY

6.1 Quarterly Report - Community Project Development - March 2021

Author's Title: Community Project Development Officer

General Manager: Chris Pike

Department: Social Infrastructure Planning

File No: F16/1580-3

Division: Culture & Community

Trim No: IC21/425

Appendix:

1. Community Project Proposal Master List - March 2021 (D21/27867)

Officer Conflict of Interest:

In accordance with Local Government Act 2020 – Section 130:

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 March 2021 Community Project Development recommendations.

Summary

Three community project proposals were referred for detailed investigation at the 8 December 2020 Council Meeting. Recommendations relating to two of these proposals are provided for Council's consideration:

- CPP61: Anglesea Bingley Parade / Agnes Lane - Park Facilities Upgrade – *Feasible*
- CPP62: Deans Marsh community Priority Pathways #2 – *Concept design phase referred to Pathway Strategy Review process*

Investigation is continuing on the third proposal, Deans Marsh Community Hall Multi-purpose Space (CPP60) and it is expected that this investigation will be completed for reporting to Council in June 2021.

The Community Project Proposal Master List currently includes six outstanding project proposals. Four new community project proposals were registered in the January to March 2021 quarter. Three of these proposals have progressed to inclusion in the Master List. The fourth proposal is on hold pending support from a key stakeholder prior to being assessed.

One of the highest ranked community project proposals from the current Master List has been recommended to proceed to the detailed investigation stage in the April to June 2021 quarter.

Recommendation

That Council:

1. Affirms the feasibility of the Anglesea Bingley Parade / Agnes Lane Park Facilities Upgrade Proposal (CPP61) with a total estimated project budget of \$21,582 (excluding GST) and refers this proposal to Council's future project prioritisation and budget processes noting this proposal's eligibility for funding via Council's Open Space Reserve Fund.
2. Refers the Deans Marsh Community Priority Pathways #2 Proposal (CPP62) involving a priority 1.5km (Section A) pathway proposal to the Pathway Strategy Review Project to consider developing a concept design and cost estimate.
3. Refers the Winchelsea Station Precinct Planning including Stationeers Program Proposal (CPP63) from the Community Project Proposal Master List for investigation in the April to June 2021 quarter.
4. Allocates \$10,000 from the Project Savings Account for the detailed investigation of Winchelsea Station Precinct Planning including Stationeers Program Proposal (CPP63).
5. Notes that \$4,500 is to be returned to the Project Savings Account following the completion of the investigation of the Anglesea Bingley Parade / Agnes Lane Park Facilities Upgrade Proposal (CPP61) and the Deans Marsh community Priority Pathways #2 Proposal (CPP62).

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Council Resolution

MOVED Cr Mike Bodsworth, Seconded Cr Rose Hodge

That Council:

1. Affirms the feasibility of the Anglesea Bingley Parade / Agnes Lane Park Facilities Upgrade Proposal (CPP61) with a total estimated project budget of \$21,582 (excluding GST) and refers this proposal to Council's future project prioritisation and budget processes noting this proposal's eligibility for funding via Council's Open Space Reserve Fund.
2. Refers the Deans Marsh Community Priority Pathways #2 Proposal (CPP62) involving a priority 1.5km (Section A) pathway proposal to the Pathway Strategy Review Project to consider developing a concept design and cost estimate.
3. Refers the Winchelsea Station Precinct Planning including Stationeers Program Proposal (CPP63) from the Community Project Proposal Master List for investigation in the April to June 2021 quarter.
4. Allocates \$10,000 from the Project Savings Account for the detailed investigation of Winchelsea Station Precinct Planning including Stationeers Program Proposal (CPP63).
5. Notes that \$4,500 is to be returned to the Project Savings Account following the completion of the investigation of the Anglesea Bingley Parade / Agnes Lane Park Facilities Upgrade Proposal (CPP61) and the Deans Marsh community Priority Pathways #2 Proposal (CPP62).

CARRIED 8:0

6.1 Quarterly Report - Community Project Development - March 2021

Report

Officer Direct or Indirect Interest

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

Background

The Community Project Development Officer role exists to improve Council's ability to respond to community project ideas and to ensure that projects seeking Council support and / or funding are appropriately assessed, scoped and prioritised.

The Community Project Development Officer has worked on a total of three project proposals in the January to March 2021 period. These proposals are:

- CPP60 – Deans Marsh Community Hall - Multipurpose Space
- CPP61 – Anglesea Bingley Parade / Agnes Lane - Park Facilities Upgrade
- CPP62 – Deans Marsh community - Priority Pathways #2.

Discussion

The key findings and recommendations relating to the following two community project proposals referred by Council in December 2020 are presented in the summary table below:

- CPP61 – Anglesea Bingley Parade / Agnes Lane - Park Facilities Upgrade
- CPP62 – Deans Marsh community - Priority Pathways #2.

Investigation is continuing on a third proposal referred by Council in December 2020 and it is expected that recommendations related to this proposal will be reported to Council at the next quarterly reporting opportunity in June 2021:

- CPP60: Deans Marsh Community Hall - Multipurpose Space
Noting that the investigation into the proposal to upgrade the kitchen and associated hall modification and extension works has stimulated timely discussion into the overall building asset condition. It has presented an opportunity to investigate and consider an alternative way forward (including replacement of the asset close to end of its asset life, unless there is significant intervention works), addressing current poor functional layout, a building that is set low on site, determining optimal facility service provision, facility future proofing and identifying any potential 'show stoppers' that could limit options to be considered.

CPP61	Bingley Parade/Agnes Lane Park Facilities Upgrade Proposal – FEASIBLE
Proposal Description	<ul style="list-style-type: none"> • Proposal for additional park furniture (picnic table and bench seating) and drinking fountain at the popular Anglesea riverbank canoe launch and picnic area in Bingley Parade (corner Agnes Lane). • Submitted by local resident Jennifer Price via the Community Project Proposal registration portal in January 2019.
Background Information	<ul style="list-style-type: none"> • This Crown land site is part of the Bingley Landscape and Heritage Corridor, with Council as land manager (responsibility is with Environment & Climate Change Unit) and the site's primary use is for nature conservation. • The site is likely to be included in a range of Crown land sites to be transferred to Great Ocean Road Coast and Parks Authority (GORCAPA) management within the next 5 years. • Any works on this site and along the river edge will require DELWP land owner consent and also CCMA consent. • An assessment of any cultural heritage impacts will be required (potentially via a Due Diligence Assessment or alternately via the AAV Cultural Heritage Assessment Tool due to the low impact works and previous significant ground disturbance at this site). • Tree protection zones would be a consideration in locating any assets within this reserve. • Assessment of a drinking fountain provision at this site included consideration of the following:

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	<ul style="list-style-type: none"> ○ determination that Barwon Water assets are present on the opposite side of Bingley Parade with a 15m distance between the water service and the preferred location for a potential drink fountain asset ○ several drink fountains are located within reasonable proximity to this site ○ installation costs include tap into pit, running a line from pit to reserve, new meter, drink fountain supply and installation ○ due to nature of the site and type of activities undertaken, users are likely to bring own water to site ○ current COVID-19 messaging from Chief Health Officer, Council, schools and recreation groups to bring your own food and drink to avoid using shared facilities where possible. ● Officer advice recommended that the drinking fountain related works were difficult to justify financially due to a low cost benefit and therefore not considered feasible. ● The site was upgraded in 2011 and again in 2013/14 due to high usage wear and tear of grass surfaces and erosion damage to the riverbank edge. The works considered casual visitors who use the space; large camp groups using the area as an assembly point and for water based activities; CFA activities including quick fill site and for training activities; the need for long vehicle parking and access to vehicles/trailers. The works to manage public use and stop erosion included: <ul style="list-style-type: none"> ○ installation of eco rock bags at the river edge where swimmers emerge ○ car park upgrade plus installation of removal bollards to allow access to grassed area for vehicles, trucks and trailers. ● Since the submission of this proposal in 2019, one (1) picnic table has been installed at this site. ● This site is a popular location for community recreation activities, camps, school groups and commercial water sports groups for canoeing, kayaking and paddle boarding. This accessible site is favoured over other riverbank sites for water based activities as craft can be launched without impact on the riverbank and it is viewed as safer for users compared to the river mouth.
Engagement	<ul style="list-style-type: none"> ● Community proposal submitter ● Known user groups – Go Ride a Wave, Anglesea Fire Brigade, YMCA camps, Scouts Victoria, Baptist Camping ● Internal stakeholders - Environment, Open Space Operations, Asset Management, Recreation, Social Infrastructure Open Space Planning
Key Findings	<ul style="list-style-type: none"> ● The land manager supports the proposal for additional park furniture at the site and has proposed suitable locations for these and also advises (although not part of the community proposal), site rectification works due to high usage of the site, particularly addressing significant wear to the grass surface leading to canoe launch deck and at the river edge used by swimmers. Existing ‘eco rock’ bags require repair so that they continue to be effective in controlling erosion. ● The project proposal is supported by key user groups and engagement with these groups has provided the following feedback: <ul style="list-style-type: none"> ○ all groups acknowledge the popularity of the site and heavy use in peak periods ○ some groups have suggested additional canoe launch decks and encourage Council to investigate additional sites along the river in the future ○ an extension to the site’s canoe launch deck was requested to allow more users access (not supported by the land manager). ● Opportunity for Environment Unit to investigate other potential sites for additional canoe launch areas to better service user groups and reduce impact on popular sites. ● A feasible \$21,582 (excl GST) works scope includes cultural heritage assessment, services location, park furniture and site rectification works (grass reinstatement of 85m2, non-slip and erosion addressing honeycomb rubber

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	matting treatment and repair / replacement of eco-rock bags), cost escalation, project management and project contingency.
Potential funding partners	<ul style="list-style-type: none"> No current community funding partners but there is an opportunity to further engage with all groups to encourage conversations with the local community funding groups. Potential to fund proposal from Open Space Reserve Fund as it is improving the open space and will result in more intensive use (OSRF Anglesea current balance is \$190,000).
Officer Summary / Recommendation	<ul style="list-style-type: none"> Total project cost estimate \$21,582 excluding GST (including project management and contingency) for park furniture and site rectification works but excluding the drink fountain. Opportunity for consideration of an allocation from Council's Open Space Reserve Fund in a future project prioritisation and budget process as the project improves the open space.


CPP62	Deans Marsh Community Priority Pathways #2 Proposal – FOR REFERRAL TO PATHWAY STRATEGY REVIEW
Proposal Description	<ul style="list-style-type: none"> To determine and investigate the Deans Marsh community's next pathway priority following on from the recently funded and widely supported path link along Birregurra-Deans Marsh Rd.
Background Information	<ul style="list-style-type: none"> A community Working Group has formed to progress the proposal, receiving broad community support to nominate a 3.4km pathway loop (involving 2 sections of new pathway construction and signage on an existing gravel roadway) as the community's next township pathway priority. The community seek Council's understanding and acceptance that project feasibility should be not only influenced by population and projected path usage but importantly that a pathway connection: <ul style="list-style-type: none"> addresses the safety of people walking, jogging and cycling along main roads leading to the town centre; encourages walkability and social connections; enhances community health and wellbeing; connects residents and visitors via foot and bike to destinations; enables opportunities to be explored for recreational trail loops that connect to key pathway spines. Off-road pathways along the route identified and investigated are not currently included in the current Surf Coast Shire Pathway Strategy, however a regional on-road cycling route along the Winchelsea-Deans Marsh Road is included in this strategy and reflects the popularity of this route for touring and recreational cyclists.
Engagement	<ul style="list-style-type: none"> Several discussions with the community Working Group have enabled further clarity around pathway priorities, needs and benefits to the community. This group has engaged more broadly with the community on several occasions, seeking interest and input into pathway priorities. Engagement including onsite inspections with Council officers from Engineering Services, Civil Works, Open Space Operations and Environment Units has enabled a good understanding of pathway challenges and constraints along the proposed Section A pathway link. Engagement including onsite inspections with Regional Roads Victoria has resulted in good feedback about what would be considered when assessing consent for this pathway section.

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Key Findings

- The proposed 3.4km pathway loop has been divided into 3 sections (image below):
 - Section A – proposed new off road pathway (1.5km in length) along Winchelsea-Deans Marsh Road from the town centre (just south of the Deans Marsh Store) to Bambra Cemetery Road and including requirement to construct a bridge over Deans Marsh Creek
 - Section B – 1.175km gravel road section (Smiths Lane) requiring signage only and currently used by the community as a walking route albeit as an out and back route.
 - Section C – proposed new 720m gravel path link (including new bridge) along and within the boundary of private property, with the potential to create a laneway and this is currently being considered by the land owner before an assessment of the feasibility of this section can be determined.
- **Section A** (the 1.5km off-road pathway link along Winchelsea-Deans Marsh Road) has been prioritised by the community for investigation in the first instance.
- The investigation into Section A found that the location of the property fence line boundary with the road zone along much of this proposed pathway route is inconsistent with what is shown in Council's mapping data system. A title re-establishment survey is underway and results will provide us with a clear understanding of any rectifications required.
- Design and project cost challenges for constructing a path along this Section A include:
 - road speed zones vary from 60 to 80 to 100km/hr – however Regional Roads Victoria have provided preliminary advice that they would consider an opportunity to expand the 80km/hr speed zone further out of town beyond the Bambra Cemetery Road, this eliminating the 100km/hr speed limit along this proposed pathway route
 - a 25m long bridge is required to cross over the Deans Marsh Creek with approaches also required (at an approximate cost of \$300,000 excl GST)
 - additional bridging treatment is likely to also be required over an additional water course, unless an alternative culvert treatment is suitable
 - some sections of path may be subject to inundation and would need to be designed to effectively withstand impact from inundation plus likely to impact on usage at times
 - to achieve the minimum 1.5m pathway width, a dearer construction method would be required for some narrow sections close to the road, drainage swales may be required to be built beside the path and there is also potential for guard rails, retaining walls and possibly handrails
 - some existing trees limit the space for a path to travel and likely to require root protection assessment/treatment
 - planning overlays for land subject to inundation, salinity, cultural heritage are needing further assessment and understanding
 - there is an opportunity to engage with adjacent land owners where pathway alignment is restricted, possibly resulting in reduced cost of pathway construction if a more suitable alignment can be found bordering private land
 - the use of alternative sustainable and possibly more aesthetically pleasing materials (other than concrete) could be explored at concept design stage that may also address design / cost challenges in certain sections (gravel or recycled plastic mesh). Life cycle costing would need to be considered in this case.
- Preliminary advice from Regional Roads Victoria is that they would consider the concept of a pathway along this section of roadway and would be able to provide further advice to assist in the development of a concept design for RRV consideration.
- There is an opportunity for the community to submit this pathway proposal to the upcoming pathway strategy review.

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	 <p style="text-align: center;"><i>Deans Marsh Proposed Pathway Loop</i></p>
<p>Potential funding partners</p>	<ul style="list-style-type: none"> • This pathway is unlikely to attract significant external funding however: <ul style="list-style-type: none"> ○ some opportunity exists for the targeting of suitable grants if sustainable pathway materials are used (recycled plastic / rubber for example). ○ potential funding opportunities if linked to the Sea To Tree Long Distance Horse Trail (alternative route into Deans Marsh for cyclists and walkers). • This pathway is unlikely to be considered for a Special Charges Scheme. • Opportunity for a concept design and costing phase (estimated cost of \$20,000) to be referred to Council's Pathway Strategy review process. • Community sourced contributions and in kind support can be further explored.
<p>Officer Summary / Recommendation</p>	<ul style="list-style-type: none"> • Total project cost estimate for the 1.5km Section A pathway is \$850,000 - \$950,000 excl GST (including project management and a 20% project contingency). This is for a predominantly concrete pathway with a significant bridge installation required. • Further investigation via a concept design and assessment of more economical path surface options is required. • Opportunity for a concept design and costing phase (\$20,000) to be referred to Council's Pathway strategy review.

Review of the Community Project Proposal Master List (refer Appendix 1)

The Community Project Proposal Master List currently includes 6 outstanding project proposals. At the end of each quarter and following the Council Meeting resolution, each project proposal submitter is provided with a status update.

Proposals that are yet to progress into the investigation stage are reviewed at this time and submitters are invited to provide an update about their proposal. Officers provide advice to submitters as to how their proposal can be strengthened or alternatively a proposal may be withdrawn if it is no longer relevant or required.

New community project proposals received

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81 new project proposals (average 4 to 5 per quarter) have been registered via Council's on-line registration process since February 2017. As each new project proposal is submitted online, it is assessed by the Community Project Development Officer together with relevant Council Service Managers. The Community Project Proposal Assessment Matrix determines where the proposal sits in priority order within the Master List.

Four new community project proposals were registered in the January to March 2021 quarter. Three of these proposals have progressed to inclusion in the Master List. The fourth proposal is on hold pending support from a key stakeholder prior to being assessed.

Prioritised community project proposals to be recommended for further investigation (April to June 2021)

There are currently six community project proposals in the Community Project Proposal Master List awaiting investigation and these are presented in a prioritised order of highest to lowest when assessed against the community project proposal priority assessment matrix.

The following highest ranked community project proposal from the current Master List has been recommended to proceed to the detailed investigation stage (April to June 2021 quarter):

- *Winchelsea Station Precinct Planning including Stationers Program (CPP63) - Score 55 (MEDIUM)*
A proposal from Growing Winchelsea Inc involving a collaboration with VicTrack, V-Line, Keep Victoria Beautiful and interested community members and groups. The project will develop a Station / Railway precinct vision that considers connectivity from the town centre, ways to activate the area, linking to the Winchelsea Arboretum Trail proposal through the planting of significant trees and also formalizing community involvement in a station grounds beautification program.

A recommendation relating to this project is expected to be presented to Council in June 2021.

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 3 Balancing Growth

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

Strategy 3.2.6 Advocate for supporting infrastructure

Theme 4 Vibrant Economy

Objective 4.3 Strengthen the vitality of town centres

Strategy 4.3.1 Identify and support the economic and social drivers of town centres within the shire

Theme 5 High Performing Council

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

Strategy 5.1.3 Develop innovative funding partnerships with community, business and government

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

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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)

This report demonstrates application to the following relevant governance principles under s.9 of the *Local Government Act 2020*:

- **Innovation** and **continuous improvement** are being pursued by responding to and assessing community initiated project ideas, working with the community to appropriately scope and cost a proposal to a project or grant ready stage and with a well-defined funding strategy.
- A detailed proposal investigation, completed in collaboration with the community and relevant stakeholders, ensures that proposals being considered by Council have considered current and ongoing **financial viability**.
- During the thorough proposal investigation phase, regional, state and national **plans, policies, guidelines** and standards are taken into account when considering proposed project scope and design.

Policy/Relevant Law

Specifically relevant to community proposals investigated in the last quarter and those proposals being recommended for investigation in the next quarter, relevant policies / laws that have been and will be considered include:

- MPP-019 Non-recurrent Grants
- MPP-034 Open Space Reserve Fund
- Surf Coast Planning Scheme
- Disability Discrimination Act (1992) / Victorian Disability Act (2006)
- Australian Standards and Building Code of Australia
- Burra Charter (for the Conservation of Places of Cultural Significance)

Environmental/Sustainability Implications

The contents of this report do not raise any adverse environmental sustainability implications. Where development is being proposed, minimising social, environmental and climate impacts is a high priority.

Community Engagement

Regular and ongoing communication and engagement with community is undertaken during the assessment of project proposals and during the proposal investigation and scoping stage.

Public Transparency

The Community Project Development Officer role and process is aimed at creating partnerships, providing support to communities, giving feedback on community project ideas, facilitating community strengthening and supporting prioritised projects to get to a project ready stage. Recommendations being presented to Council on behalf of communities are discussed with relevant community group stakeholders prior to being finalised.

