

# Minutes

Meeting of Council  
Tuesday, 24 August 2021

Held via Video Conference  
(Zoom)

Commenced at 6:00pm

**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 24 AUGUST 2021 AT 6:00PM

**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  
Cr Heather Wellington

**In Attendance:**

Chief Executive Officer – Robyn Seymour  
Acting General Manager Governance & Infrastructure – John Bertoldi  
General Manager Culture & Community – Chris Pike  
Acting General Manager Environment & Development – Brendan Walsh  
Governance Coordinator – Liberty Nash  
Governance Statutory Compliance & Reporting Officer – Zoe Eastick  
Governance Officer – Julie Morales

**OPENING:**

**Cr Libby Stapleton opened the meeting.**

The Surf Coast Shire local government area spans the traditional lands of the Wadawurrung People and the Gadubanud and Guilijan People of the Eastern Maar. The main Council offices in Torquay are on Wadawurrung Country, and I am coming to you tonight from Aireys Inlet which is traditionally known as Mangowak. The Wadawurrung people have nurtured and protected these lands and waterways for thousands of generations – and I'm so grateful that we can be here today living and working in such a beautiful part of the world. Being an online meeting tonight, we also to wish acknowledge the Traditional Owners of the lands on which each person is attending, acknowledge any Aboriginal people who may be viewing the meeting tonight, and pay respect to Elders past, present and future.

**PLEDGE:**

**Cr Rose Hodge recited the pledge on behalf of all Councillors.**

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

**APOLOGIES:**

Nil.

**CONFIRMATION OF MINUTES:**

**Council Resolution**

**MOVED Cr Gary Allen, Seconded Cr Mike Bodsworth**

That Council notes the minutes of the Council meeting held on 27 July 2021 and the Unscheduled Council Meeting held on 3 August 2021 as correct records of those meetings.

CARRIED 9:0

**LEAVE OF ABSENCE REQUESTS:**

Cr Gazzard noted she would need to leave meeting around 8pm due to work commitments.



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**CONFLICTS OF INTEREST:**

Cr Allen declared a conflict of interest in relation to item 6.1 due to his involvement with Lorne Community Connect. He requested to be placed in the waiting room during the consideration of this agenda item.

**PRESENTATIONS:**

Nil.

**PUBLIC QUESTION TIME:**

All questions were read out by Robyn Seymour – Chief Executive Officer due to the meeting being held virtually.

**Questions with Notice (2 questions in total)**

Question 1: Simon Walsh - Torquay

*Question 1: #TorquayDogPark community petition*

As members of the Torquay community we are delighted to see the #pawsonpets survey which closed for submissions on 15 August 2021. Are the Councillors of Surf Coast Shire council aware of the change.org petition (<https://www.change.org/TorquayDogPark>) seeking an appropriately Fenced Dog Park in Torquay North be established which has received over 500 signatures amidst wide support from community pet owners and local sporting groups.

*Answer Provided by Robyn Seymour – Chief Executive Officer*

There is an awareness of the petition via local social media channels however the petition has not been formally submitted to Council.

Officers have contacted Mr Walsh this morning to advise what needs to be done to formally submit this petition for action.

Question 2: Simon Walsh - Torquay

*Question 2: #TorquayDogPark community petition*

Given immediately available land in Torquay North (Messmate Road & Yallock Court present two ready and viable options), low capital investment vs community ROI (see Belmont Dog Park success story) and minimal ongoing running costs of a Fenced Dog Park, can councillors foresee a scenario where that the ambition of establishing a 1st stage fenced dog park could be possible in the current financial year?

*Answer Provided by Robyn Seymour – Chief Executive Officer*

The two locations proposed as potential future fenced dog park sites are problematic as they do not align with the industry accepted Fenced Dog Parks Sitting, Design and Management Guidelines (2019) developed by City of Greater Geelong and that were also used to identify and develop the example fenced dog park in Belmont, Geelong.

Messmate Road site (assuming Grass Tree Park Nature Reserve) is a protracted nature reserve and would not support the development of a fenced dog park.

Yallock Court site, the location of the Torquay & Community Civic Precinct is subject to a Master Plan (2014). The Master Plan notionally allocated an indoor stadium and future aquatic facility in the north east corner of Banyul Warri Fields. These facilities have and will be delivered elsewhere within the precinct, so Council Officers are proposing to undertake a review of the Master Plan in the second half of 2021/22 that will include an assessment of the future infrastructure needs of the Torquay community and possible alternate uses of the vacant land.

The provision and future location of a fenced dog park to service the Torquay community is being considered in Council's Integrated Social Infrastructure and Open Space Plan currently under development. This planning will be completed in the 2021/22 financial year and will inform infrastructure planning and investment priorities for the next 5-10 years. Therefore the planning for a fenced dog park is not possible to occur in the current financial year.



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**1. PETITIONS & JOINT LETTERS**

Nil



## 2. RESPONSIBLE & PLANNING AUTHORITIES

### 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

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

**General Manager:** Ransce Salan  
**File No:** F19/609  
**Trim No:** IC21/1330

**Appendix:**

1. Winchelsea Town Centre and Highway Design Guidelines (D21/142676)
2. Collated Amendment Documents (D21/148109)
3. Explanatory Report (D21/148105)

**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 seek Council support to prepare and exhibit Planning Scheme Amendment C134 which implements the adopted 'Winchelsea Town Centre and Highway Design Guidelines,' 2019.