Strategies/Plans

The community are involved in the project proposal planning phase where an assessment of need, benefit, stakeholders, scope and community sourced investment is determined. During the planning phase, any relevant strategies or plans (community, Council, agency, State or Federal Government) are considered and form part of the project summary and strategic justification.

Financial Management

Completed Project Proposal Investigations:

The following project proposals include financial recommendations to be referred to Council's future project prioritisation and budget processes including consideration for future grant opportunities alongside other eligible projects:

6.1 Quarterly Report - Community Project Development - March 2021

1. The Anglesea Bingley Parade / Agnes Lane Park Facilities Upgrade Proposal (CPP61) with a total estimated project budget of \$21,582 excluding GST (including project management and contingency), noting this proposal's eligibility for funding via Council's Open Space Reserve Fund.
2. The Deans Marsh community Priority Pathways #2 Proposal (CPP62) involving a priority 1.5km (Section A) pathway proposal is to be referred to Council's Pathway Strategy Review for consideration of undertaking a \$20,000 excl GST concept design and costing phase.

New Project Proposal Investigations

It is proposed that \$10,000 in costs will be associated with the feasibility investigation of the Winchelsea Station Precinct Planning including Stationeers Program Proposal (CPP63). It is proposed that this will be funded from the Project Savings Account.

Return of Unspent Investigation Funds

In the period from November 2016 to March 2021, a total of \$149,000 has been allocated for the detailed investigation of a total of 62 community project proposals.

Investigation funds unspent are returned to the funding source and to date, a total of \$31,338 has been returned. This includes \$4,500 to be returned to Project Savings Account as follows:

Project Proposal	Budget	Actual	Variance
CPP61 – Anglesea Bingley Parade/ Agnes Lane Park Facilities Upgrade Proposal	\$1,500	\$0	\$1,500
CPP62 - Deans Marsh community - Priority Pathways #2 Proposal	\$3,000	\$0	\$3,000
Total Return to Project Savings Account			\$4,500

Service Performance

The investigation of community project proposals that propose renewal, improvement, upgrade or replacement of a Council asset, consider the current life of an asset or asset component and the timing of any relevant asset renewal or replacement expenditure. Opportunities are sought where Council budgets such as this can align as potential funding leverage / partnership projects, providing good value for investment and resulting in outcomes that meet changing community needs.

Proposal investigations often involve a thorough assessment via the engagement of professional expertise, including architects, landscape architects, structural engineers, quantity surveyors and other subject matter experts.

Risk Assessment

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

The ongoing investigation into the Deans Marsh Community Hall Multi-purpose Spaces Proposal (CPP60) will enable a more thorough understanding of current building asset condition, structure and any potential community safety issues that will need to be considered when determining and assessing future options for community and Council to consider.

The Anglesea Bingley Parade / Agnes Lane Park Facilities Upgrade Proposal (CPP61) recommendation addresses risk to environment and park user safety through the provision of site restoration works.

The Deans Marsh community Priority Pathways #2 Proposal (CPP62) involving a priority 1.5km (Section A) pathway proposal addresses community safety, health and wellbeing.

Communication

A Community Project Development page is available on Council's website, providing information about the process for registering community project proposals. A link to the online Community Project Proposal Registration Form is available from the webpage.

All proposal applicants are contacted following a proposal registration to clarify project details. Further engagement is undertaken with applicants for those proposals that are referred for detailed investigation.

6.1 Quarterly Report - Community Project Development - March 2021

There is regular communication with submitters of project proposals waiting in the Community Project Proposal Master List about ways in which proposals can be strengthened against assessment criteria.

Quarterly reports are presented to Council with recommendations relating to proposals referred for detailed investigation and endorsing new projects be investigated in the next quarter

Human Rights Charter

A Human Rights Impact Assessment has been undertaken and concludes that the contents of this report are compatible with the Victorian Charter of Human Rights and Responsibilities.

Specifically, the following can be noted:

- Recognition and equality before the law – accessible, inclusive and fit for purpose facilities are considered when investigating:
 - Deans Marsh Community Hall - Multipurpose Space (CPP60)
 - Anglesea Bingley Parade / Agnes Lane Park Facilities Upgrade Proposal (CPP61)
 - Deans Marsh community Priority Pathways #2 Proposal (CPP62)
- Cultural rights - protection of cultural heritage places is valued via the acknowledgement that an assessment of cultural heritage impact will be required for:
 - Anglesea Bingley Parade / Agnes Lane Park Facilities Upgrade Proposal (CPP61)
 - Deans Marsh community Priority Pathways #2 Proposal (CPP62)

Options

Option 1 – Accept the Community Project Development recommendations as identified in this report

This option is recommended by officers as it is supported by comprehensive feasibility investigations into each community project proposal and provides clear direction regarding Council's level of support for each project.

Option 2 – Do not accept the Community Project Development recommendations as identified in this report and consider alternative motions

This would involve reaching different conclusions on the:

- suitability of projects to progress for future funding (e.g. do not progress projects for future funding consideration)
- timing of the allocation of funding (i.e. allocate funding now rather than consider funding at a later date)
- project proposals nominated for future investigation.

This option is not recommended by officers as:

- project proposals have been comprehensively assessed for their feasibility and alignment with Council and community objectives
- funding timing recommendations have considered Council's current and future financial capacity and the preferred practice of considering project funding through the annual budget process
- project proposals have been nominated for investigation based on a robust prioritisation ranking methodology.

Conclusion

A Community Project Development process has been established to provide transparency in how new community project proposals are registered, assessed and prioritised for investigation. The process supports the Community Project Development Officer to create partnerships, respond to community project ideas, facilitate community strengthening and support prioritised projects to get to a project ready stage.

One proposal from the Community Project Proposal Master List has been recommended to proceed to detailed investigation stage.

6.1 Quarterly Report - Community Project Development - March 2021

APPENDIX 1 COMMUNITY PROJECT PROPOSAL MASTER LIST - MARCH 2021



Community Project Proposal Master List

As at 16 February 2021 (since last reporting cut off 11 November 2020)

	COUNCIL WARD	OUTSTANDING PROPOSALS	INVESTIGATION \$	RATING
Dec 2019	Anglesea	Anglesea Resale Centre - Bicycle Recycle/Repair/Resell Space (ON HOLD)	\$0K	66
Dec 2017	Anglesea	Anglesea Bowls Club Mens Shed Carpark Upgrade (ON HOLD)	\$10K	57
Jan 2021 NEW	Anglesea	Aireys Inlet Community Garden - Masterplan Implementation Stage 1 (ON HOLD)	\$6K	55
Feb 2021 NEW	Winchelsea	Station Precinct Planning including Stationeers Program	\$10K	55
Dec 2020 NEW	Torquay	Torquay Community Bike Hub Proposal	\$5K	54
Feb 2018	Torquay	Djila Tjarri Skate Bowl Shelter (ON HOLD)	\$1K	43
TOTAL		6		

HIGH	Proposals rated 60+ out of 100
MEDIUM	Proposals rated 50-59/100
LOW	Proposals rated <50/100

CURRENTLY UNDER INVESTIGATION	
CPP60	Deans Marsh Public Hall - Multipurpose Space
CPP61	Anglesea Riverbank Bingley Pde/ Agnes Lane - Park Facilities
CPP62	Deans Marsh Priority Pathways#2
TOTAL	3

INVESTIGATION COMPLETE (STILL TO BE FUNDED)	
CPP13	Deep Crk Res multi-use Tennis area
CPP26	Torquay Tigers Cricket Club – new shed for turf roller (investigation by Service Manager with CPP01)
CPP44	Kalkarra Park Playspace - basketball pad extension
CPP53	Torquay Football and Cricket Club - Unisex Change Room Upgrade
CPP54	Anglesea Historical Society Building Modification/Extension
CPP55	Torquay Men's Shed – Future Expansion (linked to CPP57)
CPP57	Spring Creek Community Hub (Tennis/Mens Shed) (linked to CPP55)
CPP58	Jan Juc Cricket Club Deck Extension
CPP59	Winchelsea Arboretum Trail
TOTAL	9

INVESTIGATION COMPLETE (PROJECT IN PROGRESS)	
CPP01	Torquay Cricket Club Practice Facility Upgrade / Stage 2 Design
CPP14	Mt Moriac Res Oval 1 goal net (funding via LRCI Fund #2)
CPP24	Nautical Rise Res Indigenous Garden (Stage 1 underway)
CPP25*	Torquay Football Club - relocate interchange boxes plus behind goal netting (18/19 budget –funded goal netting only and LRCI Fund #2 to fund this interchange boxes)
CPP28	Great Ocean Views Res Activation (project underway and additional funding via LRCI Fund #2 to deliver Stage 2)
CPP29	Anglesea Hall Sound, Lighting and Projection (project underway)
CPP30	Deans Marsh Priority Pathways #1 (project underway)
CPP31	1st Tq Scouts storage extension (project underway)
CPP33	Torquay & District Historical Signs (project underway)
CPP35	Deans Marsh Reserve shelter / outdoor stage (project underway)
CPP36	Helen Mary Kininmonth Kinder – Playground Rejuvenation (part completed and projects underway)
CPP37	Bob Pettitt Reserve Outdoor Performance Space (project underway)
CPP38	Surf Coast Soccer New Pavilion (project underway)
CPP39	Wurdale Reserve Plan Stage 2 (project underway)
CPP40	Spring Valley Park –ball games area (funding via LRCI Fund #2)
CPP41	Deans Marsh Fitness Element Installation (project underway)
CPP42	Zeally Sands Playground upgrade (project underway)
CPP43	Anglesea Community Resale Shed Verandah Extension (carried f/w 20/21)
CPP46	Torquay Tennis pathway between courts (project underway)
CPP47	Anglesea Art House car park and landscape works (Stage 1 complete)
CPP48	Anglesea & District War Memorial (project underway)
CPP49	Sea to Tree Long Distance Horse Trail (Stage 1 audit funded)
CPP50	Anglesea Community Precinct Signage Upgrade (project underway)

CPP51	BMX Track for Ocean Acres Reserve (project underway)
CPP52	Moriac Greenfields Nature and Fitness Trail (project underway)
CPP56	Moriac Lions Park Upgrade (funding via LRCI Fund #2)
TOTAL	26 *CPP25 included in this total

PROJECT DELIVERED OR PROPOSAL CLOSED	
CPP02	Ellimatta Res/ Anglesea Netball Additional Carpark
CPP03	Lorne Historical Society Front Facade Project
CPP04	Hesse St Reserve Winchelsea Scouts and Tennis Shared Facility
CPP05	Jan Juc Kinder Play Space Expansion
CPP06	Anglesea Football Club Training Lights Upgrade
CPP07	Stribling Res Stadium Ventilation
CPP08	Mt Moriac Res Equestrian Clubroom Redevelopment
CPP09	Anglesea Mens Shed – repurpose / refit 2 storage spaces
CPP10	Wurdale Hall - History Board
CPP11	Lorne Skate Shelter
CPP12	Hill Top Reserve Vegetation Barrier
CPP15	Quay Reserve shelter
CPP16	Freshwater Crk old Tennis Clubroom
CPP17	Anglesea Rec & Sports Club – power
CPP18	Anglesea Rec & Sports Club – new boat platform
CPP19	Anglesea Netball Club –additional netball shelters
CPP20	Anglesea Pre School Basket Swing
CPP21	Torquay Pre School Garden Plan
CPP22	Anglesea to Waurm Ponds Bus Service (Achieved Stage 1 and Council to continue to advocate to T for V)
CPP23	Connewarre & District Riding Club Dressage Arenas (refer Stage 2 to ROSP ad funding now available under LRCI Fund #2)
CPP25*	Torquay Football Club - relocate player interchange boxes and behind goal barrier netting (goal netting component is complete)
CPP27	Torquay Quay Reserve Public Toilet
CPP32	Newling Reserve Playground Inclusive Basket Swing
CPP34	SC Soccer - Storage Enclosure for Goals
CPP45	Freshwater Creek Riding Club – additional fencing/ground works
TOTAL	24 CPP25 not included in this total

6.1 Quarterly Report - Community Project Development - March 2021



Community Project Proposal Master List

As at 16 February 2021 (since last reporting cut off 11 November 2020)

PROPOSALS NOT INVESTIGATED

DECLINED / REFERRED AT INITIAL PROPOSAL FILTER	
COMPLETE	Anglesea Historical-Bathing Box (pre Feb 2017)
COMPLETE	Bellbrae Tennis Club – Seating (pre Feb 2017)
DECLINED	All Aboard container and garden
COMPLETE	Lorne Men’s Shed Flagpole
Service Manager	Connewarre Reserve 1 Million Trees
Service Manager	Connewarre Reserve Walking Path
Small Grants	Connewarre & District Riding Club Equitation Park
COMPLETE	Torquay Historical Society Bathing Box
COMPLETE	Anglesea Transfer Station Store Shed
COMPLETE	Deans Marsh Hall curtain sign
COMPLETE	Anglesea Seniors /Lions Garden
Service Manager	Spring Creek Res drainage erosion rectification
COMPLETE	Anglesea flagpole / street light art installations
DECLINED	Seaview Res Basketball Pad
DECLINED	Growing Winch Storage Fees
Service Manager	Winch Bowls Club Internal and external painting
DECLINED	Deep Creek Bridge Artwork
Referred GORCC	Tqy Bowls Club Tesla Charging Station
DECLINED	Torquay Skate Park Lighting
Service Manager	Hill Top Reserve – Additional play equipment
Service Manager	Winchelsea Mens Shed - Car Park
Service Manager	Great Ocean Views Reserve - basketball court
Service Manager	Winch Community House - Solar Roof Panels
Service Manager	Deans Marsh Gathering Space Proposal (NEW)
SCS COVID Grant	Deans Marsh Farm Gate Art (NEW)
Small Grants	Winchelsea Girl Guides Replace Storage Shed (NEW)
Service Manager	Eastern Reserve Perimeter Pathway (NEW)
TOTAL	27 (post Feb 2017) – (4 added since last report)

REFERRED/RESOLVED PRIOR TO INVESTIGATION	
Service Manager	Torquay Bowls Club – Masterplan Priorities
Small Grants	Anglesea Community Garden seat
Service Manager	Mt Moriac Res lighting –Oval 1,2, Netball Crt 3
Service Manager	Coogoorah Park - Noticeboard Refurb / Content
Not required	Hill Top Res - shelter battens / wind protection
COMPLETE	Connewarre Reserve Viewing Mound
COMPLETE	Soundproofing Torquay Men’s Shed
Small Grants	Anglesea Netball Club – Shade sail
Not required	Torquay Parwan Pitch FlagPole
Resolved	Torquay Women’s Shed
Small Grants	Aireys Inlet Community Garden Seat (Future App)
Not required	Torquay Tennis - Storage Container
Not required	Torquay Grant Pavilion - Kiosk Window
Not required	Downhill Bike Tracks/ Jumps
Refer Master List	Torquay Tennis Clubrooms - Male Toilet Refurbish
Not supported	Winchelsea Skate Park - Light Installation
Not supported	Djila Tjarri Skate Bowl – Permanent Lighting
Service Manager	Anglesea Skate Park - Stage 3 extension
Service Manager	Winchelsea Railway Station Redevelopment
Service Manager	Mt Moriac Reserve - Gym Facility Construction
Service Manager	Wurdale Hall Reserve Development Stage 3
Service Manager	Anglesea Netball Club – Existing carpark sealing
Service Manager	Anglesea Netball Club – Viewing deck
Service Manager	Winchelsea Township Cultural Heritage Facility
Service Manager	Bicycle /horse riding track Winchelsea to Inverleigh
Service Manager	Anglesea Skatepark Extension (Referral Nov 2020 to Asset Renewal and Service Manager Investigation)
CLOSED	Western District Quarter Horse Association - Arena Surface Repair (Mt Moriac Reserve) (Club relocated)
Service Manager	Bob Pettitt Reserve Soccer Goal Nets and Linemarking (Referral Nov 2020 to Service Manager / Grants)
Service Manager	Grossmans Ridge Playground Upgrade (2 proposals) (Referral Nov 2020 to Playground Strategy)
TOTAL	29 (4 added since last report)

6.2 Civic Centre Flag Schedule April 2021 - March 2022

Author's Title: Manager Community Relations

General Manager: Chris Pike

Department: Community Relations

File No: F18/236-3

Division: Culture & Community

Trim No: IC21/441

Appendix:

1. Civic Centre Flag Schedule April 2021 - March 2022 (D21/1615)

Officer Conflict of Interest:

In accordance with Local Government Act 2020 –
Section 130:

Yes

No

Status:

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

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to consider a schedule to fly flags at Council's Civic Centre from April 2021 to March 2022.

Summary

Council flies flags at the Civic Centre in Torquay in accordance with the Australian Government's flag protocols.

Council has flown flags in recent years to coincide with some of Council's adopted events and awareness raising campaigns. Council has also considered requests from people and community groups about flying flags supporting different sections of the community or causes.

Flying a flag is a symbolic act which can show support and it can help progress social change on a topic. Perhaps because of this symbolism, flying a flag often creates a community response where people share different opinions on the flag that is being flown or in fact whether it is Council's role to be doing so. This can cause controversy or division amongst people.

This report and proposed schedule aims to bring together the occasions Council will fly flags including accommodating recent requests to fly flags from the community.

Recommendation

That Council adopts the Civic Centre Flag Schedule April 2021 - March 2022 as at Appendix 1.

Council Resolution

MOVED Cr Kate Gazzard, Seconded Cr Liz Pattison

That Council:

1. Adopts the Civic Centre Flag Schedule as attached at Appendix 1 through to the end of December 2021.
2. Consults with Traditional Owners and other Aboriginal and Torres Strait Islanders living in the Shire on ways to acknowledge the significance of 26 January to First Nations Peoples, including the proposal to fly the Aboriginal and Torres Strait Island Flags at half-mast in January 26.
3. Considers a report on ways to acknowledge the significance of 26 January to First Nations Peoples following that consultation.

CARRIED 7:1

6.2 Civic Centre Flag Schedule April 2021 - March 2022

Report

Officer Direct or Indirect Interest

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

Background

Surf Coast Shire Council has for many years followed the Australian Government's flag protocols to guide how flags are flown at the Civic Centre.

Council resolved in April 2017 to fly the Rainbow Flag continuously from 17 May 2017 (IDAHOBIT Day) until formal acceptance of marriage equality by the Federal Government.

Council received eight petitions soon after this decision. Three petitions with a total of 1,873 signatures were in support of Council's decision. Five petitions with a total of 175 signatures were against Council's decision.

Council then carried a motion at the May 2017 meeting which included the decision to lower the rainbow flag and that if Council resolved to fly the Rainbow Flag in the future, it identify an appropriate location for it.

At the June 2017 meeting Council resolved to install two flagpoles on the south side of the Civic Centre adjacent to the car park: the 'Pond' flag pole and the 'Front Lawn' flag pole. In this resolution Council decided to fly the Rainbow Flag continuously on the Front Lawn flag pole in support of the LGBTIQ community in the Surf Coast Shire.

Council resolved in March 2018 to continue to fly the Rainbow Flag on the Front Lawn flag pole until 24 May 2018 when it was lowered to mark the conclusion of Council's acknowledgement of IDAHOBIT Day 2018. Council also adopted the updated Surf Coast Shire Flag Policy – SCS 035 at this time. The flag policy describes the eight flag poles around the Council office at 1 Merrijig Drive Torquay; the occasions particular flags fly and the process to consider community requests to fly flags. The flag pole locations included in the policy are:



6.2 Civic Centre Flag Schedule April 2021 - March 2022

Councillors have expressed the wish to consider a flag flying schedule for flag poles at the Civic Centre. The attached proposed Civic Centre Flag schedule is provided to help Councillors consider this topic.