#### Summary

An amendment to the Surf Coast Planning Scheme is required to implement the 'Winchelsea Town Centre and Highway Design Guidelines,' adopted by Council in July 2019 (refer Appendix 1). The completion of the guidelines concludes required strategic work identified in the schedule to Clause 74.02 (further strategic work) of the Surf Coast Planning Scheme.

The amendment introduces the design vision from the 'Winchelsea Town Centre and Highway Design Guidelines,' 2019 and provides context within the Municipal Planning Strategy and the Local Planning Policy Framework for the new overlay schedules proposed through the amendment. The historic and country character attributes of the town as defined by the design guidelines are to be strengthened. The guidelines will also be included as a background document to the planning scheme.

The amendment proposes five Design and Development Overlay (DDO) Schedules to implement the guidelines. These schedules will be applied across the four precincts within the town centre and on land abutting the highway. The amendment documents are appended to this report at Appendix 2 and 3.

Ministerial authorisation is now required to progress the amendment and proceed to public exhibition.

#### Recommendation

That Council:

1. Seeks authorisation from the Minister for Planning to prepare Planning Scheme Amendment C134, Winchelsea Town Centre and Highway Design Guidelines.
2. Upon receipt of Ministerial authorisation, places Planning Scheme Amendment C134 on public exhibition for one month.

#### Council Resolution

**MOVED Cr Heather Wellington, Seconded Cr Adrian Schonfelder**

That Council:

1. Seeks authorisation from the Minister for Planning to prepare Planning Scheme Amendment C134, Winchelsea Town Centre and Highway Design Guidelines.
2. Upon receipt of Ministerial authorisation, places Planning Scheme Amendment C134 on public exhibition for one month.

CARRIED 9:0



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### Report

#### **Officer Direct or Indirect Interest**

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

#### **Background**

Council adopted the '*Winchelsea Town Centre and Highway Design Guidelines*,' in July 2019. The guidelines were developed with the local community between November 2018 and May 2019. The guidelines focused on all Commercial 1 zoned land in Winchelsea and residential land abutting the highway, forming the entry to the town. The guidelines seek to protect the valued country village character as envisaged through the Winchelsea Strategy "*Growing Winchelsea 2015*".

The adopted guidelines recognise the importance of the Barwon River and promote it as a focal point for new development. Through the management of future commercial development across all commercial areas, the historic village character will be preserved and enhanced making it attractive for future investment.

The guidelines divided the town centre into four different precincts, each area having certain attributes and defining characteristics. The amendment applies a different Design and Development Overlay Schedule to each precinct. The schedule has been tailored to each specific precinct, ensuring the most important features continue to be protected and enhanced.

In order to implement the adopted document - *Winchelsea Town Centre and Highway Design Guidelines, 2019*, it is proposed to:

- Amend the Municipal Planning Strategy and the Local Planning Policy Framework to provide context for the new overlays and to introduce the design vision from the guidelines.
- Apply a Design and Development Overlay (DDO) schedule 27, 28, 29, and 30 to the different precincts within the town centre identified by the design guidelines;
- Apply a Design and Development Overlay (DDO) schedule 31 to the residential allotments abutting the Highway.
- Include the 'Winchelsea Town Centre and Highway Design Guidelines' as a background document to the schedule to Clause 72.08.
- Delete the need to undertake design guidelines for Winchelsea's commercial areas from the schedule to Clause 74.02 (further strategy work).

Authorisation from the Minister for Planning is now required to implement the design recommendations from the guidelines and proceed to public exhibition.

The attached Explanatory Report provides a more detailed assessment of the amendment against state and local planning policy and other requirements (refer appendix 3).

#### **Discussion**

Specifically, the Amendment proposes to:

1. Amend Clause 02.04 of the Municipal Planning Strategy to insert a new map showing the four different commercial precincts in Winchelsea.
2. Amend Clauses 15.01-1L-02, 15.01-1L-03, 15.01-3L and 17.04-1L of the Local Planning Policy Framework to provide context for the new overlays and to introduce the '*Winchelsea Town Centre and Highway Design Guidelines*,' 2019.
3. Apply the following Design and Development Overlay Schedules to commercial land:
  - a. DDO27 (applies to the Town Centre West, which includes the main shopping strip),
  - b. DDO28 (applies to the Willis Street shopping area and includes café La Hoot),
  - c. DDO29 (applies to the Town Centre East and includes the Globe theatre),
  - d. DDO30 (applies to the Riverside area and includes the Barwon Hotel).

Apply the following Design and Development Overlay to residential land on the highway:

- e. DDO31.
4. Amend the Schedule to Clause 72.08 within of the Operational Provisions to include a new background document titled '*Winchelsea Town Centre and Highway Design Guidelines*, 2019'.

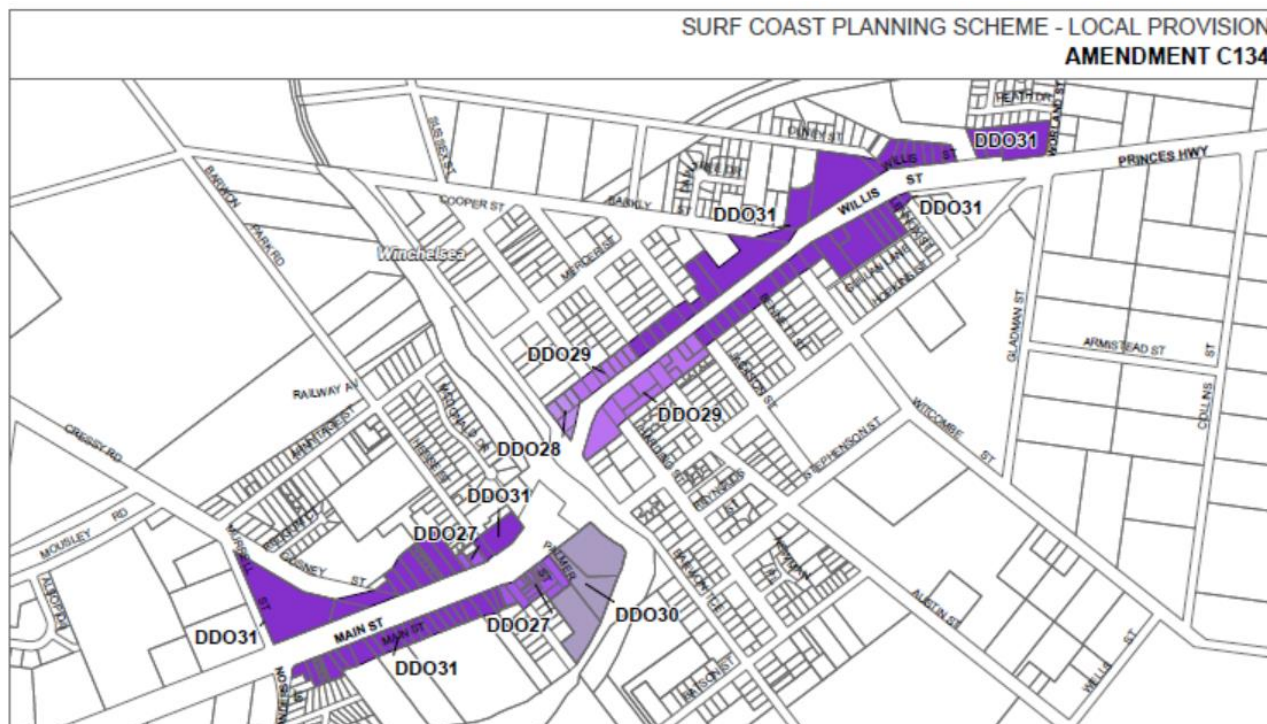


## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

5. Amend the Schedule to Clause 74.01 within of the Operational Provisions to include reference to the new DDO schedules.
6. Amend the Schedule to Clause 74.02 within of the Operational Provisions to delete reference to required further work.

Appendix 2 contains all of the amendment documents including the proposed overlay schedules and map.

Figure 1 shows the proposed location for the five new DDO Schedules.



**Figure 1: Location of proposed DDO schedules through C134**

A planning permit is required for most buildings and works under the Commercial 1 Zone and the DDO schedules will not introduce any new permit triggers. This means that Amendment C134 will not increase the number of permit applications received by Council. However, it will provide design requirements and decision guidelines to assist decision makers when a planning permit is required.

A planning permit is not required for a dwelling or extension to a dwelling under the General Residential 1 Zone and the new DDO31 to be applied along the highway also includes this exemption. Only commercial development permitted in the residential zones which currently require a planning permit, such as medical centres, will need to meet the requirements of the design and development overlay.

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



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### **Reporting and Compliance Statements:**

*Local Government Act 2020 – LGA 2020*

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

### **Governance Principles - Local Government Act 2020 (LGA 2020)**

The applicable Victorian Planning Provisions and relevant Acts have been taken into account in considering the proposal.

### **Policy/Relevant Law**

The amendment complies with the relevant requirements of the Planning and Environment Act 1987. The amendment strengthens Council policy and provides clearer direction on how the heritage and country character of Winchelsea can be strengthened and enhanced. The strategy is consistent with, and builds upon the Growing Winchelsea Strategy and other relevant strategies and studies.

The proposed amendment complies with relevant legislation, Council Plan and/or Policy; and there should be no legal ramifications.

### **Environmental/Sustainability Implications**

The 'Winchelsea Town Centre and Highway Design Guidelines' include a design vision to enhance the Barwon River environs and to create a more pedestrian friendly town which are all expected to have positive impacts on the Winchelsea environment.

### **Community Engagement**

Comprehensive community engagement was undertaken throughout the process of preparing the guidelines. In addition, the proposed planning scheme amendment will include public notification and the ability for submissions to be lodged.

### **Public Transparency**

All documents and council decisions relating to the processing of the amendment will be publicly available on the website for inspection and comment.