Since the adoption of the Flag Policy and the installation of the two flag poles, Council has received requests from six groups or individuals to fly flags at the Civic Centre. The Torquay RSL is one of these six requestors and have submitted multiple requests to fly the RSL flag in the months of April (to signify ANZAC Day), August (to signify Vietnam Veterans Day) and November (to signify Remembrance Day). These requests in all cases have been approved by the Chief Executive Officer in line with Council's Flag Policy.

Council has flown flags to signify events in Council's event calendar such as IDAHOBIT Day and White Ribbon Day - the latter of which is now the 16 days of activism against gender based violence campaign.

Recently, Council has received requests from community members and a Councillor has suggested to fly the Aboriginal and Torres Strait Island flag at half-mast on 26 January to acknowledge the sorrow felt by many Aboriginal and Torres Strait Island people on this day. This idea has the support of the Wadawurrung Registered Aboriginal Party.

In late 2020, Council received requests from a community member to fly the Rainbow Flag for World Aids Day (1 December). The same requestor asked for the rainbow flag to be flown for HIV Awareness Week.

A Councillor has suggested to fly the Transgender Flag for Transgender Day of Remembrance (20 November) which honours the memory of the transgender people whose lives were lost in acts of anti-transgender violence.

Discussion

Flying a flag is a way to support causes and people in Surf Coast Shire. People can draw strength when their local government flies a flag that symbolises support for a topic they are close to.

Over the course of history, symbolism such as flying flags has contributed to change in society often for marginalised groups or to advance very difficult issues.

Here in Surf Coast Shire, the topic of flying flags at the Civic Centre has been controversial in recent years.

The symbolism of flying flags can elicit very strong responses from members of the community. In recent years, people have provided strong and diverse responses when Council flew the Rainbow Flag. This created a divisive atmosphere and discourse in the community. Such divisiveness can have adverse effects on people who may have originally suggested a flag is flown or who have drawn strength from it flying in the first place.

It can also have a negative effect on Council's reputation with the likelihood that some people do not believe Council should support a certain topic. People often provide feedback that things such as service delivery and efficiency should be higher priorities for Council and symbolically supporting a particular cause should not be its focus.

However, it is sometimes through public debate and disagreement that communities - or society - can progress through an issue and in doing so, become a more tolerant and inclusive place to live.

The proposed schedule aims to strike a balance between supporting particular causes or people in our community and helping create positive societal change whilst limiting divisiveness and damage that flying a flag can cause. Summary of the schedule:

Title	Flag Pole(s)	Date flown	Background information / rationale
Flags at half-mast - Anzac Day (25 April)	Ceremonial and Civic Centre Front Entrance	25/4/21	In Accordance with Australian Flag Protocol - flags are flown at half-mast until noon
RSL Flag in April to signify Anzac Day	Front Lawn	1/4/21 – 30/4/21	Requested by Torquay RSL each year since 2018. Flown for the month to signify ANZAC Day.
Rainbow Flag in May for IDAHOBIT Day	Front Lawn	1/5/21 – 31/5/21	A Council adopted event. Schedule proposes the duration of flying the Rainbow Flag increases from one

6.2 Civic Centre Flag Schedule April 2021 - March 2022

Title	Flag Pole(s)	Date flown	Background information / rationale
(17 May)			week to the month of May to show extended support for the various sections of the LGBTIQ+ community.
Torres Strait Island Flag replaces Surf Coast Shire Flag - National Sorry Day (26 May)	Ceremonial and Civic Centre Front Entrance	26/5/21	Protocol and notification issued by Department of Prime Minister and Cabinet. Acknowledges the history and continued effect of the forced removal of Aboriginal and Torres Strait Islander people from their families, communities and culture.
Torres Strait Island Flag replaces Surf Coast Shire Flag - Reconciliation Week (27 May -3 June)	Ceremonial and Civic Centre Front Entrance	27/5/21 – 3/6/21	In accordance with Australian Flag Protocols. The dates commemorate two significant milestones in the reconciliation journey—the anniversaries of the successful 1967 referendum and the Mabo lands rights decision in 1992.
Torres Strait Island Flag replaces Surf Coast Shire Flag - NAIDOC Week (4-11 July)	Ceremonial and Civic Centre Front Entrance	4/7/21 – 11/7/21	In accordance with Australian Flag Protocols. NAIDOC Week is a celebration of the history, culture and achievements of Aboriginal and Torres Strait Islander people.
RSL Flag - Vietnam Veterans Day (18 Aug)	Front Lawn	1/8/21 – 31/8/21	Requested by Torquay RSL each year since 2018. Flown for the month to signify Vietnam Veterans Day.
United Nations Flag - United Nations Day (24 Oct)	Civic Centre Front Entrance	24/10/21	In accordance with Australian Flag Protocols. United Nations Day marks the anniversary of the commencement of the U.N. Charter.
Flags at half-mast - Remembrance Day. (11 Nov)	Ceremonial and Civic Centre Front Entrance	11/11/21	In accordance with Australian Flag Protocols. Flags are flown at the peak from 8am, half-mast from 10.30am to 11.02am and then at the peak after 11.02am.
RSL Flag – November for Remembrance Day (11 Nov)	Front Lawn	1/11/21 – 30/11/21	Requested by Torquay RSL each year since 2018. Flown for the month to signify armed forces members who have died in the line of duty.
Flying Aboriginal and Torres Strait Island Flags at half-mast – (26 Jan)	Ceremonial and Civic Centre Front Entrance	26/01/22	Flying the Aboriginal Flag and Torres Strait Island Flags at half-mast to acknowledge the pain First Nations people feel on this day. Community request 2021.

Councillors will note on the proposed schedule that there are three occasions where the Torres Strait Island flag replaces the Surf Coast Shire flag. There is merit to engage with traditional owners in the future to consider if flying the Torres Strait Island flag on a permanent basis would be valued. This could represent strengthening of support for First Nations people throughout the year.

The background section of this report notes requests to fly the Rainbow flag on World Aids Day and HIV Awareness Week as well as a Councillor suggestion to fly the Transgender Flag for Transgender Day of Remembrance.

The proposed schedule does not include these flags as there is no previously adopted position of Council on this topic or strategic basis upon which to support this aside from Council's support for IDAHOBIT Day (for which it proposed Council flies the Rainbow Flag for the month of May).

Importantly, considering and adopting this schedule does not limit the provisions of the Council Flag Policy – SCS 035 to consider other requests to fly flags at the Civic Centre.

Council Plan

Theme 1 Community Wellbeing
Objective 1.4 Provide support for people in need

Theme 5 High Performing Council

6.2 Civic Centre Flag Schedule April 2021 - March 2022

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)	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	Yes
Communication	Yes
Human Rights Charter	Yes

Policy/Relevant Law

This report and the Civic Centre Flag Schedule is consistent with Council's Flag Policy – SCS 035.

Community Engagement

This report and the Civic Centre Flag Schedule did not undergo community engagement. Community feedback, including direct communication, local media and social media regarding particular topics in recent years has informed the Schedule. This schedule considered Council's Event Calendar which is based on strategic objectives in the Council Plan 2017-21 and Council engaged the community to develop this plan. Some flags included in the schedule are a result of community requests.

Public Transparency

This report and adoption of the Civic Centre Flag Schedule enhances the transparency of decision making as it demonstrates the flags that will be flown.

Risk Assessment

This report and the Civic Centre Flag schedule carry reputational risk as people may have different views on the flags being flown or disagree that Council should be flying a particular flag or any of them.

The schedule seeks to balance this risk by taking into account public opinion in recent years and also weigh up the social benefit versus community opposition to a particular topic. Another risk management tool will be communicating the schedule and the rationale behind it soon after the Council meeting.

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

Communication

This report will be communicated via Council's website. A media release is planned to help people understand schedule and the rationale behind it.

A summary of the report and Schedule will also be communicated to staff.

6.2 Civic Centre Flag Schedule April 2021 - March 2022

Human Rights Charter

This report and the Schedule support the human rights charter in particular promoting recognition, equality, freedom of expression and freedom of thought, conscience and belief.

Options

Option 1 – Adopt the Civic Centre Flag Schedule

This option is recommended by officers because it is based on; considering Council's adopted events calendar, assessing recent community requests to fly flags, considering community feedback and opinions from recent years whilst seeking to strike a balance that helps Council's reputation.

Option 2 – Adopt a different Flag Schedule

This option is not recommended by officers as this may have less alignment to Council's adopted events calendar, may not recognise community requests to fly flags and may be less considerate of community feedback and opinions of recent years. A different schedule that does not take into account these factors may not help Council's reputation.

Option 3 – Do not adopt a flag schedule

This option is not recommended by officers as this would not provide clarity and transparency about the flags to be flown.

Conclusion

Flying a flag is a symbolic way to support a cause or sections of a community and it can help progress social change on a topic.











There is value in Council considering a Civic Centre Flag Schedule to improve awareness and transparency around which flags will fly at the Civic Centre.

Many factors have been considering in developing the schedule including Council's adopted events calendar, community requests and insights from community opinion.

6.2 Civic Centre Flag Schedule April 2021 - March 2022

APPENDIX 1 CIVIC CENTRE FLAG SCHEDULE APRIL 2021 - MARCH 2022

Civic Centre Flag Schedule April 2021 - March 2022

Title	Date(s) flag flies	Flag Previously Flown	Newly Proposed	In Accordance with National Protocols	Flag Pole(s)	Information on Cause/Request	Flag image(s)
Flags at half-mast - Anzac Day (25 Apr)	25/04/21	✓		✓	Ceremonial and Civic Centre Front Entrance	Flags are flown at half-mast until noon then at the peak until the usual time for closure of business or flags lowered.	All
RSL Flag in April to signify Anzac Day	1/4/21 – 30/4/21	✓			Front Lawn	Flown for the month to signify Anzac Day in the month of April. Requested by Torquay RSL each year since 2018.	
Rainbow Flag in May for IDAHOBIT Day (17 May)	1/5/21 – 31/5/21	✓			Front Lawn	A Council adopted event. Flying the Rainbow Flag proposed to increase from one week to the full month of May to show extended support for the various sections of the LGBTIQ+ community.	
Torres Strait Island Flag replaces Surf Coast Shire Flag - National Sorry Day (26 May)	26/05/21	✓		✓	Ceremonial and Civic Centre Front Entrance	Protocol and notification from Department of Prime Minister and Cabinet. Acknowledges the history and continued effect of the forced removal of Aboriginal and Torres Strait Islander people from their families, communities and culture.	
Torres Strait Island Flag replaces Surf Coast Shire Flag - Reconciliation Week (27 May - 3 June)	27/5/21- 3/6/21	✓		✓	Ceremonial and Civic Centre Front Entrance	In accordance with Australian Flag Protocols. The dates commemorate two significant milestones in the reconciliation journey—the anniversaries of the successful 1967 referendum and the Mabo lands rights decision in 1992.	
Torres Strait Island Flag replaces Surf Coast Shire Flag - NAIDOC Week (4-11 July)	4/7/21- 11/7/21	✓		✓	Ceremonial and Civic Centre Front Entrance	In accordance with Australian Flag Protocols. NAIDOC Week is a celebration of the history, culture and achievements of Aboriginal and Torres Strait Islander people.	
RSL Flag - Vietnam Veterans Day (18 Aug)	1/8/21 - 31/8/21	✓			Front Lawn	Flown for the month to signify Vietnam Veterans Day. Requested by Torquay RSL each year since 2018.	
United Nations Flag - United Nations Day (24 Oct)	24/10/21		✓	✓	Civic Centre Front Entrance	In accordance with Australian Flag Protocols. United Nations Day marks the anniversary of the commencement of the U.N. Charter.	
Remembrance Day. Flags at half-mast (11 Nov)	11/11/21			✓	Ceremonial and Civic Centre Front Entrance	In accordance with Australian Flag Protocols. Flags are flown at the peak from 8am, half-mast from 10.30am to 11.02am and then at the peak after 11.02am.	All
RSL Flag - Remembrance Day (11 Nov)	1/11/21 - 30/11/21	✓			Front Lawn	Flown for the month to signify armed forces members who have died in the line of duty. Requested by Torquay RSL each year since 2018.	
Flying Aboriginal and Torres Strait Island Flags at half-mast (26 Jan)	26/01/22		✓		Ceremonial and Civic Centre Front Entrance	Flying the Aboriginal Flag and Torres Strait Island Flags at half-mast to acknowledge the pain First Nations people feel on this day.	 

6.3 COVID-19 Recovery Program

Author's Title: Manager Community Strengthening **General Manager:** Chris Pike

Department: Community Strengthening **File No:** F20/425

Division: Culture & Community **Trim No:** IC21/416

Appendix:

1. COVID Recovery Small Individual Business Support Fund Guidelines (D21/46882)
2. COVID Recovery Creative Communities Fund Guidelines (D21/46052)

Officer Conflict of Interest:

In accordance with Local Government Act 2020 –
Section 130:

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 update on funding allocations from the COVID-19 Recovery Assistance Program, principally COVID-19 Recovery Assistance Grants.

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 committed \$1 million to the COVID-19 Support Allocation in the 2020-21 Budget.

The adopted guidelines identify two focus areas: Business Support and Community Support. Since the commencement of the program:

- 280 project queries have been received
- 55 applications have been submitted and assessed
- 25 projects have been funded.

Council established a Rapid Response category for applications up to \$5,000 that can be approved by an officer assessment panel. This involves assessing applications against funding criteria in the Guidelines. An allocation of \$50,000 for Rapid Response grants was adopted in June 2020 with a further \$50,000 allocation adopted in September. There is a total of \$23,341 remaining in this budget.

A small number of submissions have been received since the February 2021 report and are currently under review. The March update contains information on the following:

- One application above \$5000 from Ocean Mind, recommended for funding
- The significance of the small business sector in the Surf Coast Shire
- Council led proposal- Small Individual Business Support Fund
- Council led proposal- Creative Communities Fund

The funding allocated prior to this report being considered (\$634,144) and the funding included in this report recommendation (\$218,260) totals \$852,404 which would leave \$147,596 available from the original allocation.

Recommendation

That Council:

1. Allocates \$18,260 from the COVID-19 Support Allocation to the Ocean Mind program supporting mental health for at risk youth.
2. Allocates \$100,000 from the COVID-19 Support Allocation to the Small Individual Business Support Fund.
3. Adopts the Small Individual Business Support Fund Guidelines as attached at Appendix 1.
4. Allocates \$100,000 from the COVID-19 Support Allocation to the Creative Communities Fund.
5. Adopts the Creative Communities Fund Guidelines as attached at Appendix 2.

6.3 COVID-19 Recovery Program

6. Notes that, including allocations recommended in this report, the total amount allocated from the \$1 million COVID-19 Support Allocation is \$852,404.

Cr Liz Pattison declared a material conflict of interest with relation to agenda item 6.3, as her husband is the Chair on the board for Ocean Mind. This falls within the scope of section 128 of the Local Government Act 2020. Cr Pattison was placed in a virtual waiting room for the duration of this item.

Council Resolution

MOVED Cr Kate Gazzard, Seconded Cr Gary Allen

That Council:

1. Allocates \$18,260 from the COVID-19 Support Allocation to the Ocean Mind program supporting mental health for at risk youth.
2. Allocates \$100,000 from the COVID-19 Support Allocation to the Small Individual Business Support Fund.
3. Adopts the Small Individual Business Support Fund Guidelines as attached at Appendix 1.
4. Allocates \$100,000 from the COVID-19 Support Allocation to the Creative Communities Fund.
5. Adopts the Creative Communities Fund Guidelines as attached at Appendix 2.
6. Notes that, including allocations recommended in this report, the total amount allocated from the \$1 million COVID-19 Support Allocation is \$852,404.

CARRIED 6:1

6.3 COVID-19 Recovery Program

Report

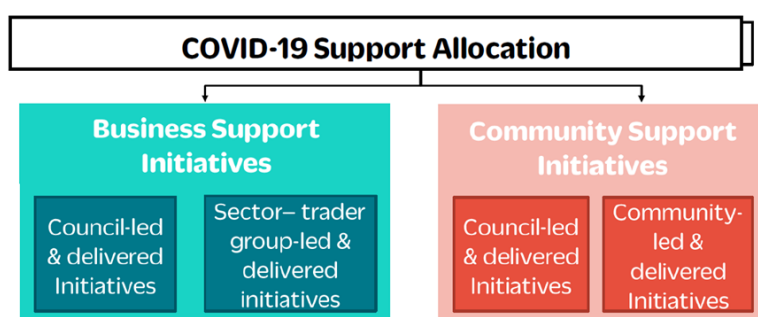
Officer Direct or Indirect Interest

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

Background

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 has allocated \$1 million to the COVID-19 Support Allocation in the 2020-21 budget which funds this program. Council adopted funding guidelines at the May council meeting and these guidelines are the basis for assessing grants. The adopted guidelines identify two focus areas for the COVID-19 Recovery Assistance Program:



Since the commencement of the program:

- 280 project queries have been received
- 55 applications have been submitted and assessed
- 25 projects have been funded.

The program was designed to address current and ongoing needs of our community and /or businesses and since COVID impacts people at different ways and different times many of the projects will not be completed until the middle year 2021. The agreements entered into with Council require acquittal reporting of outcomes to be provided on completion of each program or initiative.

Table 1 below summarises Council's expenditure to date (\$634,144) from the COVID-19 Recovery Assistance Program with 40% to date supporting business initiatives and 60% funding community recovery programs.

Table 1: Previous Projects Approved For Funding

Date	Description	Amount
23 June 2000 Council meeting	Allocation to five trader groups Contribution to Great Ocean Road Regional Tourism marketing initiatives	\$100,000 \$75,000
25 August 2000 Council Meeting	1. Otway Wine Cooperative for the Marketing and Online Sales project.	\$20,000
15 September 2000 Council Meeting	1. Torquay Community House for the Let's Go Outside project. 2. Financial Support For Users of Council Facilities 3. PORTAL online arts community	\$20,000 \$100,000 \$30,000
24 November 2000 Council Meeting	1. Winchelsea Primary School Sensory Garden 2. Feed Me Surf Coast	\$50,000 \$10,000
8 December 2000	Torquay/Jan Juc COVID-19 Recovery Shuttle Bus Initiative	\$55,000

6.3 COVID-19 Recovery Program

Council Meeting		
19 January 2021 Council Meeting	1. YMCA Skate to Recovery Youth program 2. Re-engage, Re-connect, Wellness on the Surf Coast (now Wellness Tours Recovery Project)	\$47,699 \$14,786
23 February 2021 Council Meeting	Explore Your Back Yard Campaign	\$35,000
Rapid Response Grants	1. Deans Marsh Primary School Farm Gate Art Project 2. Ellie Cheesman Films – ‘Cooked’ documentary 3. Torquay Food Aid - meeting increased demand 4. Anglesea Community Network - Anglesea Leaders Forum 5. ANGAIR - Digital Wildflower and Nature Show 6. Sharing the Love Lorne 7. The 5C’s Mental Health 8. Return to Patrol – Anglesea Surf Life Saving Club 9. Shop Local Campaign Anglesea 10. Billabong place making 11. Men’s Shed Singers 12. Surf Coast Online music festival 13. Help feed me surf coast – Torquay Lions 14. Month mental health program 15. COVID safe marquee registration 16. COVID safe event signage kits 17. B-Alternative Waste Audit Program (December 2020)	\$5,000 \$5,000 \$5,000 \$1,800 \$4,960 \$5,000 \$5,000 \$4,727 \$5,000 \$4,500 \$3,729 \$5,000 \$4,999 \$5,000 \$2,488 \$4,456 \$5,000
	TOTAL	\$634,144

Discussion

Council continues to receive submissions for community and economic support resulting from the impact of COVID-19, with a number of grant applications under review .The March update contains information on the following:

- One grant application (Ocean Mind) recommended for funding
- The economic outlook and the significance of the small business sector in the Surf Cost Shire
- Council led project proposal to support individual small businesses
- Council led proposal to support the arts and creative sector

COVID – Recovery Grant Assessments - March 2021

Since the Council meeting in February 2021 a small number of grant applications have been received with one application over \$5000 recommended to Council for funding approval.

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 has established that 60% is the minimum score for an application to be considered successful. An application from Ocean Mind received an assessment score of 78% .This demonstrates strong alignment with the assessment criteria and ensures the project is well scoped and has clear deliverables.

Ocean Mind has applied for \$18,260 to support their core program providing mental health for at risk youth.


The need and demand for mental health services has increased markedly over this past year with now over 58 young people in the Surf Coast, referred through support services, the police and schools, on the Ocean Mind waiting list.

6.3 COVID-19 Recovery Program

It is recommended that Council allocate the requested \$18,260 to support this program. The planned program has a budget of \$37,371 with the balance of the funds to come from the City of Greater Geelong and Give Where you Live.



Ocean Mind programs



Provide child-friendly mental health services through access to safe spaces, caring mentors, a surfing focus to teach the skills to cope with stress, regulate behavior, build positive relationships, and make positive life choices

Rationale:

- Need for mental health support services has dramatically increased – 58 on waiting list
- Referrals for Ocean Mind come via Support services, schools and police
- Volunteers are requiring additional support for additional needs participants
- Increase in interest with Local Volunteer involvement
- Member of an International coalition for surf therapy

Project Objectives

- Increase capacity - upskilling volunteers in Mental Health Training (youth are now presenting with additional mental health needs, were prior to COVID it was more at risk early intervention participants)
- Purchase more equipment to facilitate the increase in referrals
- Decrease the waiting list – increase the number of Surf Coast youth participants
- Create a greater community connection to the program, the activities, and aiding youth

Measurable Project Outcomes

- 100 youth complete 6 week programs
- 320 youth attend surf session
- 80 Trained members with 20 trained in Mental health training
- 1 fully trained Mental Health Trainer for ongoing training of volunteers
- Number of Surf Coast participants and local volunteers trained

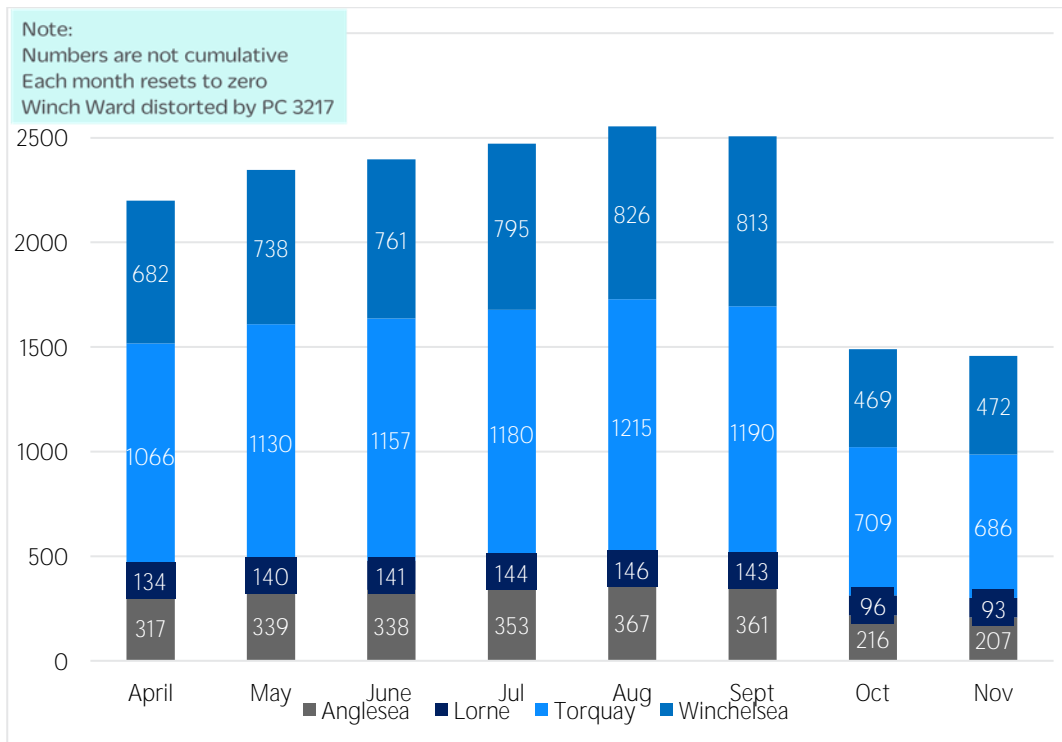
Economic Outlook

Despite a solid December and January the impacts of COVID-19 on the Surf Coast still remain.

- In December data produced by RemPlan ranked Surf Coast 3rd of 539 LGA's in Australia in terms of negative impact on employment by COVID.
- To qualify for JobKeeper businesses are required to demonstrate their revenue has been impacted by at least 30%.
- RemPlan also reported 52.9% of businesses in the Surf Coast had applied for JobKeeper to September 2020, ranking 19th highest in Australia and the highest in regional Victoria.
- JobKeeper application numbers declined significantly in October and November in line with the increase in Melbourne visitors, but still remains at approximately 30% of Surf Coast businesses.
- The graph below highlights the number of applications to JobKeeper from April 2020 to November 2020 on a Ward basis.
- Small businesses continue to be adversely impacted by COVID -19 restrictions with many not receiving substantial government assistance. This is particularly so for sectors in health and beauty, allied health services such as podiatry which were not identified as essential services.

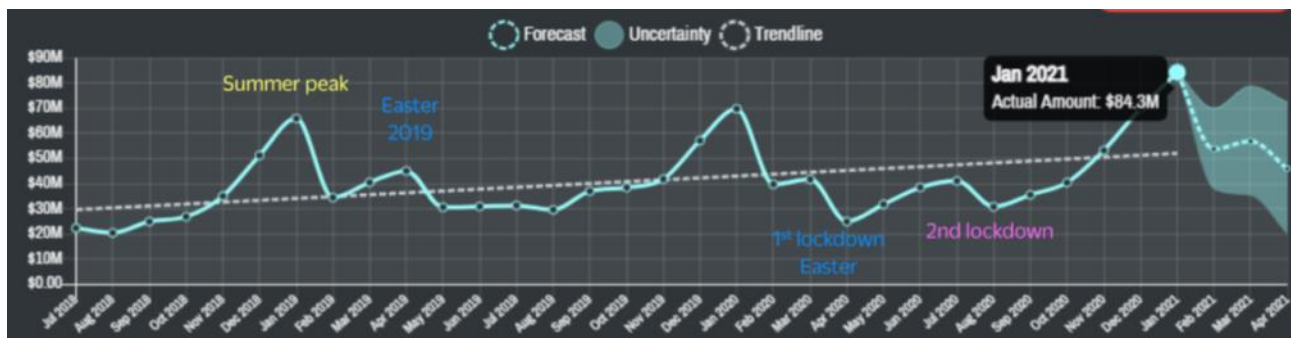
6.3 COVID-19 Recovery Program

Surf Coast Monthly Job Keeper Applications by Ward



- Job Keeper support is due to end in March. Given 30% of Surf Coast business are still applying for support under this program it suggests that many businesses (small businesses in particular) continue to experience hardship.
- New data released from Spendmapp reveals expenditure on the Surf Coast reach approximately \$84 million in January 2021 (21% higher than the previous January, just prior to the onset of the pandemic). The main sectors driving this expenditure are hospitality and food focussed businesses.
- This rise in expenditure is welcomed and reflects the importance of visitors to our economy, however does not erase the significant impacts to business operations experienced in the preceding 10 months.
- By contrast, the most recent visitation data reveals January to June 2020 saw a 62% lower visitation level than the previous six years on average. This downturn will have extended through to December and as a consequence the financial burden of this loss or revenue coupled with increased costs of doing business for those sectors not reliant on tourism has a long way to go before recovery is achieved.
- There is also a recognised need to continue to help small business adapt to new ways of doing business introduced and rapidly developed as a result of COVID-19.

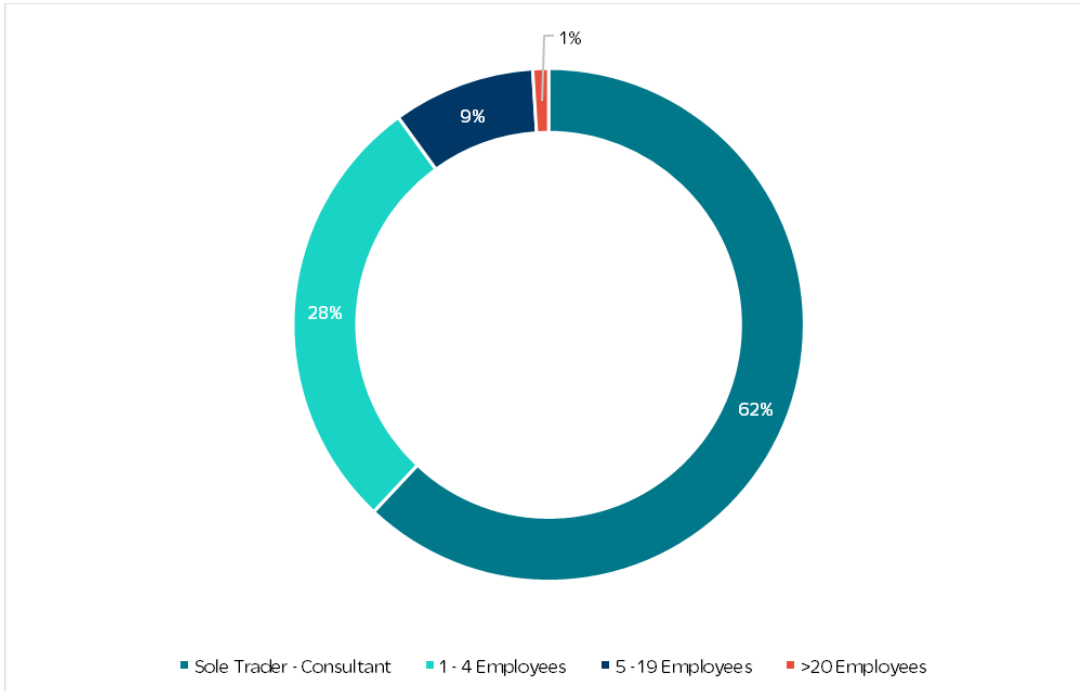
Expenditure history – Surf Coast Shire July 2018 – January 2021



source: Spendmapp.com.au

6.3 COVID-19 Recovery Program

There are approximately 3,848 businesses in the Surf Coast Shire, with approximately 98% employing less than 20 staff.



Council-led Proposal – Small Individual Business Support Fund: \$100,000

The COVID Recovery Grant Guidelines introduced in June 2020 have not permitted individual businesses to seek funding through the standard process. Many small businesses have been negatively impacted by trading and operating restrictions and it is recommended that \$100,000 be set aside to specifically support the recovery of individual small businesses operating within the Shire.

6.3 COVID-19 Recovery Program

Small Individual Business Support Fund \$100,000

Rationale: To support individual Local Small Businesses that have been adversely affected by COVID-19 restrictions

- To stimulate the local economy to adapt to post COVID-19 economy
- To support innovation and build capacity post COVID-19
- Support businesses <20 EFT who have not received substantial government assistance
- Up to the value of \$5,000 – Assessed similar to Rapid Response category

Project Objectives

- Support small business in Surf Coast Shire adversely affected
- Enable small businesses to adapt to post COVID-19 economy
- To support innovation and build capacity by encouraging investment in e-Commerce, new technologies and environmental outcomes
- Encourage local employment
- Encourage local procurement

Measurable Project Outcomes

- Number of small businesses supported via the program
- Number of new employment positions sustained or created
- Demonstrated outcomes from investment by businesses
- Uptake of new e-Commerce and technology initiatives
- Number of environmental initiatives created due to the program

Delivery of the program would follow the below process. The initial Expression of Interest (EOI) phase is designed to enable businesses to test their eligibility and negate the need to go through the rigour of completing a full application as an initial step. Once confirmed a full application can be submitted.



EOI's would be released in rounds to enable officers to focus on a particular sector if evidence arises that it is of particular need. Given the multiple funding grants provided under state and federal programs it is proposed that hospitality operators be excluded from the first EOI phase.

Grants of up to \$5,000 will be assessed in a similar fashion to the Rapid Assessment grants with successful applications identified in the monthly reports to council. Additional details of the program, including eligibility criteria and examples of proposals under this program are attached at Appendix 1.

Council-led Proposal – Creative Communities Fund: \$100,000

Local creative practitioners and the arts sector have been negatively impacted by the restrictions as a result of the COVID-19 pandemic. It is recommended that a specific fund be established from the COVID Recovery Assistance Fund to support the local arts and cultural community stimulating economic and social recovery. This cohort has largely been overlooked by other levels of government. Note Council committed \$30,000 in September 2020 to the continuation of the PORTAL online arts community initiative through the COVID Recovery fund.

Items that can be funded through the Creative Communities Fund could include:

- Artists' fees
- Materials for new works
- Costs related to Artists in Residence programs
- Venue hire
- Activities associated with exhibitions and performances (including online)

6.3 COVID-19 Recovery Program

- Project specific administration costs such as promotion and marketing.

Minor grants up to \$5,000 would be assessed and determined by officers and reported to Council each month, while those \$5,001 to \$20,000 would be assessed by officers and awarded by Council resolution.

The program objectives are aligned to Council's Creative Places Strategy and further details of the proposed initiative are documented in the Appendix 2.

Covid-19 Creative Communities Fund: \$100k	
<p>Rationale: This fund provides targeted financial support to Surf Coast Art & Cultural initiatives with the following goals:</p> <ul style="list-style-type: none"> • To support local creative practitioners who have been adversely affected by the pandemic and who have largely been overlooked by other levels of government • Leverage recovery activities to build and strengthen the creative sector • Adopt the 'build back better' approach by ensuring that artists and the creative sector is a thriving component of the local and regional economy. 	
<div style="border: 1px solid #003366; padding: 5px; margin-bottom: 10px;"> <p style="text-align: center; color: #003366; margin: 0;">Project Objectives</p> <ul style="list-style-type: none"> • Provide opportunities for leading artists to showcase their work. • Provide the opportunity for emerging artists and arts workers to learn from leading artists. • Encourage initiatives that celebrate Aboriginal cultural heritage & increase awareness. • A focus on supporting creative industries. • Strengthen community connection and wellbeing recovery via the creative and arts sector. • Stimulate post COVID-19 adaptation for an identified growth sector. • Build capacity, recognition and contribution through targeted investment. </div>	<div style="border: 1px solid #003366; padding: 5px;"> <p style="text-align: center; color: #003366; margin: 0;">Measurable Project Outcomes</p> <ul style="list-style-type: none"> • Number of arts & cultural based practitioners, businesses and groups supported via the program. • Community connection and reflection achieved. • Aboriginal cultural awareness program/ project attendees. • Job creation/ sustainability. • Number of projects that continue beyond the life of funding. • Skills and capacity development achieved. </div>

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

6.3 COVID-19 Recovery Program

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

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. Successful applicants will be asked to adhere to Council's environmental policies in the delivery of 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 280 direct conversations have taken place between officers and prospective applicants since the grants opened. Council officers conducted an online grant writing workshop in August attended by 50 prospective applicants. The program has been communicated on Council's website.

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 come to Council for decisions on applications above \$5,000. Each funding recipient will be required to acquit their project and identify the measurable benefits it produced.

6.3 COVID-19 Recovery Program

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

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.

As at end February \$634,144 has been allocated to support COVID-19 recovery initiatives. A balance of \$365,856 remains. Within this overall balance, there is there is a total of \$23,341 remaining in the Rapid Response allocation.

Combining the funding allocated prior to this report being considered (\$643,144) and the funding included in this report recommendation (\$218,260) totals \$852,404. This means \$147,596 would remain available.

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 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

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

The program is competitive and there is a risk of dissatisfaction with business and community groups when initiatives are deemed unsuccessful.

The Guidelines and application process 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 resulting in advice to Council to enable well considered funding decisions.

The Guidelines identify that applicants must speak to an officer prior to commencing their application to provide additional guidance to applicants and reduce the chance of ineligible or irrelevant applications being submitted.

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 has determined 60% is 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. So far, the overwhelming majority of feedback has been well received.

6.3 COVID-19 Recovery Program

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 all 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.

Options

Option 1 – Allocate \$18,260 to Ocean Mind, note the eligibility and assessment process recommended for the Small Individual Business Support Fund and allocate \$100,000 to the Small Individual Business Support Fund from the COVID-19 Support Allocation, note the requirements of the Creative Communities program and allocate \$100,000 to the Creative Communities Fund from the COVID -19 Support Allocation .

This option is recommended by officers as funding recommendations are based on assessment of applications against the funding criteria contained in Council's adopted guidelines. The supported project have been identified as exceeding the requirements of the guidelines and assist with business and community recovery. The small business sector is significant in the Surf Coast Shire and plays a key role in the strength and recovery of the economy in the region. The Small Individual Business Support Fund aims to support the recovery of smaller businesses not previously eligible for support through the COVID-19 Recovery Assistance Grants Program. The Creative Communities Fund aims to support the creative sector recovery initiatives not supported by other government programs.

Option 2 – Approve alternative funding amounts for applications funded from the COVID-19 Support Allocation

This option is not recommended by officers as a detailed assessment of applications has been undertaken by officers against the funding criteria contained in the Guidelines following the approved process. Awarding different allocations would not be consistent with the process of assessing applications against the funding criteria in the Guidelines. The two funding programs are designed to stimulate economic and social recovery and send a clear message of support to those who have had limited access to support from other levels of government. Opting to reduce the allocations would weaken this impact and messaging.

Option 3 – Do not approve any funding from the COVID-19 Support Allocation

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. The new programs are targeted towards businesses and practitioners not otherwise well-supported.

Conclusion

Council has created financial capacity to assist with business and community recovery. Combining the funding allocated prior to this report being considered (\$634,144) and the funding included in this report recommendation (\$218,260) totals \$761,404. This means \$147,596 remains available.