### **Strategies/Plans**

The amendment is consistent with the strategies and policies within the Surf Coast Planning Scheme and implements the Council adopted Winchelsea Town Centre and Highway Design Guidelines, 2019.

### **Financial Management**

The 2020/21 budget has provision for the processing of this amendment.



## **2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines**

### **Risk Assessment**

There are no significant risks in undertaking a planning scheme amendment process as proposed. The undertaking of the amendment will enhance land use planning policy relevant to Winchelsea.

### **Communication**

The amendment will be exhibited in accordance with the requirements of Section 19 of the Planning and Environment Act 1987. It will be placed on public exhibition for a minimum statutory period of one month to provide opportunity for community feedback as required by the Act.

An information session will also be held in the town during the exhibition period to explain the proposed controls and process moving forward. This session will be conducted during and after business hours to ensure maximum community attendance is facilitated.

### **Options**

Option 1 – Seek Ministerial authorisation to prepare the Amendment and exhibit for a period of one month

This option is recommended by officers. Amendment C134 will implement adopted council design guidelines that received strong support from the local community. The planning scheme amendment is required to give statutory effect to the guidelines. The amendment is now ready to proceed to the Minister of Planning to request authorisation to prepare and exhibit the amendment.

Option 2 – do not proceed with Amendment C134

This option is not recommended by officers. Amendment C134 would give statutory weight to adopted council design guidelines and assist in the assessment of planning permit applications for built form. The absence of urban design guidelines makes it difficult for landowners, decision makers and the community to understand what attributes contribute to the look and feel of the country, historic, village character. Without such a tool, the character could be eroded over time as new ad hoc development emerges.

### **Conclusion**

Council adopted the ‘Winchelsea Town Centre and Highway Design Guidelines’ in July 2019. The guidelines build on Winchelsea’s rich cultural heritage and country village feel and were strongly supported by the community during the development phase. They provide Winchelsea with a clear vision of how the commercial land and entrances to the town should visually evolve into the future. In order to protect the character, as envisaged through this document, a planning scheme amendment is necessary to implement the guidelines.

The amendment does not introduce any additional planning permit triggers and avoids putting an unnecessary burden on council’s planning resources. It will provide a useful tool for landowners, the community and decision makers where a planning permit application is required.



## **2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines**

### **APPENDIX 1 WINCHELSEA TOWN CENTRE AND HIGHWAY DESIGN GUIDELINES**



# Winchelsea Town Centre and Highway Design Guidelines

Prepared by Inclusive Design  
July 2019





## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

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## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines



### Winchelsea Town Centre and Highway Design Guidelines

Winchelsea has a distinctive and valued country town character. These guidelines have been prepared to ensure new commercial development can respect, reflect and enhance that character. The guidelines are divided into four parts;

#### Part 1

The background and development of the guidelines

How to use the guidelines and where they apply

#### Part 2

What is Winchelsea's preferred character?

The aspects of development that are important for achieving the preferred character in the areas covered by the guidelines.

#### Part 3

Design guidelines for key areas in the town centre;

- Town Centre East
- Willis Street
- Town Centre West
- Riverside

#### Part 4

Advice on managing buildings to support this preferred character



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### Part 1 Background

In 2015, Surf Coast Shire Council adopted the strategic plan 'Growing Winchelsea', a place-making plan to guide the way Winchelsea grows heading towards 2050. It defined a vision for Winchelsea as "a welcoming and thriving village with a rich cultural heritage and country village feel. The residents of Winchelsea benefit from a full range of activities and access to learning, employment, civic and cultural experiences, whilst living in a place that has a strong connection to the beautiful Barwon River and rural hinterland."

To achieve this vision it laid out a series of aims. These are to;

- Celebrate the Barwon River as an accessible natural asset, a place to play with riverside trails.
- Be an authentic country village with a village heart, rural streetscapes, a connection to agriculture and a village high street.
- Celebrate and protect its rich cultural heritage – A unique town identity, new respects old, welcome signage, heritage gardens, heritage replica street elements and restore old buildings.
- Offer activities for old and young – festivals and events, family days out and markets.

These design guidelines were prepared to ensure that new commercial buildings are compatible with this vision.

We presented our initial findings about the broad direction for guidelines to the community through a number of channels. These included two community events as well as on line opportunities to comment. These allowed residents and business owners to express their views about the intent and scope of guidelines and our interpretation of the preferred character.

This process revealed broad support for the intent of the draft guidelines and allowed us to identify what required amending.

These changes have been incorporated into this document to articulate what Winchelsea's preferred character is and how it can be achieved.

### About the design guidelines

Like many characterful towns Winchelsea contains a number of areas with subtly different character. These guidelines reflect these differences and suggests different controls in different areas. Also as is common with most other towns there is a degree of variation within each character area. Some characteristics are largely consistent throughout an area (for example height) whilst some may vary considerably (for example colour). For this reason the guidelines includes alternatives where more than one design solution may be appropriate in a particular area.

The guidelines seek to impose no more controls than are necessary to support the towns preferred character. This is to allow good and innovative design to flourish and minimise constraints. Consequently these guidelines are limited to those aspects of development that are considered most important for the towns preferred character. The guidelines seek to invite the passer by in the car to stop, get out and enjoy the town. Thus the guidelines key focus is to emphasise the experience of the town from the perspective of the pedestrian on the footpath. Consequently the guidelines do not seek to control aspects of development where they do not have a significant visual impact on key streetscapes.

Innovative design may justify a departure the guidelines where it can be demonstrated that a new development will be compatible with the preferred character. For example two storey development in a single storey area may be appropriate where the impact of the upper storey is mitigated by an appropriate setback that renders it visually unobtrusive.

As is common in even the most characterful towns, not all existing buildings contribute to the towns preferred character. Therefore the presence of an existing non conforming building in any given part of the town will not provide a precedent for another building that also does not contribute to the preferred character.





## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### Using the design guidelines

These guidelines outline what is required to ensure new development contributes to the towns preferred character across five distinct areas as outlined on the map. These are;

- The Princes highway (where commercial type development is proposed)
- Town Centre East
- Willis Street
- Town Centre West
- Riverside

The guidelines identify the aspects of development that are particularly important, why they are important and the design requirements to achieve the preferred character. Development that conforms to these guidelines will be deemed to meet character standards.

The guidelines should be used to lead discussions between applicants for development and Council officers. Applicants need to consider whether their proposal conforms to these guidelines. If you wish to pursue a design that departs from these guidelines you will have demonstrate to the satisfaction of the assessing officer how the proposed design exceeds that of a conforming design and contributes to the towns preferred character. Please note all of these guidelines are considered equally important.

#### Information to accompany applications for development

All applications for development covered by the design guidelines must be accompanied by an assessment of the proposal against these guidelines.

#### How will the Council use these guidelines to make a decision?

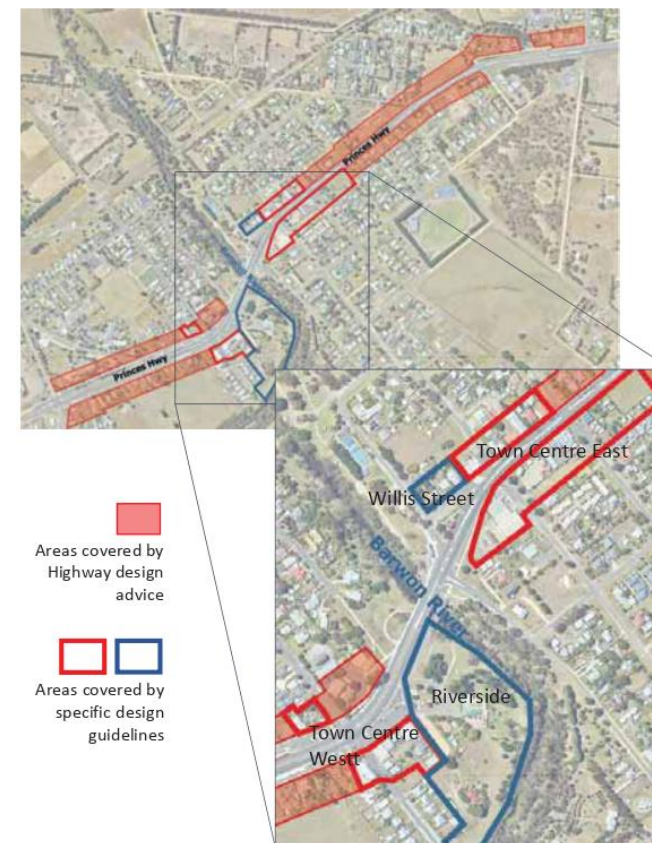
The responsible authority must assess whether the proposal meets these guidelines before deciding on any application. Developments that incorporate the characteristics indicated as appropriate in these guidelines are likely to be deemed to comply.

The guidelines use a traffic light system to demonstrate compliance;

- ✓ Any of the features with green circle and tick comply
- Features with amber circle- deviates from the preferred character but may be appropriate subject to detailed design
- ✗ Features with red circle and cross - does not comply

#### Further information

Applicants are strongly advised to contact the Surf Coast Shire Planning department before finalising their proposals. To find out more about this and other requirements, or to book a pre-application meeting, contact the Planning department on 5261 0600 or [planningapps@surfcoast.vic.gov.au](mailto:planningapps@surfcoast.vic.gov.au).





## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### Part 2 Winchelsea's preferred character

In order that new commercial buildings in the areas outlined on page 3 contribute to Winchelsea's preferred character they will need to (in no hierarchical order) :