6.3 COVID-19 Recovery Program

APPENDIX 1 COVID RECOVERY SMALL INDIVIDUAL BUSINESS SUPPORT FUND GUIDELINES



Small Individual Business Support Fund \$100,000



Rationale: To support individual Local Small Businesses that have been adversely affected by COVID-19 restrictions

- To stimulate the local economy to adapt to post COVID-19 economy
- To support innovation and build capacity post COVID-19
- Support businesses <20 EFT who have not received substantial government assistance
- Up to the value of \$5,000

Project Objectives

- Support small business in Surf Coast Shire adversely affected
- Enable small businesses to adapt to post COVID-19 economy
- To support innovation and build capacity by encouraging investment in e-Commerce, new technologies and environmental outcomes
- Encourage local employment
- Encourage local procurement

Measurable Project Outcomes

- Number of small businesses supported via the program
- Number of new employment positions sustained or created
- Demonstrated outcomes from investment by businesses
- Uptake of new e-Commerce and technology initiatives
- Number of environmental initiatives created due to the program

6.3 COVID-19 Recovery Program



- Current ABN as of 1 March 2020
- Normal operation impacted by COVID-19
 - *Demonstrate a significant financial impact due to COVID restriction*
- Demonstrate what support or actions were put in place for financial management during disruption
- Demonstrate what financial support previously sought and received
- Appropriate public liability
- Show capacity to carry out project
- Budget is realistic
- Align with priorities and aims of the program
- Sole Trader - Social Enterprise
- Compliant with Local, State, Federal legislation

6.3 COVID-19 Recovery Program



50% Aligns with objectives

- Demonstrate how impacted by COVID-19 restrictions
- planning to adapt to the post-COVID-19 economy
- support innovation and help the business build capacity
- support future investment in the business
- Clearly demonstrates outcomes and targets that the investment will deliver for the business.
- Business readiness to be implemented by 30 June 2021

30% implementation

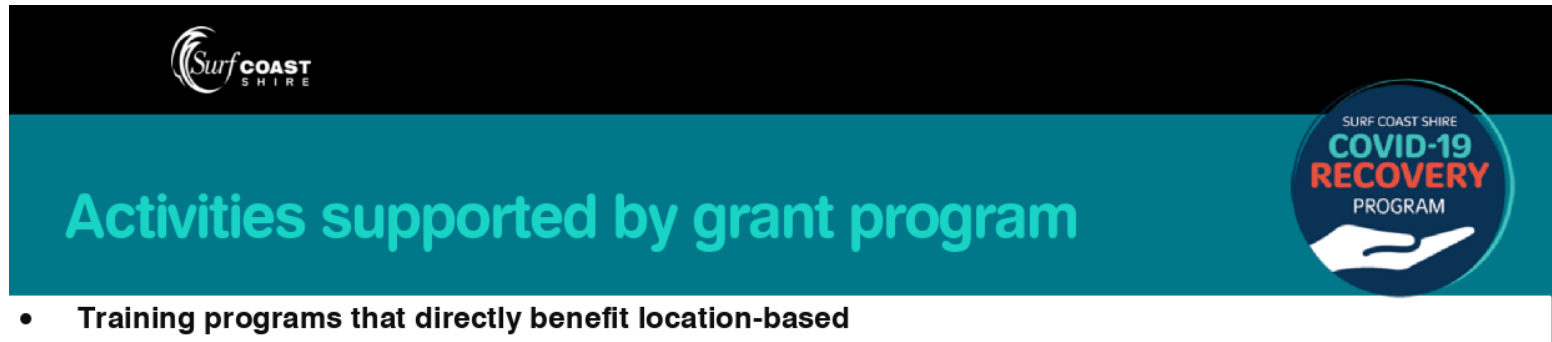
- Well planned and scoped
- Appropriate budget
- Dates for implementation and funds spent within 6 months
- Measures to evaluate the assistance due to COVID-19

10% Local procurement & services locals

10% Local employment

- Retains local employment
- Increase employment

6.3 COVID-19 Recovery Program



- Training programs that directly benefit location-based
- Shop front beautification
- One-off equipment to enable safe trading e.g. touch free POS
- Professional development
- e-commerce solutions
- Building marketing skills and/or investment in marketing systems
- Brand development and strategy
- Promotional and marketing campaigns with measurable targets
- Investment in digital technologies and platforms that aim to create new markets, grow existing markets or improve business efficiency
- Development of alternative service delivery models
- Business continuity planning
- Financial management systems
- Activities that create local employment
- Investment in professional, personal and organisational development programs that build organisational capacity – including, but not limited to, responding to employee and employer wellbeing
- Investment in systems and technologies that reduce energy consumption/ costs

6.3 COVID-19 Recovery Program

APPENDIX 2 COVID RECOVERY CREATIVE COMMUNITIES FUND GUIDELINES

COVID-19
CORONAVIRUS



COVID-19 Creative Communities Fund: \$100k



6.3 COVID-19 Recovery Program



Rationale: This fund provides targeted financial support to Surf Coast Art & Cultural initiatives with the following goals:

- To support local creative practitioners who have been adversely affected by the pandemic and who have largely been overlooked by other levels of government
- Leverage recovery activities to build and strengthen the creative sector
- Adopt the 'build back better' approach by ensuring that artists and the creative sector is a thriving component of the local and regional economy.

Project Objectives

- Provide opportunities for leading artists to showcase their work.
- Provide the opportunity for emerging artists and arts workers to learn from leading artists.
- Encourage initiatives that celebrate Aboriginal cultural heritage & increase awareness.
- A focus on supporting creative industries.
- Strengthen community connection and wellbeing recovery via the creative and arts sector.
- Stimulate post COVID-19 adaptation for an identified growth sector.
- Build capacity, recognition and contribution through targeted investment.

Measurable Project Outcomes

- Number of arts & cultural based practitioners, businesses and groups supported via the program.
- Community connection and reflection achieved.
- Aboriginal cultural awareness program/ project attendees.
- Job creation/ sustainability.
- Number of projects that continue beyond the life of funding.
- Skills and capacity development achieved.

6.3 COVID-19 Recovery Program



The graphic features a light blue background. On the left, the text 'COVID-19' is in large, bold, dark blue letters, with 'CORONAVIRUS' in smaller, teal letters below it. To the right of this text are several teal virus icons. In the top right corner, there is a circular logo for the 'SURF COAST SHIRE COVID-19 RECOVERY PROGRAM' which includes a white hand icon, and the 'Surf COAST SHIRE' logo next to it. Below the main text, there is a dark blue horizontal bar with the white text 'Why is it important?'. The main content area contains two sub-sections: 'Economic recovery and strengthening' and 'Social recovery and strengthening', each followed by a bulleted list of points.

COVID-19
CORONAVIRUS

Why is it important?

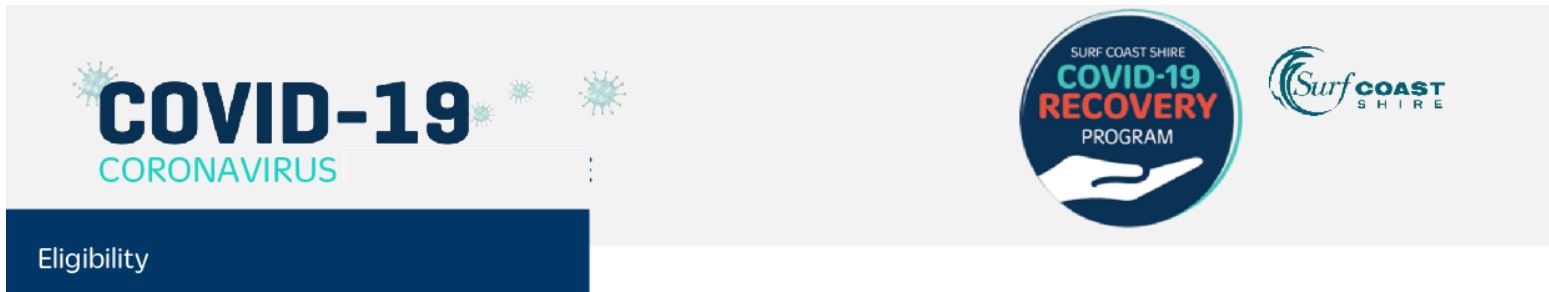
Economic recovery and strengthening

- In a broader definition, Surf Coast has an rapidly emerging creative industry comprising 503 businesses and generating over \$30million to the economy annually.
- Within this sector the arts and artists are a relatively un-recognised cohort.
- Strengthening the arts and artists and recognising the contribution of this sector to the broader economy will help to diversify the economy making it more resilient.

Social recovery and strengthening

- The arts are a proven tool for strengthening community connection, wellbeing and aiding recovery.
- Local artists and creatives will be able to provide fun, engaging projects to maintain community connection and to help our residents get through this period of crisis, and beyond, in a positive way.

6.3 COVID-19 Recovery Program



- Have a current ABN as of 1 July 2020 (or auspiced by a local organisation with an ABN)
- Must identify what (if any) financial support previously sought and received from state or federal governments
- Applicants and projects undertaken must be based on the Surf Coast.
- Appropriate public liability
- Budget is realistic and applicant has capacity to carry out project
- The project has not already received funding under COVID Recovery Assistance Program

6.3 COVID-19 Recovery Program



40% Aligns with objectives

- Demonstrates how it will contribute to social - community and/ or business – economic recovery.
- Supports recognition of arts and cultural activities and helps build capacity.
- Demonstrates how the project will contribute to the sector building back better.
- Alignment with Creative Places Strategy.

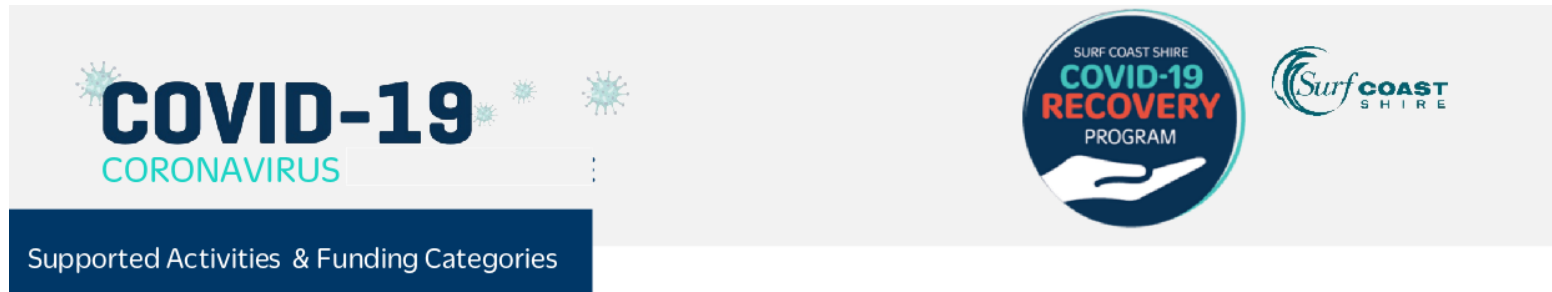
30% Implementation

- Project well planned and scoped.
- Appropriate, verified budget.
- Dates for implementation and funds spent before 30 June 2022.
- Demonstrates measurable outcomes and targets that the investment will deliver for the sector.

30% Level of collaboration & cultural awareness building

- Number of participating Surf Coast creative and arts based businesses
- Ability to help non Aboriginal people better understand our Aboriginal cultural heritage and its importance
- Extent of community involvement.

6.3 COVID-19 Recovery Program



Items that can be funded could include, but be limited to:

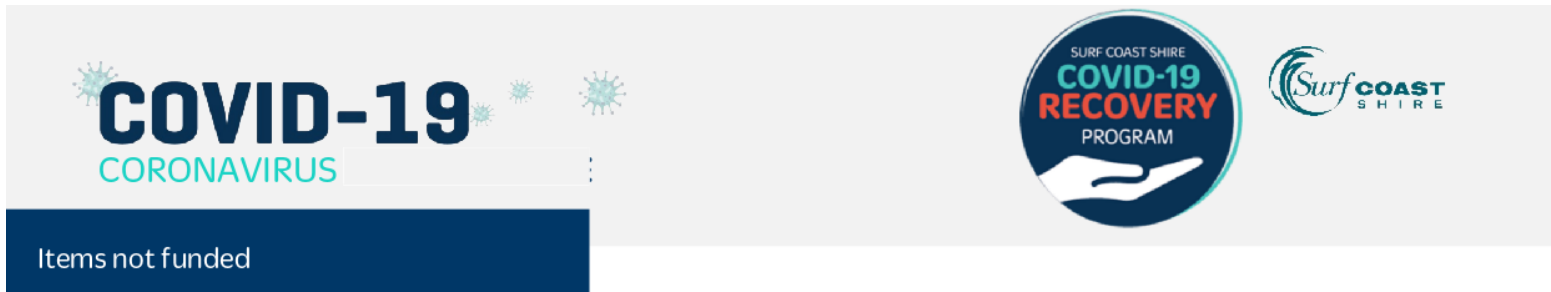
- Artists' fees
- Materials for new works
- Costs related to Artists in Residence programs
- Venue hire
- Activities associated with exhibitions and performances (including online)
- Project specific administration costs such as promotion and marketing.

Grant Categories

Minor < \$5,000 (assessed and determined by officers and reported to Council each month)

Major \$5,001 - \$20,000 (assessed by officers and determined by Council each month)

6.3 COVID-19 Recovery Program



Items not funded

- Events (other than exhibitions and performances) will not be supported under this fund
- Businesses in the areas of PR, Fashion & design, graphic design and marketing, but can apply under the COVID Recovery - Individual Small Business Support Fund.
- Accommodation costs
- Artists from outside Surf Coast Shire
- Projects outside Surf Coast Shire
- Artists without an ABN and not auspiced by an organisation with an ABN

6.4 Torquay/Jan Juc COVID-19 Recovery - Shuttle Bus Initiative - Evaluation Report

Author's Title: Coordinator Social Infrastructure & Open Space Planning **General Manager:** Chris Pike

Department: Social Infrastructure Planning **File No:** F20/1178

Division: Culture & Community **Trim No:** IC21/433

Appendix:

1. Surf Coaster Torquay Jan Juc Summer Shuttle Bus - Evaluation Report (D21/35806)

Officer Conflict of Interest:

In accordance with Local Government Act 2020 – Section 130:

Yes

No

Status:

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

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to receive the Evaluation Report for the COVID-19 Recovery 'Surf Coaster Torquay - Jan Juc Free Shuttle Bus' initiative.

Summary

On 8 December 2020, Council resolved to establish a free single-bus shuttle service for the 2020-21 peak summer season (26 December 2020 – 26 January 2021) in Torquay/Jan Juc to reduce congestion, improve the movement of people around town and encourage visitation to beaches and businesses.

Council allocated \$55,000 from the COVID-19 Support Allocation Fund toward the free shuttle bus initiative. At the same time Council agreed that if it was not possible to safely, properly and effectively establish a free shuttle bus service within the timeframe and within Council's stated objectives for a majority of the period, the initiative would be cancelled, and funds returned.

The evaluation of the service is provided in Attachment 1, with key findings summarised as follows:

- The service ran daily for 32 consecutive days from 10am - 6pm, comprising 13 stops for loading and unloading of passengers at key destinations throughout Torquay and Jan Juc.
- The initiative was planned and executed in two weeks, delivering one carbon neutral 24 seat bus with a trailer, 10 drivers employed for 64 shifts and an average of 14 loops per day and 35 minutes per loop.
- A total of 772 riders (average of 23 per day) utilised the service. 52% of riders intended to visit beaches and businesses while 51% chose to ride to reduce/avoid congestion. 64% of riders were local residents while 36% were visiting the area. 61% were return users.
- In order to meet the stated objectives and timeframes, local public transport provider McHarry's Buslines was engaged to deliver the service (a regional public transport provider with a depot in Torquay).
- It led to local employment opportunities for a local graphic designer, printing company and bus drivers.
- The total cost of initiative was \$46,877 (85% of total budget) and the overall cost per rider was \$60.72.
- All nine objectives were met with the exception of the overall number of riders achieved and the average loop time.
- Influencing factors include the impacts of COVID-19, reduced desire to use public transport (route 51/50 were down 20% patronage) and the unseasonably cooler weather (only 3 hot days).
- Despite overall positive response to the initiative, social media comments were overwhelmingly negative.

Recommendation

That Council:

1. Receives and notes the 'Surf Coaster Torquay - Jan Juc Free Summer Shuttle Bus - Evaluation Report (March 2021)' at Attachment 1.
2. Notes that \$8,123 is to be returned to the COVID-19 Recovery Support Allocation now that the Shuttle Bus initiative is complete.

6.4 Torquay/Jan Juc COVID-19 Recovery - Shuttle Bus Initiative - Evaluation Report

Council Resolution

MOVED Cr Liz Pattison, Seconded Cr Kate Gazzard

That Council:

1. Receives and notes the 'Surf Coaster Torquay - Jan Juc Free Summer Shuttle Bus - Evaluation Report (March 2021)' at Attachment 1.
2. Notes that \$8,123 is to be returned to the COVID-19 Recovery Support Allocation now that the Shuttle Bus initiative is complete.

CARRIED 8:0

6.4 Torquay/Jan Juc COVID-19 Recovery - Shuttle Bus Initiative - Evaluation Report

Report

Officer Direct or Indirect Interest

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

Background

On 8 December 2020, Council resolved to establish a free single-bus shuttle service for the 2020-21 peak summer season (26 December 2020 – 26 January 2021) in Torquay/Jan Juc. The purpose of the shuttle bus service was to aid COVID-19 recovery of the Torquay/Jan Juc community by:

- Reducing congestion.
- Improving the ability of residents and visitors to get around town in summer.
- Providing a convenient link to beaches and businesses and encouraging expenditure

At the time of the decision, the report stated that it was unknown if there was enough time to successfully establish a service by, or shortly after, 26 December 2020 and that the costs stated were estimates and have not been market tested.

Three potential options were presented for consideration:

Option	Service Type	7 days a week	Weekends only
Option 1	Three bus service	\$135,000	\$75,000
Option 2	Two bus service	\$95,000	\$55,000
Option 3	One bus service	\$55,000	\$35,000

Council resolved to pursue Option 3 for a 7 days a week service and \$55,000 was allocated from the COVID-19 Recovery Support Allocation to fund the initiative as a component of the Covid-19 reactivation and recovery efforts.

Council also noted that if it was not possible to safely, properly and effectively establish a free shuttle bus service within the timeframe and within Council's stated objectives for a majority of the period, the initiative would be cancelled, and funds returned.

Project coordination was completed using existing Council staff resources (in-house) and required a reshuffling of priorities in the short-term. A method of assessing the use of and impact of the service was developed in line with the commitment to return to Council in March 2021 with an evaluation of the service and its performance. At the time of the report it was identified that it would be unlikely that the direct impact on businesses could be assessed as it will prove difficult to isolate the impact of the bus service on turnover.

Discussion

An evaluation of the service is provided in Attachment 1 - '*Surf Coaster Torquay - Jan Juc Free Summer Shuttle Bus - Evaluation Report (March 2021)*', for consideration.

The primary objective of the Shuttle Bus Service was to aid the Covid-19 reactivation and recovery of the Torquay / Jan Juc community by setting the following nine objectives;

1. Safely, properly and effectively establishing a free shuttle bus service in Torquay / Jan Juc with two weeks lead time.
2. Improving movement and reducing congestion around town while improving the ability of residents and visitors to get around during the peak summer period.
3. Driving economic benefits and providing a convenient link to beaches and businesses, to encourage spending.
4. Creating clear and enforceable locations and guidelines for shuttle loading and unloading.
5. Ensuring safety and efficiency in shuttle interactions with the public, traders and other public transport options.
6. Providing a positive partnership between the Shire, transport agencies and private sector transportation partners.
7. Reducing the impact of the service on the environment by reducing carbon emissions.
8. Promoting and building awareness of the shuttle service to visitors and the community; and

6.4 Torquay/Jan Juc COVID-19 Recovery - Shuttle Bus Initiative - Evaluation Report

9. Delivering the service within the timeframe and budget allocated.

The service was planned and executed in exceptional circumstances with respect to the lead time, ability to promote and build awareness of the initiative and during the context of a pandemic bringing its own challenges. The impacts of COVID-19 and other influencing factors include; the absence of overseas travellers and limited inter-state travellers, reduced desire to use public transport (Public Bus Routes 51/50 were down 20% patronage during the same period) and the unseasonably cooler weather (only 3 hot days).

It is important to note that a long-running service in nearby Ocean Grove / Barwon Heads chose not to run their summer shuttle service in 2020/21 with consideration of these challenging and ever-changing circumstances.

A summary of the service and key findings is provided below:

- The service ran daily for 32 consecutive days from 10am - 6pm, comprising 13 stops for loading and unloading of passengers at key destinations throughout Torquay and Jan Juc.
- The initiative was planned and executed in two weeks, delivering 1 carbon neutral 24 seat bus with 1 trailer, 10 drivers employed for 64 shifts and an average of 14 loops per day and 35 minutes per loop.
- A total of 772 riders (average of 23 per day) utilised the service. 52% of riders intended to visit beaches and businesses while 51% chose to ride to reduce/avoid congestion. 64% of riders were local residents while 36% were visiting the area. 61% were return users.
- In order to meet the stated objectives and timeframes, local public transport provider McHarry's Buslines was engaged to deliver the service (a regional public transport provider with a depot in Torquay).
- The initiative led to local employment opportunities for a local graphic designer, printing company and bus drivers.
- The total cost of initiative was \$46,877 (85% of total budget) and the overall cost per rider was \$60.72.
- All nine objectives were met with the exception of the overall number of riders achieved and the average loop time.
- Despite overall positive response to the initiative, social media comments were overwhelmingly negative.