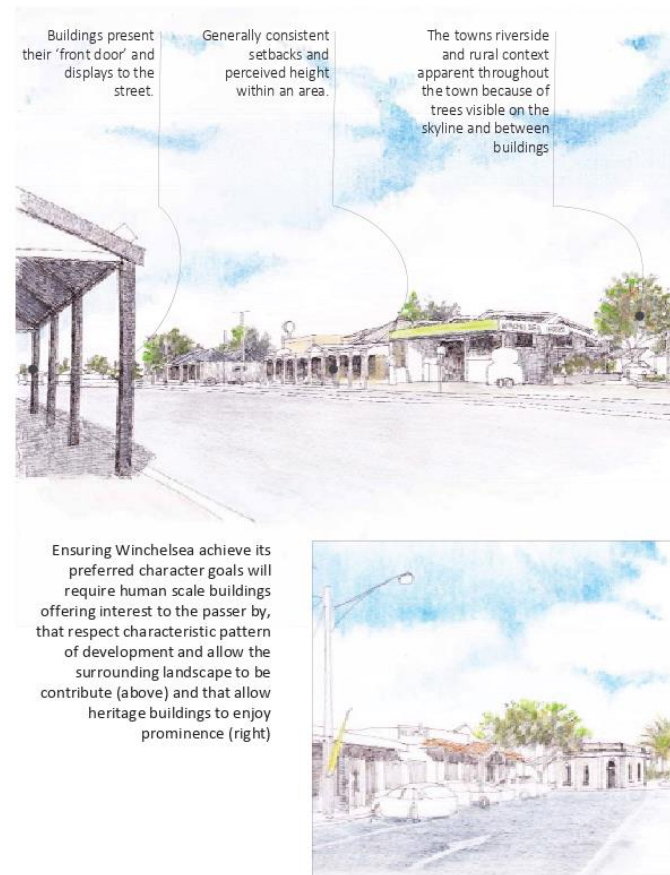
**Maintain human scale.** A key defining characteristic of most country towns are their relatively small scale and an absence of big or massive buildings that overwhelm the observer and dominate their surroundings. The preferred character for Winchelsea is to maintain this human scale by ensuring buildings are not too large, too high or too massive when viewed from the footpath. It also requires they present to the street front to ensure as people walk or drive by they are presented with a rich and interesting streetscape with a close grain (such as narrow shopfronts) rather than a monolithic wall or single dominating feature.

**Respect the characteristic pattern of development.** Each new building sits within a context of other existing buildings, the street and in some cases the river. In some areas the buildings characteristically directly edge the back of the footpath and are hard up against each other (known as zero setbacks). In other areas the buildings are setback from the footpath and each other. This contributes to a characteristic pattern of building and gaps, revealing the sides of buildings in some places and hiding them in others. In most areas these setbacks, where they exist are within a range and are rarely entirely consistent. The preferred character for Winchelsea is to ensure new development respects the characteristic range of front and side setbacks within its immediate surroundings. The guidelines have established four distinctive areas within the town centre and identified the preferred setback for each precinct.

**Respect and enhance the contribution of landscape.** The wooded Barwon river and rural hinterland means that trees contribute a great deal to the character of the area. Tree canopy is visible between buildings and in some cases in front of them in much of the town. The preferred character for Winchelsea is to ensure the balance between buildings and landscape can be retained and if possible the contribution of landscape can be enhanced. Landscaping will be particularly significant in precincts 2 and 4.

**Respect the contribution of heritage buildings.** Winchelsea's heritage buildings offer a link to the past and contribute a great deal to the character of the town, particularly in terms of the towns skyline and architectural richness. The preferred character of new buildings is to ensure the parapet, wall height or roof height of new development does not compete with, dilute or overwhelm the contribution made by heritage buildings. This requires ensuring the facades of new buildings are not as high as adjoining heritage buildings.

What this means for development is outlined in the following sections of this document.



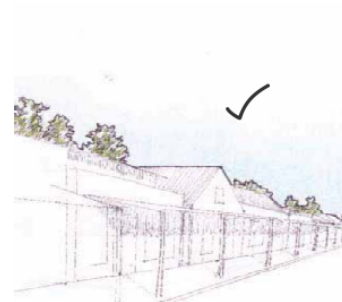


## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

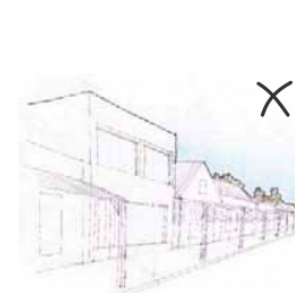
### Key aspects of development and design responses

This section outlines the aspects of development that are important to achieve Winchelsea's preferred character and the appropriate design responses in all five character areas.

What is important	Why it is important	Appropriate and inappropriate design responses
<b>Building Height</b>	<p>Limiting height of new development will help ensure:</p> <ul style="list-style-type: none"> <li>new buildings are sympathetic to the existing 'human scale' of the town</li> </ul> <p>Trees will continue to be the main feature on the skyline when viewed from the highway</p> <p>The impact that taller buildings will have is reserved for heritage buildings with a particularly significant function for the community</p>	<p>Buildings should be no higher than surrounding buildings in the area. Exceptions may be made when a higher building can be demonstrated to have minimised the impact of levels above ground level, typically by stepping back first floors or incorporating them into the roofscape.</p> <p>For height requirements in areas 1-4 see following section</p>
<b>Building placement</b>	<p>The setbacks between a building and the property boundaries to the front and the side make a significant contribution to the pattern and rhythm of development in an area.</p>	<p>New buildings should respect the characteristic front and side setbacks in the area.</p> <p>For setbacks requirements in areas 1-4 see following section</p>
<b>Roof design</b>	<p>The design of the roof will make a significant impact on the skyline and make an important contribution to the pattern and rhythm of development in an area</p>	<p>New buildings should incorporate a pitched and ridged roof.</p> <p>For roof design requirements in areas 1-4 see following section</p>
<b>Materials and colours</b>	<p>The materials and colours of buildings have a significant impact on what it is like to walk past them. This contribution was noted in the findings of the community survey in Winchelsea about community aspirations for the towns character undertaken late 2018</p>	<p>Outside of areas 1-4 no particular controls on materials and colours are required because of the existing diversity of these aspects of development along the Highway</p> <p>For material and colour requirements in areas 1-4 see following section</p>
<b>Advertising</b>	<p>It is the point of advertising to draw the eye and it plays an important role in supporting local businesses. However too much or too dominant advertising will dominate the towns built and landscape character</p>	<p>Advertising should be incorporated into the building or a panel hanging off it.</p> <p>Advertising that crosses the skyline when viewed from the Highway is unlikely to be appropriated</p> <p>Advertising that is illuminated internally is unlikely to be appropriate</p>

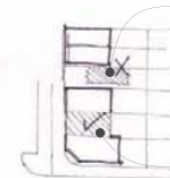


Building heights and roofscapes contribute to the characteristic mixed pattern of landscape and buildings on the skyline, with landscapes dominating.



Taller buildings and large slab roof shapes would change the skyline balance and lead to buildings dominating, detracting from the towns character

Typical building placement in character areas 1-4



Building not in keeping with prevailing setbacks in the area, likely to create a gap in the streetscape. This would only be justifiable if that gap makes a significant contribution to the landscape quality or activation of that part of Winchelsea.

Building in keeping with prevailing setbacks in the area

Typical building placement along the Princes Highway outside of character areas 1-4



Building in keeping with prevailing setbacks in the area

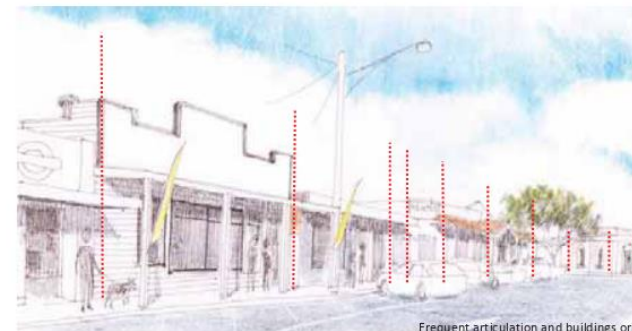
Building not in keeping with prevailing setbacks in the area, leaving a gap in the streetscape and dominating the street front with parking

Building not in keeping with prevailing setbacks in the area. It is unlikely to be appropriate because of its prominence. However an exceptionally well designed building in keeping with these guidelines may justify the high profile such a building will have.



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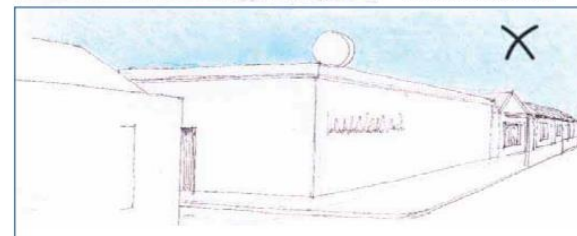
What is important	Why it is important	Appropriate and inappropriate design responses
<b>Windows</b>	<p>The shape and distribution of windows on the facade will play a significant role in ensuring new buildings look like they were intended for a country town and not just imposed on the town from elsewhere</p> <p>Internally illuminated windows facing the footpath contribute to making the town a safer and more interesting place to be.</p>	<p>Window shape on commercial development may consist of vertical orientated windows, large display windows or a mix of both. Extensive areas of glass, particularly on wider frontages are unlikely to be appropriate. Equally blank facades will not be appropriate</p> <p>For window requirements in areas 1-4 see following section</p>
<b>Articulation</b>	<p>Country towns like Winchelsea have a 'close grain' which gives them a human scale and makes them interesting and attractive as well as more rewarding to walk past rather than just drive past. Large, unvaried, blank walled or big box development type development would detract from this character and contribute to making the town more generic.</p>	<p>Variations in the height, colour, setback or modulation of buildings every 10m or at property boundaries for any lots less than 10m wide</p> <p>Blank, unmodulated facades would not be appropriate</p> <p>For articulation requirements in areas 1-4 see following section</p>
<b>Orientation</b>	<p>Ensuring buildings are accessed from the street will make them easier to read from the highway, provide interest and activity to the street/highway. Entrances that can be seen from the surrounding public realm are more likely to feel safer than those that require pedestrians to enter via dark, hidden or secluded entrances</p>	<p>Principal pedestrian entry point should be visible from the highway</p> <p>Note this does not preclude other pedestrian entrances on other facades (such as those facing a car park)</p> <p>For orientation requirements in areas 1-4 see following section</p>
<b>Presentation to street</b>	<p>Ensuring buildings present their active, attractive and 'business' face to the street will provide interest and help contribute to the vitality of the street/highway</p> <p>Ensuring buildings are not dominated by car parking will create a more walkable character and provide more room for landscaping.</p> <p>Development built up to the footpath can help provide microclimatic comfort.</p>	<p>Front setback (if any) to incorporate a tree that will mature to be tall enough to contribute to the skyline.</p> <p>Front setbacks must not incorporate car parking.</p> <p>Verandas are encouraged along the entire frontage of the development on the southern side of the highway and over either side where development abuts the footpath</p> <p>Planting beds or raised beds adjoining Veranda posts to facilitate landscaping</p> <p>For presentation to street requirements in areas 1-4 see following section</p>



Frequent articulation and buildings orientated towards streetfront make a significant contribution to the vitality and character of the town



verandas on the streetfront façade make a particularly significant contribution to rural town character.  
The installation of vines can contribute to making the building and footpath (where verandas cross path) comfortable in all weather conditions and add an element of greenery at eye level




Unarticulated, blank frontages do not contribute to the character of the town and make it placeless, generic.