Council Plan

Theme 4 Vibrant Economy

Objective 4.3 Strengthen the vitality of town centres

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)	Yes
Risk Assessment	Yes
Communication	Yes
Human Rights Charter	No

6.4 Torquay/Jan Juc COVID-19 Recovery - Shuttle Bus Initiative - Evaluation Report

Governance Principles - Local Government Act 2020 (LGA 2020)

This initiative sought to assist with community and business recovery from a difficult and challenging 2020 due to the COVID-19 pandemic. The project targeted a concentrated area of Torquay/Jan Juc in response to a predicted high visitation to this holiday destination over the peak December / January school holiday period, which historically creates traffic and car parking congestion.

Policy/Relevant Law

The standard Public Transport Victoria (PTV) temporary shuttle approval process (whereby a free bus shuttle service proposes a route that crosses over or intersects with a public bus route and also utilises designated public bus stops) would begin with communication with all parties involved to ensure the safety of all users and that there is no conflict with normal operations of the paid public bus service.

With a short 12 working day lead-time (from Council endorsement of the free shuttle bus initiative to the commencement of the shuttle bus operation), PTV provided advice that they would have no issue with Council engaging the current contracted service provider for local public bus routes 50 and 51 (McHarry's Buslines) for consistency and knowledge of existing services, to operate the service (for the period 26 December 2020 to 26 January 2021).

As the shuttle bus operator was required to be engaged as a matter of urgency it was determined that McHarry's Buslines provided the only viable opportunity for officers to activate this service safely, properly and effectively. There was also the known benefit in McHarry's Buslines having drivers of the free shuttle bus in direct radio contact with other drivers of Routes 50 and 51 (from a safety perspective relating to passenger transfer between services, traffic/road awareness and overall driver safety).

Environmental/Sustainability Implications

The introduction of a free shuttle bus was intended to result in a reduction in private vehicle use. The objective of reducing the impact of the bus service on the environment by reducing carbon emissions was achieved with the service being carbon neutral. When an assessment was made of the potential environmental and carbon impact of this service, a purchase of carbon offsets was made resulting in 5 tonnes of carbon being offset to create a carbon neutral service.

Community Engagement

No community engagement was undertaken prior to Council's decision to initiate the free shuttle bus. However, once activation of the service commenced, there was extensive promotion and awareness building of the shuttle service to visitors and community members. A brand 'Surf Coaster' was established for the initiative and all promotion collateral developed via a local graphic designer and local printing company.

A social media campaign, newspaper advertising campaign, webpage (linking to other local transport service providers), promotional flyers, posters, footpath decals and branded bus stops were all developed to raise awareness within the community and promote the free shuttle bus service.

The evaluation report includes feedback and data collected via capturing rider registration details and asking them a series of questions relating to their use of the service; feedback provided by community members and interviews with the bus drivers.

Two local private transfer companies submitted complaints about the service, specifically Council's decision not to use a local transport provider. The choice of supplier was made following discussions with PTV, noting the very short timeframe between the Council's decision (8 December) and the start date for the service (26 December) significantly limiting Council's choice of suppliers. Officers' dilemma was a choice between establishing the service in time for 26 December with the contracted public transport service provider for the Torquay Jan Juc area (McHarry's) or potentially not at all.

Public Transparency

The Evaluation Report at Attachment 1 is a publicly accessible document via Council's website, ensuring full transparency of the Torquay / Jan Juc Free Summer Shuttle Bus initiative.

6.4 Torquay/Jan Juc COVID-19 Recovery - Shuttle Bus Initiative - Evaluation Report

Financial Management

The funding for this initiative was sourced from the \$1 million COVID-19 Recovery Support Allocation. \$55,000 was allocated by Council toward the Free Shuttle Bus Initiative. A total of \$46,877 (85%) was spent operating the service with \$8,123 to be returned to the COVID-19 Recovery Support Allocation Fund.

Service Performance

The shuttle bus service was limited to Torquay and Jan Juc. Given the limited time available to plan the initiative, it was not possible to test the supplier market to determine best value for money or indicate definitive rider / service use expectations. An experienced supplier was selected based on their ability to meet Council's brief, alignment with existing public transport services and in the timeframe available.

Risk Assessment

There are no identified Workplace Health and Safety implications associated with this report. The service was successfully delivered by a contractor on behalf of Council with no WHS incidents. Council's WHS officers provided safety oversight using Council's contractor management processes.

Communication

The full Evaluation Report will be made available on Council's website as an attachment to this report.

Options

Option 1 – Receive and note the Evaluation Report at Attachment 1

This option is recommended by officers as the Free Shuttle Bus Initiative is complete and the Evaluation Report at attachment 1 delivers on Council's 8 December 2020 resolution point 5 '*Receives a report by 31 March 2021 evaluating the initiative*'.

Option 2 – Do not receive and note the Evaluation report at Attachment 1

This option is not recommended by officers as Council made a commitment at its 8 December 2020 meeting to complete an evaluation of the initiative and provide full transparency of the service performance.

Conclusion

A free-shuttle bus service to aid the COVID-19 recovery efforts was delivered for the peak summer season in Torquay/Jan Juc, on time and within budget, delivering on 7 of the 9 objectives in full. The service was conducted in partnership with key stakeholders with minimal lead time and during exceptional and ever-changing circumstances. An evaluation was completed and is attached for noting at Attachment 1 - '*Surf Coaster Torquay - Jan Juc Free Summer Shuttle Bus - Evaluation Report (March 2021)*'.

6.4 Torquay/Jan Juc COVID-19 Recovery - Shuttle Bus Initiative - Evaluation Report

APPENDIX 1 SURF COASTER TORQUAY JAN JUC SUMMER SHUTTLE BUS - EVALUATION REPORT



Surf Coaster Torquay - Jan Juc Free Summer Shuttle Bus - Evaluation Report

23 March 2021

6.4 Torquay/Jan Juc COVID-19 Recovery - Shuttle Bus Initiative - Evaluation Report



Background and Purpose

- 8 December 2020 - Council resolved to establish a free single-bus shuttle service for the 2020-21 peak summer season (26 December 2020 – 26 January 2021) in Torquay/Jan Juc to reduce congestion, improve the movement of people around town and improve visitation to beaches and businesses.
- \$55,000 was allocated from the COVID-19 Support Allocation to fund the initiative as a component of the Covid-19 reactivation and recovery efforts.
- Officers recommended that for the best chance of success a minimum two-bus service should be established as it would provide the desired route and average loop frequency threshold for users (30 minutes).
- At the same time Council agreed that if it is not possible to safely, properly and effectively establish a free shuttle bus service in Torquay / Jan Juc in accordance with Council's stated objectives for a majority of the stated period, the initiative will be cancelled, and funds returned to source.
- Local public transport provider McHarry's was engaged to deliver the service (a regional public transport provider with a depot in Torquay).
- The shuttle bus service ran daily from 10am to 6pm, 7 days per week for 4.5 weeks between 26 December 2020 and 26 January 2021 and comprised 13 stops for loading and unloading of passengers at key destinations throughout Torquay and Jan Juc.
- This evaluation report is to presented at the 23 March 2021 Council Meeting.

6.4 Torquay/Jan Juc COVID-19 Recovery - Shuttle Bus Initiative - Evaluation Report



Summary of Key Findings

The following provides a summary of key findings:

- Initiative was planned and executed in 2 weeks – delivering 1 carbon neutral 24 seat bus with 1 trailer, 10 drivers employed for 64 shifts, average of 14 loops per day with average loop time of 35 minutes.
- A total of 772 riders (average of 23 per day).
- 52% of riders wanted to visit beaches and businesses while 51% chose to ride to reduce/avoid congestion. 64% of riders were local residents while 36% were visiting the area. 61% were return users.
- The initiative led to local employment opportunities for a local graphic designer, printing company and drivers.
- Total cost of initiative was \$46,877 (85% of total budget), cost per rider \$60.72 and 295 officer hours. \$8,123 of surplus funds will be returned to the source.
- All 9 objectives were met except for the overall number of riders achieved and the average loop time.
- Influencing factors include; impacts of COVID, reduced desire to use public transport (route 51/50 were down 20% patronage), unseasonably cooler weather (only 3 hot days).
- Despite overall positive response to the bus initiative, social media comments were overwhelmingly negative.

6.4 Torquay/Jan Juc COVID-19 Recovery - Shuttle Bus Initiative - Evaluation Report












Objectives









The primary objective of the Shuttle Bus Service was to aid the Covid-19 reactivation and recovery of the Torquay / Jan Juc community by;

1. Safely, properly and effectively establishing a free shuttle bus service in Torquay / Jan Juc with 2 weeks lead time.
2. Improving movement and reducing congestion around town while improving the ability of residents and visitors to get around during the peak summer period.
3. Driving economic benefits and providing a convenient link to beaches and businesses, to encourage spending.
4. Creating clear and enforceable locations and guidelines for shuttle loading and unloading.
5. Ensuring safety and efficiency in shuttle interactions with the public, traders and other public transport options.
6. Providing a positive partnership between the Shire, transport agencies and private sector transportation partners.
7. Reducing the impact of the service on the environment by reducing carbon emissions.
8. Promoting and building awareness of the shuttle service to visitors and the community.
9. Delivering the service within the timeframe and budget allocated.

6.4 Torquay/Jan Juc COVID-19 Recovery - Shuttle Bus Initiative - Evaluation Report

Performance Measures 1 - 5  Met  Not Met  Partially Met 			
Ref	Objective	Measure	Result
1	Safely, properly and effectively establishing a free shuttle bus service in Torquay / Jan Juc within 2 weeks lead time.	<ul style="list-style-type: none"> • Single shuttle bus service established. • Route identified and established. • Risks identified and addressed. • Consistency of service ensured 10am – 6pm daily. • Suitable contractor vetted and appointed. 	
2	Improving movement and reducing congestion around town while improving the ability of residents and visitors to get around during the peak summer period.	<ul style="list-style-type: none"> • 'Park and Ride' option established & promoted at an alternative site. • Achieved an average loop time of 30 minutes. • Route captured key tourist accommodation spots. • Established a bus tracker for live location information. • Evidence of a change in behaviour - More than half of riders indicating their reason for using the service is to reduce congestion, avoid trying to find a park or as an alternative means of transport. 	 Average 35-minute loop time achieved / loop considered too short.
3	Driving economic benefits and providing a convenient link to beaches and businesses and encourage spending.	<ul style="list-style-type: none"> • Bus route/stops designed around key beach and shopping precincts. • Evidence of a change in behaviour - More than half of riders indicating their destination and reason for using the service is to visit beaches and businesses. • Local employment opportunities created where possible (resulted in a local graphic designer, local printing company and 10 McHarry's drivers that would have had reduced or no hours during this time. Some of McHarry's drivers were local residents). 	
4	Creating clear and enforceable locations and guidelines for shuttle loading and unloading.	<ul style="list-style-type: none"> • Established a safe route with a mix of temporary & exiting stops. • Designed and developed distinctive signs & information boards. • Established all stops with appropriate signage, traffic management treatments and safety measures. 	
5	Ensuring safety and efficiency in shuttle interactions with the public, traders and other public transport options.	<ul style="list-style-type: none"> • Collaborated with existing public transport agencies and providers. • Integrated with, and complement, existing public transport routes. • Ensured connection and communication links between public transport providers and the shuttle bus. 	

6.4 Torquay/Jan Juc COVID-19 Recovery - Shuttle Bus Initiative - Evaluation Report

Performance Measures 6 - 9  Met  Not Met  Partially Met 			
Ref	Objective	Measure	Result
6	Providing a positive partnership between the Shire, transport agencies and private sector transportation partners.	<ul style="list-style-type: none"> Collaborated with existing public transport agencies and providers. Integrated with, and complement, existing public transport routes. Promoted other alternative transport options / providers on Council's website and social media. 	 <p>Two local providers were not supportive of the initiative, despite being promoted throughout the initiative. Providers were asked to contribute their feedback to the evaluation but did not respond.</p>
7	Reducing the impact of the service on the environment by reducing carbon emissions.	<ul style="list-style-type: none"> Delivered a carbon neutral service. Assessed potential environmental & carbon impact. Purchased carbon offsets. 	
8	Promoting and building awareness of the shuttle service to visitors and community members.	<ul style="list-style-type: none"> Established brand for the initiative. Designed and delivered all collateral required. Conducted a social media campaign. Conducted a newspaper advertising campaign. Created a specific webpage that also linked to other local providers. 	
9	Delivering the service within the timeframe and budget allocated.	<ul style="list-style-type: none"> Safely, properly and effectively established a free shuttle bus service in Torquay / Jan Juc within 2 weeks lead time. Service commenced on 26 December 2020. Service planned & delivered within budget allocated. 	

6.4 Torquay/Jan Juc COVID-19 Recovery - Shuttle Bus Initiative - Evaluation Report



Service Summary

Service Provision

- 📅
32 Service days /
10am – 6pm Daily
- 🚌
1 Bus
24 Seats
1 Trailer
- 👤
10 Drivers Employed
64 Shifts
- 📍
13 Stops
 - Spring Creek Reserve
 - Surf City
 - Fisherman's Beach
 - Gilbert Street
 - Torquay Front Beach
 - Bell Street
 - Torquay Back Beach
 - RACV Torquay Resort
 - Jan Juc Beach
 - Jan Juc Village
 - Sunset Strip
 - Duffield's Road
 - Ocean View Crescent



6.4 Torquay/Jan Juc COVID-19 Recovery - Shuttle Bus Initiative - Evaluation Report



Activity Summary

Service Stats



772 Total Riders



23 Average Riders Per Day



67 Highest Day 20/01/2021 – Warm Weather



3 Lowest Day 15/01/2021 – Heavy Rain



452 Total Loops



14 Average Loops Per Day



35 Minutes - Average time for each loop



11 Equipment carted (Surf Boards +Bikes)

Most Popular Stops

On: Jan Juc Village Shops, Sunset Strip Jan Juc and Gilbert Street Torquay.

Off: Torquay Holiday Park, Jan Juc Village Shops, Gilbert Street Torquay and Sunset Strip Jan Juc.

Least Popular Stops

On: RACV Torquay Resort and Ocean Views

Off: Torquay Back Beach and RACV Torquay Resort

Weather

5 Wet Days **13** Warm Days

11 Mild Days **3** Hots Days

Carbon Offset

5 Tonnes of carbon was offset to create a Carbon neutral service



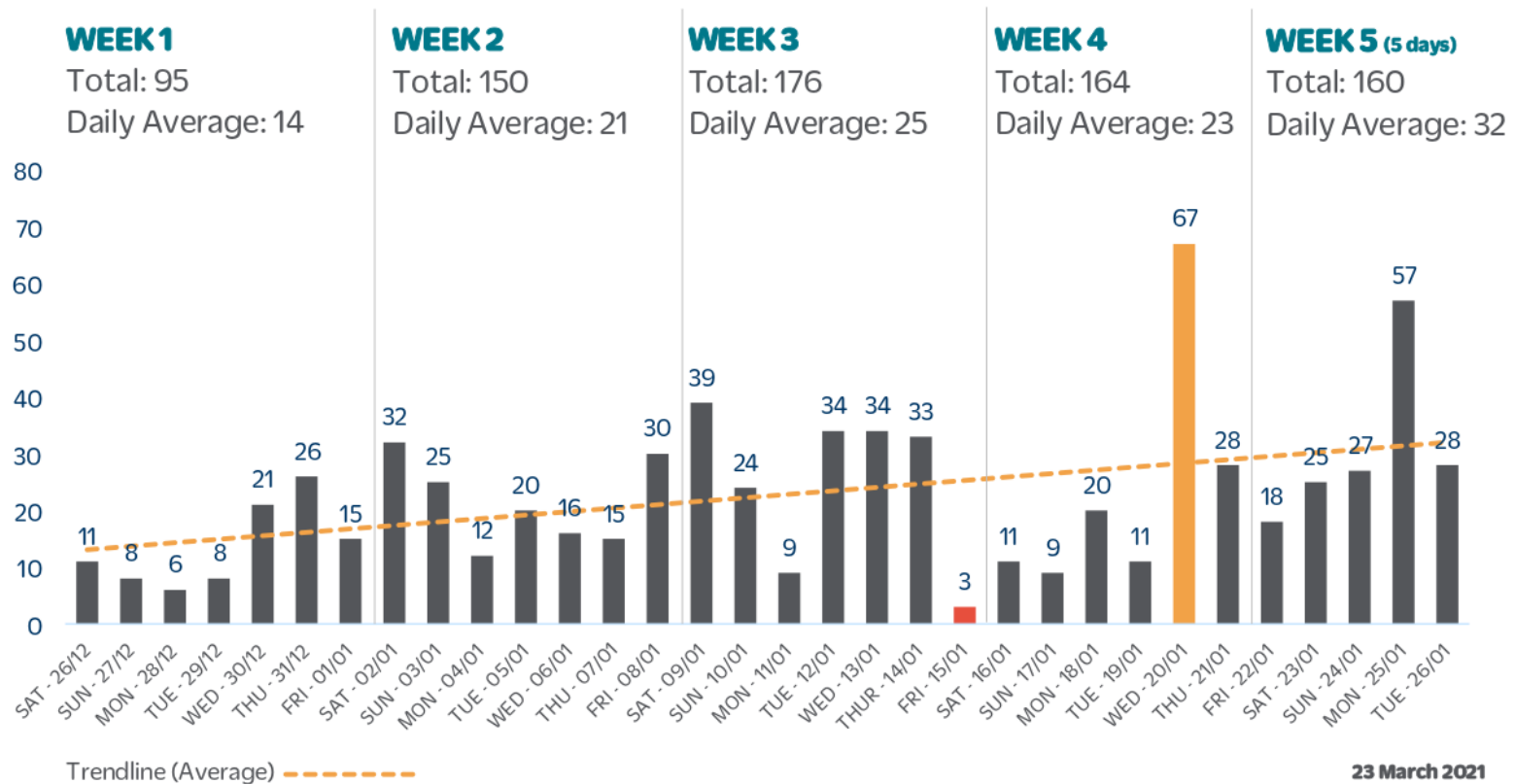
6.4 Torquay/Jan Juc COVID-19 Recovery - Shuttle Bus Initiative - Evaluation Report



Daily Usage Trends

772 Total Riders

Weekly average increased over the 5 weeks
(Week 1 average = 14 to Week 5 average = 32).



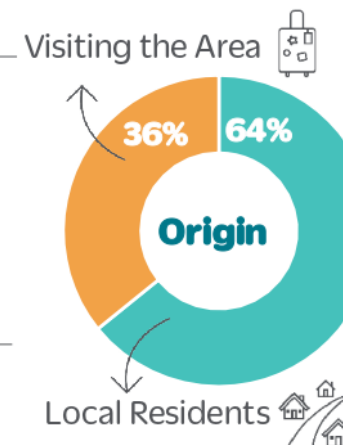
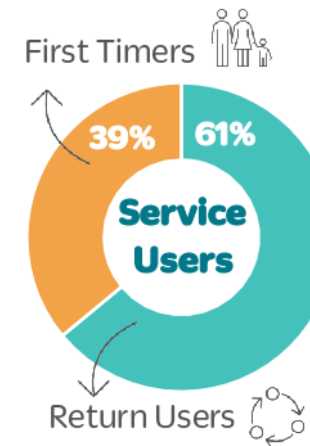
6.4 Torquay/Jan Juc COVID-19 Recovery - Shuttle Bus Initiative - Evaluation Report



User Summary

Reasons for taking the Surf Coaster

	Local Business and Beaches	To visit the beach To visit the shops / restaurants To visit the beach, shops and restaurants	52%
	Environment	Because it is better for the environment	13%
	Reduce Congestion	To avoid finding a car park in town As an alternative to my usual mode of transport	51%
	Other Reasons	Other – Visiting Other – For fun with the kids... doing the loop Other – To get around with friends Other – Because I can't drive Other – Bus opening ride / see the bus in action Other – No comment provided	13%



Note: Some respondents provided more than one reason, multiple selections expected.

6.4 Torquay/Jan Juc COVID-19 Recovery - Shuttle Bus Initiative - Evaluation Report



Cost of Service

Total Bus Expenditure

\$46,877 excl. GST

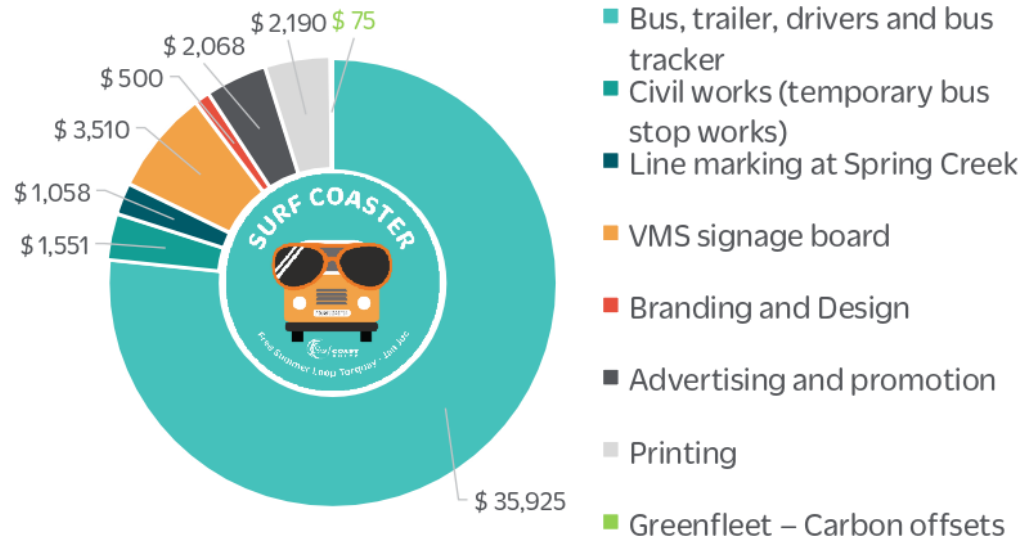
Budget Performance (%)

85% Expended

Total Cost Per Rider

\$60.72 excl. GST

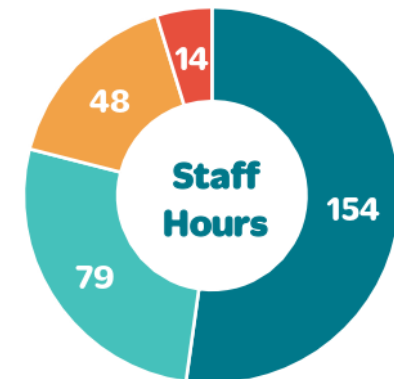
Summary Bus Expenditure



Other Resources

25 Staff involved

295 Officer hours










- Planning and Administration
- Communications and Marketing
- Logistics, Safety and Traffic
- Procurement / OH&S

6.4 Torquay/Jan Juc COVID-19 Recovery - Shuttle Bus Initiative - Evaluation Report



Marketing and Communications

	Social Media Posts	Number of people who saw the post: 7,658 Number reactions, comments & shares: 283
	Social Media Ad	Number of people who saw the add: 20,588 Number of times the ad was on screen: 62,963 Clicks through to website: 726 Total cost: \$250 (approx. 34 cents per click)
	Website	Number of page views: 2,538
	Bus Tracker	Number of people who viewed the map: 2,538
	Newspaper	Quarter Page Display Ads: 6 Mayors Column / Article: 2
	VMS Boards	Two locations for the duration of the service.
	Enquiries & Complaints	Official complaints: 4 Councillor enquiries: 5



While 70 people 'loved' or 'liked' the ad, 10 clicked on the 'angry' reaction and there were 56 comments, of which the overwhelming majority expressed a negative sentiment.

Most comments criticised the service due to its limited coverage (in particular, that it didn't extend to Torquay North) and questioned why a local provider wasn't used to operate the service.

7. REPORTS FOR NOTING

Nil

8. URGENT BUSINESS

Nil

9. PROCEDURAL BUSINESS

9.1 Conflict of Interest Records

Author's Title: Governance Officer

General Manager: John Bertoldi

Department: Governance & Risk

File No: F18/225-3

Division: Governance & Infrastructure

Trim No: IC21/380

Appendix:

1. Conflict of Interest Record - Meetings Conducted Under the Auspices of Council - Site Visit - 22 February 2021 (D21/39785)
2. Conflict of Interest Record - Meetings Conducted Under the Auspices of Council - Responsible & Planning Authority Briefings - 23 February 2021 (D21/37523)
3. Conflict of Interest Record - Meetings Conducted Under the Auspices of Council - Councillor Briefings - 23 February 2021 (D21/37542)
4. Conflict of Interest Record - Meetings Conducted Under the Auspices of Council - Councillor Briefings - 2 March 2021 (D21/41669)
5. Conflict of Interest Record - Meetings Conducted Under the Auspices of Council - Councillor Briefings - 9 March 2021 (D21/42932)
6. Conflict of Interest Record - Meetings Conducted Under the Auspices of Council - Councillor Briefings - 16 March 2021 (D21/48268)

Officer Conflict of Interest:

In accordance with Local Government Act 2020 – Section 130:

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 any conflict of interest records received since the previous Council meeting.

Summary

The *Local Government Act 2020* (the Act) outlines requirements for Councillors to declare and manage conflicts of interests. By disclosing conflicts of interests and following the prescribed procedures, Councillors engage in practices that promote the integrity and transparency of decision-making.

The attached conflict of interest records are prepared in accordance with the Act and Council's Governance Rules. The Act outlines that the procedure for disclosing conflicts must be included within the Governance Rules and Chapter 3 of these rules prescribes that a record of any meeting held under the auspices of Council must be kept and presented to the next possible Council meeting.

Meetings held under the auspices of Council may include (but are not limited to) Councillor briefings or forums, advisory committee meetings, public consultations and site meetings (including meetings the Council arranges jointly with other organisations).

These records replace the previous requirements for 'Assemblies of Councillors' under the *Local Government Act 1989*.

Recommendation

That Council receives and notes the conflict of interest records for the following meetings:

- Site Visit – 22 February 2021
- Responsible & Planning Authority Briefings – 23 February 2021
- Councillor Briefings – 23 February 2021
- Councillor Briefings – 2 March 2021
- Councillor Briefings – 9 March 2021
- Councillor Briefings – 16 March 2021

9.1 Conflict of Interest Records

Council Resolution

MOVED Cr Gary Allen, Seconded Cr Adrian Schonfelder

That Council receives and notes the conflict of interest records for the following meetings:

- Site Visit – 22 February 2021
- Responsible & Planning Authority Briefings – 23 February 2021
- Councillor Briefings – 23 February 2021
- Councillor Briefings – 2 March 2021
- Councillor Briefings – 9 March 2021
- Councillor Briefings – 16 March 2021

CARRIED 8:0

9.1 Conflict of Interest Records

APPENDIX 1 CONFLICT OF INTEREST RECORD - MEETINGS CONDUCTED UNDER THE AUSPICES OF COUNCIL - SITE VISIT - 22 FEBRUARY 2021



Conflict of Interest Record Meetings conducted under the auspices of Council

Section 131 of the Local Government Act 2020 and Chapter 3 of Council's Governance Rules

Description of Meeting: Applicant to discuss planning permit application 19/0292
Responsible Officer: Bill Cathcart
Date: 22 February 2021
In Attendance: Yes (✓) No (X)

Councillors		Officers	
Cr. Gary Allen	X	Bill Cathcart	✓
Cr. Paul Barker	X	Donna Groves	✓
Cr. Mike Bodsworth	X		
Cr. Kate Gazzard	X		
Cr. Rose Hodge	✓		
Cr. Liz Pattison	✓		
Cr. Adrian Schonfelder	✓		
Cr. Libby Stapleton (Mayor)	✓		
Cr. Heather Wellington	X		

MEETING COMMENCED	1.30pm	MEETING CONCLUDED	2.00pm
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Matters considered at the meeting
1. Planning Permit 19/0292 - Use and Development of the Land for Camping and Caravan Park, Two Lot Subdivision (Resubdivision), Removal of Native vegetation and Earthworks Which Change the Rate of Flow Across a Property Boundary

Councillor Conflict of Interest Disclosures		
Councillor	Left Meeting (Y/N)	Classification and nature of interest(s) disclosed
Responsible Officer Signature: Print Name: Bill Cathcart		
To be completed on conclusion of session and provided to Governance Officer.		

Governance Rules, Chapter 3, Clause 3

3.1. At a meeting under the auspices of Council that is not a meeting of the Council or delegated committee, the Chief Executive Officer must ensure that a written record is kept of—

- a) the names of all Councillors and members of Council staff attending;
- b) the matters considered;
- c) any conflict of interest disclosures made by a Councillor attending under subclause 3.3;
- d) whether a Councillor who has disclosed a conflict of interest as required by subclause 3.3 leaves the meeting.

3.2. The Chief Executive Officer must ensure that the written record of a meeting held under this clause is, as soon as practicable—

- a) reported at a meeting of the Council; and
- b) incorporated in the minutes of that Council meeting.

Auspices of the Council

Any meeting that is organised, sponsored or otherwise facilitated by the council should be treated as an 'auspiced' meeting. Council auspiced meetings may include, but are not limited to:

- regular councillor briefings or forums,
- other briefing meetings,
- committees other than a delegated or community asset committee (such as advisory committees),
- public consultations, and
- site meetings (incl. include meetings the council arranges jointly with other organisations).

9.1 Conflict of Interest Records

**APPENDIX 2 CONFLICT OF INTEREST RECORD - MEETINGS CONDUCTED UNDER THE
AUSPICES OF COUNCIL - RESPONSIBLE & PLANNING AUTHORITY BRIEFINGS
- 23 FEBRUARY 2021**



Conflict of Interest Record Meetings conducted under the auspices of Council

Section 131 of the Local Government Act 2020 and Chapter 3 of Council's Governance Rules

Description of Meeting: Responsible & Planning Authority Briefings
Responsible Officer: Chief Executive Officer
Date: 23 February 2021
In Attendance: Yes (✓) No (X)

Councillors		Officers	
Cr. Libby Stapleton, Mayor	✓	Acting Chief Executive Officer - Anne Howard	✓
Cr. Gary Allen	✓	General Manager Culture & Community - Chris Pike	✓
Cr. Paul Barker	✓	General Manager Environment & Development - Ransce Salan	✓
Cr. Mike Bodsworth	✓	Acting General Manager Governance & Infrastructure - John Bertoldi	✓
Cr. Kate Gazzard	✓	Manager Planning & Development - Bill Cathcart	✓
Cr. Rose Hodge	✓	Principal Statutory Planner - Ben Schmied	✓
Cr. Liz Pattison	✓	Coordinator Statutory Planning - David Simon	✓
Cr. Adrian Schonfelder	✓	Senior Statutory Planner - Trent Blackmore	✓
Cr. Heather Wellington	X	Senior Statutory Planner - Robert Wandell	✓
		Principal Statutory Planner - Barbara Noelker	✓
		Coordinator Strategic Land Use Planning - Karen Hose	✓
		Principal Statutory Planner - Michelle Warren	✓
		Governance Officer - Liberty Nash	✓
		Governance Administration Officer - Simone Kellett	✓

MEETING COMMENCED	1:11pm	MEETING CONCLUDED	2:21pm
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Matters considered at the meeting
1. Planning Permit Application - 19/0110 - Use and development for Intensive Animal Production (Sheep Production and Dairy) - 1440 Inverleigh-Winchelsea Road Inverleigh
2. Planning Permit Application - 19/0292 - 1200 Ghazepoore & 350 Coombes Road Freshwater Creek - Use and Development of the Land for Camping and Caravan Park, Two Lot Subdivision (Resubdivision) and Earthworks Which Change the Rate of Flow Across a Property Boundary
3. Planning Permit Application - 20/0042 - 1200 Ghazepoore Road, Freshwater Creek - Use of the Land for Storage of Caravans, Boats, Trailers and Containers, and Associated Works, and Display of Business Identification.
4. PG21/0008 – Proposal to end a Section 173 Agreement (AL996230G) under Section 178A of the Planning and Environment Act – 1200 Great Ocean Road Bellbrae
5. Planning Permit Application - 14/0187-1 - 1200 Great Ocean Road Bellbrae (formerly 15 Elkington Road) - Amend the Permit Preamble to Allow for the sale and consumption of liquor and inclusion of the land use term 'restaurant'. Delete Condition 2, Amend Conditions 17 and 24, and add new conditions.
6. C133 - Rural Hinterland Futures Amendment
7. Amendment C124 - Request to Appoint a Planning Panel to Consider Submission
8. Draft Torquay-Jan Juc Retail and Employment Land Strategy
9. Environmentally Sustainable Development (ESD) Roadmap Submission

Councillor Conflict of Interest Disclosures		
Councillor	Left Meeting (Y/N)	Classification and nature of interest(s) disclosed
Responsible Officer Signature: Print Name: Anne Howard		

9.1 Conflict of Interest Records



To be completed on conclusion of session and provided to Governance Officer.

Governance Rules, Chapter 3, Clause 3

3.1. At a meeting under the auspices of Council that is not a meeting of the Council or delegated committee, the Chief Executive Officer must ensure that a written record is kept of—

- a) the names of all Councillors and members of Council staff attending;
- b) the matters considered;
- c) any conflict of interest disclosures made by a Councillor attending under subclause 3.3;
- d) whether a Councillor who has disclosed a conflict of interest as required by subclause 3.3 leaves the meeting.

3.2. The Chief Executive Officer must ensure that the written record of a meeting held under this clause is, as soon as practicable—

- a) reported at a meeting of the Council; and
- b) incorporated in the minutes of that Council meeting.

Auspices of the Council

Any meeting that is organised, sponsored or otherwise facilitated by the council should be treated as an 'auspiced' meeting. Council auspiced meetings may include, but are not limited to:

- regular councillor briefings or forums,
- other briefing meetings,
- committees other than a delegated or community asset committee (such as advisory committees),
- public consultations, and
- site meetings (incl. include meetings the council arranges jointly with other organisations).

9.1 Conflict of Interest Records

**APPENDIX 3 CONFLICT OF INTEREST RECORD - MEETINGS CONDUCTED UNDER THE
AUSPICES OF COUNCIL - COUNCILLOR BRIEFINGS - 23 FEBRUARY 2021**



Conflict of Interest Record Meetings conducted under the auspices of Council

Section 131 of the Local Government Act 2020 and Chapter 3 of Council's Governance Rules

Description of Meeting: Councillor Briefings
Responsible Officer: Chief Executive Officer
Date: 23 February 2021
In Attendance: Yes (✓) No (X)

Councillors		Officers	
Cr. Libby Stapleton, Mayor	✓	Acting Chief Executive Officer - Anne Howard	✓
Cr. Gary Allen	✓	General Manager Environment & Development - Ransce Salan	✓
Cr. Paul Barker	✓	General Manager Culture & Community - Chris Pike	✓
Cr. Mike Bodsworth	✓	Acting General Manager Governance & Infrastructure - John Bertoldi	✓
Cr. Kate Gazzard	✓	Governance Officer - Liberty Nash	✓
Cr. Rose Hodge	✓	Governance Administration Officer - Simone Kellett	✓
Cr. Liz Pattison	✓		
Cr. Adrian Schonfelder	✓		
Cr. Heather Wellington	X		

MEETING COMMENCED	2:28pm	MEETING CONCLUDED	3:14pm
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Matters considered at the meeting
1. Award of Tender T21-019
2. Council Meeting Agenda Review

Councillor Conflict of Interest Disclosures		
Councillor	Left Meeting (Y/N)	Classification and nature of interest(s) disclosed

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

Governance Rules, Chapter 3, Clause 3

3.1. At a meeting under the auspices of Council that is not a meeting of the Council or delegated committee, the Chief Executive Officer must ensure that a written record is kept of—

- a) the names of all Councillors and members of Council staff attending;
- b) the matters considered;
- c) any conflict of interest disclosures made by a Councillor attending under subclause 3.3;
- d) whether a Councillor who has disclosed a conflict of interest as required by subclause 3.3 leaves the meeting.

3.2. The Chief Executive Officer must ensure that the written record of a meeting held under this clause is, as soon as practicable—

- a) reported at a meeting of the Council; and
- b) incorporated in the minutes of that Council meeting.

Auspices of the Council

Any meeting that is organised, sponsored or otherwise facilitated by the council should be treated as an 'auspiced' meeting. Council auspiced meetings may include, but are not limited to:

- regular councillor briefings or forums,
- other briefing meetings,
- committees other than a delegated or community asset committee (such as advisory committees),
- public consultations, and
- site meetings (incl. include meetings the council arranges jointly with other organisations).

9.1 Conflict of Interest Records

**APPENDIX 4 CONFLICT OF INTEREST RECORD - MEETINGS CONDUCTED UNDER THE
AUSPICES OF COUNCIL - COUNCILLOR BRIEFINGS - 2 MARCH 2021**



Conflict of Interest Record Meetings conducted under the auspices of Council

Section 131 of the Local Government Act 2020 and Chapter 3 of Council's Governance Rules

Description of Meeting: Conflict of Interest Record - Meetings Conducted Under the Auspices of Council - Councillor Briefings - 2 March 2021
Responsible Officer: Chief Executive Officer
Date: 2 March 2021
In Attendance: Yes (✓) No (X)

Councillors	Officers
Cr. Gary Allen	✓ Acting Chief Executive Officer – Anne Howard ✓
Cr. Paul Barker	✓ Acting General Manager Governance & Infrastructure – John Bertoldi ✓
Cr. Mike Bodsworth	✓ General Manager Environment & Development - Ransce Salan ✓
Cr. Kate Gazzard	X General Manager Culture & Community - Chris Pike ✓
Cr. Rose Hodge	✓ Governance Officer – Liberty Nash ✓
Cr. Liz Pattison	✓ Governance Admin Officer – Simone Kellett ✓
Cr. Adrian Schonfelder	✓ Manager Finance - John Brockway ✓
Cr. Libby Stapleton	✓ Coordinator Management Accounting - Gab Spiller ✓
Cr. Heather Wellington	X Coordinator Strategic Land Use Planning - Karen Hose ✓
	Manager Community Strengthening - Jill Moodie ✓
	Principal Strategic Planner - Tim Waller ✓
	Coordinator Community Health & Development - Olivia Naughtin ✓
	Manager Community Relations - Damian Waight ✓
	Executive Assistant/Internal Events Officer - Gilly Hughes ✓
	Executive Assistant to Mayor - Lisa Thomason ✓
	Recreation Development Officer - Paul Elshaug ✓
	Manager Social Infrastructure Planning - Shaan Briggs ✓
	Coordinator Recreation Planning - Jarrod Westwood ✓
	Recreation Planning Officer - Meredith Kelly ✓
	Arts Development Officer - Harriet Gaffney ✓
	Manager People and Culture - Leanne Perryman ✓
	Acting Coordinator Governance - Zoe Eastick ✓
	Asset Management Analyst - Tymothy Guthridge ✓
	Community Engagement Facilitator - Robyn Lucas ✓
	Property Officer - Sheree Seiffert ✓
	Coordinator Aged and Access - Nicole Langtip ✓


MEETING COMMENCED	9.37am	MEETING CONCLUDED	3.55pm
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Matters considered at the meeting
1. Budget Briefing #3 - Review of Draft EBITDA and Fees & Charges and Draft Capital Works Program (Asset Renewal, Waste & DCP)
2. Lorne Aspirations V2
3. Lorne Structure Plan Update

9.1 Conflict of Interest Records



4. Australia Day Debrief
5. 2021-22 Local Sports Infrastructure Fund - Sports & Recreation Victoria
6. Arts, Culture and Heritage Program Update
7. Staff Surveys
8. SCS-018 Gifts, Benefits and Hospitality Policy
9. Coogoorah Park Playground Update
10. Social Housing Opportunities
11. Update - Waste Services Rollout

Councillor Conflict of Interest Disclosures		
Councillor	Left Meeting (Y/N)	Classification and nature of interest(s) disclosed
Responsible Officer Signature: 		Print Name: Anne Howard
To be completed on conclusion of session and provided to Governance Officer.		

Governance Rules, Chapter 3, Clause 3

- 3.1. At a meeting under the auspices of Council that is not a meeting of the Council or delegated committee, the Chief Executive Officer must ensure that a written record is kept of—
- a) the names of all Councillors and members of Council staff attending;
 - b) the matters considered;
 - c) any conflict of interest disclosures made by a Councillor attending under subclause 3.3;
 - d) whether a Councillor who has disclosed a conflict of interest as required by subclause 3.3 leaves the meeting.
- 3.2. The Chief Executive Officer must ensure that the written record of a meeting held under this clause is, as soon as practicable—
- a) reported at a meeting of the Council; and
 - b) incorporated in the minutes of that Council meeting.

Auspices of the Council

Any meeting that is organised, sponsored or otherwise facilitated by the council should be treated as an 'auspiced' meeting. Council auspiced meetings may include, but are not limited to:

- regular councillor briefings or forums,
- other briefing meetings,
- committees other than a delegated or community asset committee (such as advisory committees),
- public consultations, and
- site meetings (incl. include meetings the council arranges jointly with other organisations).

9.1 Conflict of Interest Records

**APPENDIX 5 CONFLICT OF INTEREST RECORD - MEETINGS CONDUCTED UNDER THE
AUSPICES OF COUNCIL - COUNCILLOR BRIEFINGS - 9 MARCH 2021**



Conflict of Interest Record Meetings conducted under the auspices of Council

Section 131 of the Local Government Act 2020 and Chapter 3 of Council's Governance Rules

Description of Meeting: Conflict of Interest Record - Meetings Conducted Under the Auspices of Council - Councillor Briefings - 9 March 2021
Responsible Officer: Chief Executive Officer
Date: 9 March 2021
In Attendance: Yes (✓) No (X)

Councillors	✓	Officers	✓
Cr. Gary Allen	✓	Acting Chief Executive Officer – Anne Howard	✓
Cr. Paul Barker	✓	Acting General Manager Governance & Infrastructure – John Bertoldi	✓
Cr. Mike Bodsworth	✓	General Manager Environment & Development - Ransce Salan	✓
Cr. Kate Gazzard	✓	General Manager Culture & Community - Chris Pike	✓
Cr. Rose Hodge	✓	Manager Community Strengthening - Jill Moodie	✓
Cr. Liz Pattison	✓	Coordinator Communications and Community Engagement - Daryn Chiller	✓
Cr. Adrian Schonfelder	✓	Community Engagement Facilitator - Rochelle Harding	✓
Cr. Libby Stapleton	✓	Social Planning and Recovery Advisor - Alicia Hooper	✓
Cr. Heather Wellington	X	Manager Economic Development - Matt Taylor	✓
		Economic Recovery & Relief Officer: COVID-19 - Gretchen Gibson	✓
		Coordinator Events - Kate Patterson	✓
		Event Delivery Officer - Jim Lawson	✓
		Team Leader Youth Development - Jack Pearson	✓
		Manager Community Relations - Damian Waight	✓
		Manager Social Infrastructure Planning - Shaan Briggs	✓
		Coordinator Social Infrastructure & Open Space Planning - Kristin Davies	✓
		Community Project Development Officer - Nicky Angus	✓
		Executive Assistant/Internal Events Officer - Gilly Hughes	✓
		Coordinator Risk Management and Legal Services - Mark Wilson	✓
		Property Officer - Sheree Seiffert	✓
		Coordinator Recreation Planning - Jarrod Westwood	✓
		Recreation Development Officer - Paul Elshaug	✓
		Coordinator Governance – Liberty Nash	✓
		Governance Administration Officer – Simone Kellett	✓


MEETING COMMENCED	11.12am	MEETING CONCLUDED	2.57pm
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Matters considered at the meeting
1. People Place Future Update
2. Councillor COVID-19 Update
3. Lorne New Year's Eve Fireworks
4. Youth Development Update
5. Civic Centre Flag Schedule
6. Torquay/Jan Juc COVID-19 Recovery Shuttle Bus Initiative - Evaluation Report

9.1 Conflict of Interest Records



7. Community Project Development - Quarterly Report (March 2021)
8. Surf Coast Football Club Licence Agreement
9. PA1800340 and 18/0356 - Inverleigh Wind Farm and Solar Farm Proposal Update

Councillor Conflict of Interest Disclosures		
Councillor	Left Meeting (Y/N)	Classification and nature of interest(s) disclosed
Responsible Officer Signature:  Print Name: Anne Howard		
To be completed on conclusion of session and provided to Governance Officer.		

Governance Rules, Chapter 3, Clause 3

- 3.1. At a meeting under the auspices of Council that is not a meeting of the Council or delegated committee, the Chief Executive Officer must ensure that a written record is kept of—
- a) the names of all Councillors and members of Council staff attending;
 - b) the matters considered;
 - c) any conflict of interest disclosures made by a Councillor attending under subclause 3.3;
 - d) whether a Councillor who has disclosed a conflict of interest as required by subclause 3.3 leaves the meeting.

- 3.2. The Chief Executive Officer must ensure that the written record of a meeting held under this clause is, as soon as practicable—
- a) reported at a meeting of the Council; and
 - b) incorporated in the minutes of that Council meeting.

Auspices of the Council

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- other briefing meetings,
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- public consultations, and
- site meetings (incl. include meetings the council arranges jointly with other organisations).

9.1 Conflict of Interest Records

**APPENDIX 6 CONFLICT OF INTEREST RECORD - MEETINGS CONDUCTED UNDER THE
AUSPICES OF COUNCIL - COUNCILLOR BRIEFINGS - 16 MARCH 2021**



Conflict of Interest Record Meetings conducted under the auspices of Council

Section 131 of the Local Government Act 2020 and Chapter 3 of Council's Governance Rules

Description of Meeting: Conflict of Interest Record - Meetings Conducted Under the Auspices of Council - Councillor Briefings - 16 March 2021
Responsible Officer: Chief Executive Officer
Date: 16 March 2021
In Attendance: Yes (✓) No (X)

Councillors		Officers	
Cr. Libby Stapleton, Mayor	✓	Acting Chief Executive Officer - Anne Howard	✓
Cr. Gary Allen	✓	General Manager Environment & Development - Ransce Salan	✓
Cr. Paul Barker	✓	General Manager Culture & Community - Chris Pike	✓
Cr. Mike Bodsworth	✓	Acting General Manager Governance & Infrastructure - John Bertoldi	✓
Cr. Kate Gazzard	✓	Coordinator Events - Kate Patterson	✓
Cr. Rose Hodge	✓	Rowan Mackenzie	✓
Cr. Liz Pattison	✓	Manager Economic Development - Matt Taylor	✓
Cr. Adrian Schonfelder	✓	Biodiversity Officer - Gab O'Shea	✓
Cr. Heather Wellington	X	Manager Community Strengthening - Jill Moodie	✓
		Arts Development Officer - Harriet Gaffney	✓
		Manager Community Relations - Damian Waight	✓
		Manager Finance - John Brockway	✓
		Coordinator Management Accounting - Gabby Spiller	✓
		Manager Governance and Risk - Wendy Hope	✓
		Coordinator Environmental Sustainability - Sally Sneddon	✓
		Project Manager - Capital and Operational Projects - Lisa Robinson	✓
		Climate and Sustainability Officer - Sean Keown	✓
		Climate Emergency Project Officer - Sam Suendermann	✓
		Coordinator Communications and Community Engagement - Darryn Chiller	✓
		Community Engagement Facilitator - Rochelle Harding	✓
		Social Planning and Recovery Advisor - Alicia Hooper	✓
		Coordinator Governance - Liberty Nash	✓
		Governance Statutory Compliance and Reporting Officer - Zoe Eastick	✓
		Governance Admin Officer - Simone Kellett	✓

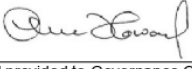
MEETING COMMENCED	11.06am	MEETING CONCLUDED	3.48pm
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Matters considered at the meeting
1. GORCAPA Land Transfers
2. Councillor COVID-19 Update
3. Arts Project Budget Options
4. Continuation of Budget Briefing # 4: Review Project, Business Case & New Recurrent Proposals in context with Draft EBITDA and LTFP allocations
5. Review of Local Law No. 1 - Community Amenity
6. Climate Emergency Corporate Action Plan
7. Surf Coast Shire Council Plan development - deliberative panel background report

9.1 Conflict of Interest Records



8. Environment & Development Monthly Report - February 2021
9. Monthly Finance Report - February 2021
10. Monthly Program Status Update - February 2021
11. Road Management - Quarterly Update
12. Digital Transformation Program Update
13. Review of S6 Delegations from Council to Members of Council Staff
14. SCS-018 Councillor Gifts, Benefits and Hospitality Policy
15. Future Business Model

Councillor Conflict of Interest Disclosures		
Councillor	Left Meeting (Y/N)	Classification and nature of interest(s) disclosed
Responsible Officer Signature:  Print Name: Anne Howard		
To be completed on conclusion of session and provided to Governance Officer.		

Governance Rules, Chapter 3, Clause 3

- 3.1. At a meeting under the auspices of Council that is not a meeting of the Council or delegated committee, the Chief Executive Officer must ensure that a written record is kept of—
- a) the names of all Councillors and members of Council staff attending;
 - b) the matters considered;
 - c) any conflict of interest disclosures made by a Councillor attending under subclause 3.3;
 - d) whether a Councillor who has disclosed a conflict of interest as required by subclause 3.3 leaves the meeting.
- 3.2. The Chief Executive Officer must ensure that the written record of a meeting held under this clause is, as soon as practicable—
- a) reported at a meeting of the Council; and
 - b) incorporated in the minutes of that Council meeting.

Auspices of the Council

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- regular councillor briefings or forums,
- other briefing meetings,
- committees other than a delegated or community asset committee (such as advisory committees),
- public consultations, and
- site meetings (incl. include meetings the council arranges jointly with other organisations).

10. NOTICE OF MOTIONS

10.1 Karaaf Wetlands

Appendix:

Nil

Surf Coast Shire Council

Notice of Motion

Council Services

NOM 144

I, Councillor Heather Wellington, gave notice on 12 March 2021, of my intention to move the following motion:

Motion

That Council asks the CEO to:

1. immediately implement the Shire's wetland maintenance plan, including by arranging for immediate cleaning of the gross pollution traps for which the Shire is responsible in the Dunes Estate;
2. ensure that the responsible developers of the wetlands that feed into the Karaaf maintain those wetlands to their original design standards and specified performance levels, ongoing;
3. require the urgent completion of the Stretton wetlands, or if the plans have not been approved address the requirements for approval and subsequent construction;
4. immediately arrange for an independent assessment of the costs of bringing the three council-owned wetlands back to their original design standards and advise Council of the budget needed to achieve this objective and to maintain those assets in good condition on an ongoing basis;
5. submit a monthly report to councillors for the next 12 months which analyses the results of the ALS - Environmental Services analyses from each element of the Karaaf feeder wetland system against the State Environmental Protection Policy guidelines;
6. do not assume responsibility from developers for ongoing maintenance and operation of any additional wetlands that do not meet all their original design standards.

Council Resolution

MOVED Cr Paul Barker, Seconded Cr Kate Gazzard

That Council asks the CEO to:

1. Immediately implement the Shire's wetland maintenance plan;
2. Use all powers reasonably available to the Shire to ensure that the responsible developers of the wetlands that feed into the Karaaf maintain those wetlands in accordance with their legal obligations, ongoing;
3. Apply all available regulatory and other mechanisms to require the urgent completion of the Stretton wetlands;
4. Submit a monthly report to councillors for the next 12 months which analyses the results of the ALS - Environmental Services analyses from each element of the Karaaf feeder wetland system against the State Environmental Protection Policy guidelines.

CARRIED 8:0

10.1 Karaaf Wetlands

Rationale

The internationally-significant Karaaf wetlands are currently receiving an estimated 60 megalitres of stormwater each year. The stormwater volume will continue to increase as the Stretton (10% developed) and the Dunes (70% developed) Estates change from soil to roofs and roads.

The damage to the Karaaf wetlands from increasing receipt of polluted stormwater and weed infestations is both well documented and substantial. Part of the problem is poor maintenance of the feeder stormwater wetlands, some of which are the Surf Coast Shire Council's responsibility and some of which are the responsibility of developers. The feeder wetlands to the Karaaf are generally in extremely poor condition and clearly would not be removing pollutants, particularly phosphorus, nitrogen and suspended solids, from the stormwater. Along its entire length, the system appears to be littered with plastic and clogged with silt.

Currently the Sands and the Dunes wetlands pump substantial volumes of stormwater into a private dam each year. If the dam is decommissioned, which is a current risk, all this stormwater will be added to the current volumes of polluted stormwater being delivered into the Karaaf, which will be an environmental disaster. The notice of motion is supported by the following two Councillors in accordance with Section 32 of the Governance Rules.

Cr Heather Wellington
Councillor

Date: 12 March 2021

Cr Paul Barker
Councillor

Date: 12 March 2021

CEO Information Report

The following information is provided in response to each item outlined in the Notice of Motion:

1. *Immediately implement the Shire's wetland maintenance plan, including by arranging for immediate cleaning of the gross pollution traps for which the Shire is responsible in the Dunes Estate;*
 - In 2019-20 Council undertook a detailed condition audit of its Water Sensitive Urban Design (WSUD) assets including all Council-managed wetlands. Officers made submission to Council's 2020-21 budget for ongoing funding for the regular maintenance of WSUD assets as well as incorporation of these assets into Council's annual allocation to asset renewal. This submission resulted in the following Council allocations, commencing in 2020-21:
 - \$160,000 p.a. for asset renewal of the WSUD asset class
 - \$75,000 p.a. for ongoing maintenance of WSUD assets
 - \$85,000 one-off allocation in 2020-21 for additional maintenance works to address immediate issues identified through the audit.
 - The contract and technical specifications for the two highest priority renewal projects have been documented and quotations are being sought and the ongoing maintenance contracts, including the additional year 1 works, are in the process of having tender documentation finalized for release to the market.
 - Council's Gross Pollutant Traps (GPTs) are subject to an annual inspection program. The three GPTs relating to the north Torquay stormwater system were cleaned in the week commencing Monday 8 March 2021. Two of the three GPT's were found to be clean with no works required while one required removal of built up silt.
 - A resolution to support this point of the motion has no material impact as it reflects work already endorsed, funded and either underway or complete.
2. *Ensure that the responsible developers of the wetlands that feed into the Karaaf maintain those wetlands to their original design standards and specified performance levels, ongoing;*

10.1 Karaaf Wetlands

- Wetlands are generally integrated into the overall urban stormwater system that is constructed by developers and gifted to Council at the time nominated under the relevant planning permit condition.
 - A developer's maintenance period is generally established immediately after the subdivision receives a Statement of Compliance whereby the developer retains maintenance responsibility for a nominated period, commonly 24 months for the issue of Statement of Compliance of the final stage of development.
 - A resolution of Council cannot require the CEO to impose a condition on a developer that is inconsistent with the relevant Planning Permit.
 - In February 2021 Council officers contacted the developers of the Dunes Estate and identified a number of concerns with the current condition of the wetlands in this estates. A commitment was made by these developers to undertake improvement works at the site over the upcoming months. These works have now commenced.
 - A resolution to support this point of the motion is:
 - a) Unnecessary as these matters are addressed by relevant planning permit conditions; and
 - b) Inappropriate as it may instruct the CEO to accord contrary to existing planning permit conditions.
3. *Require the urgent completion of the Stretton wetlands, or if the plans have not been approved address the requirements for approval and subsequent construction;*
- Council can request, but not require, developer to progress these plans more quickly than required under the planning permit conditions.
 - Officers have had ongoing dialogue with the developer's representatives, are already actively encouraging them to progress this matter and are awaiting submission of revised wetland plans from the consulting engineers.
 - A resolution to support this point of the motion has no material impact as it reflects work already being undertaken by relevant officers and cannot be accelerated outside of the planning permit conditions or processes.
4. *Immediately arrange for an independent assessment of the costs of bringing the three council-owned wetlands back to their original design standards and advise Council of the budget needed to achieve this objective and to maintain those assets in good condition on an ongoing basis;*
- The wetlands currently feeding into the Karaaf system relate to the following developments:
 - i. The Dunes Estate
Maintenance responsibility is currently with the developer who has already committed that maintenance works will be undertaken as a priority (refer to response to point 2 of this motion)
 - ii. Stretton Estate
Relevant infrastructure is under construction and awaiting submission of plans prior to proceeding to finalise construction (refer to response to point 3 of this motion).
 - iii. Zeally Sands / Rippleside
Maintenance responsibility is currently with the developer, however it is nearing the conclusion of the maintenance period and due to be handed over to Council.
Council officers have met with the developer's representatives and outlined works to be undertaken prior to handover being accepted by Council. These works are currently underway.
 - iv. The Quay and The Esplanade (Whites Beach)
This infrastructure is managed and maintained by Council.

10.1 Karaaf Wetlands

This system was subject to the independent audit in 2019-20, which led to documentation of a specific maintenance plan for the WSUD assets.

Council has funded the required maintenance in 2020-21 and officers are in the process of engaging of a specialist contractor to commence maintenance works (refer to response to point 1 of this motion).

v. The Sands Amenity Lakes

These are managed by The Sands Owners Corporation (TSOC)

- A resolution to support this point of the motion would result in a duplication of work carried out in 2019-20 and is unlikely to result in new information about maintenance requirements, which have now been specifically funded by Council (refer to response to point 1 of this motion). If Council resolves to support this point, it should anticipate the need to make a further allocation in the order of \$50k.
5. *Submit a monthly report to councillors for the next 12 months which analyses the results of the ALS - Environmental Services analyses from each element of the Karaaf feeder wetland system against the State Environmental Protection Policy guidelines;*
- Council officers are currently undertaking monthly water analysis of the drainage network upstream of The Sands amenities lakes. The results from these tests could be provided to Council on a regular basis for their information.
 - Additional tests are being undertaken within The Sands amenity lakes by TSOC. These results are being provided to Council Officers for information by the owners corporation. It would be at the discretion of TSOC if this data is to be shared with Councillors. Officers could enquire with TSOC if they are agreeable to the reporting of this data to Councillors.
 - A resolution to support this point of the motion can be accommodated at no direct cost to Council, subject to agreement of TSOC.
6. *Do not assume responsibility from developers for ongoing maintenance and operation of any additional wetlands that do not meet all their original design standards.*
- Maintenance and handover of stormwater and WSUD assets to Council have been addressed in the response to point 2.
 - Council is currently working through the handover of the Zeally Sands wetland.
 - Council officers inspect and assesses all assets, including WSUD assets, prior to handover to Council to ensure that they meet the required standards.
 - As per the response to point 2, a resolution to support this point of the motion is:
 - c) Unnecessary as these matters are addressed by relevant planning permit conditions and processes; and
 - d) Inappropriate as it may instruct the CEO to accord contrary to existing planning permit conditions.

11. CLOSED SECTION

Council Resolution

MOVED Cr Adrian Schonfelder, Seconded Cr Liz Pattison

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 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)(g(ii)), pertaining to private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

CARRIED 8:0

Close: There being no further items of business the meeting closed at 7:33pm