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### **Part 3** Design guidelines for key areas





## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### Design Guidelines for Area 1 Town Centre East



This area contributes to the sense of arrival or departure from Winchelsea town centre for the traveller on the Highway. These guidelines seek to ensure this area can create the sense that visitors are arriving at somewhere distinctive, attractive and memorable.

On the north side of the highway it incorporates the lots between Austin Street and Harding Street plus one lot on the south west side of Harding Street.

On the south side of the highway it incorporates the lots between Jackson Street and Barwon Terrace. The South western corner of this area has a high profile overlooking the Barwon River.



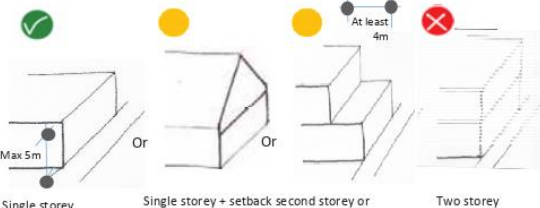
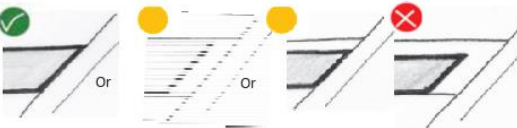
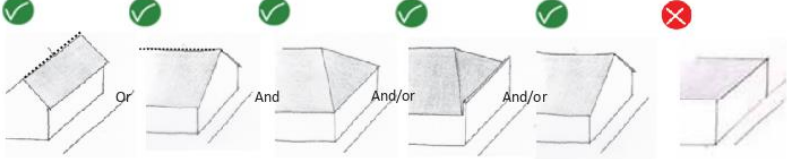
Indicative illustration of what buildings built in accordance with these guidelines would look like





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Important aspects of development and why they are important	Appropriate and inappropriate design characteristics	Does your proposal have these appropriate characteristics? If not, how does it achieve the preferred character?
<b>Building Height</b> Conforming to this guideline will help ensure: New buildings are sympathetic to the existing scale of the town Trees will continue to be the main feature on the skyline when viewed from the highway The impact that taller buildings will have is reserved for buildings with a particularly significant function for the community	 <p>Single storey      Or      Single storey + setback second storey or second storey incorporated into roof      Or      Two storey</p>	
<b>Building placement</b> Conforming to this guideline will contribute to ensuring: New buildings respect the villages characteristic pattern of development	<p>(*setbacks may be acceptable if they are activated by café seating and appropriate landscaping - not to be used for car parking)</p>  <p>No setback      Or      Front setback*      Or      Side setback only*      Or      Front and side setback</p>	
<b>Roof design</b> Conforming to this guideline will contribute to ensuring: New buildings reinforce Winchelsea's country town skyline and close grain Trees are retained as the dominant feature on the skyline when viewed from the highway	 <p>Ridge parallel to front      Or      Ridge perpendicular to front      And      Hipped      And/or      Parapet      And/or      Gable      And/or      Flat</p>	



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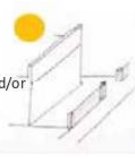
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Important aspects of development and why they are important	Appropriate and inappropriate design characteristics	Does your proposal have these appropriate characteristics? If not, how does it achieve the preferred character?
<p><b>Materials and colours</b></p> <p>Conforming to this guideline will play an important role in ensuring that new buildings reflects the detail and texture of the preferred character.</p>	<div data-bbox="1243 582 1400 774">  Grey, neutral or red in colour Tile </div> <div data-bbox="1411 582 1568 774">  Grey, green, neutral or red in colour Metal </div> <div data-bbox="795 805 952 973">  Details such as door, verandas and window frames may be painted in a contrasting, lighter colour Bluestone </div> <div data-bbox="963 805 1120 973">  Walls white, pastel natural or muted shade. Details such as door, verandas and window frames may be painted in a contrasting colour Or ———— Render ———— Or </div> <div data-bbox="1131 805 1288 973">  Walls white, pastel natural or muted shade. Details such as door, verandas and window frames may be painted in a contrasting colour Metal </div> <div data-bbox="1299 805 1456 973">  cream, white, light ochre or natural walls. Details such as door, verandas and window frames may be painted in a contrasting colour Or Weatherboard </div> <div data-bbox="1467 805 1624 973">  Brick </div>	
<p><b>Windows</b></p> <p>Conforming to this guideline will contribute to ensuring:</p> <p>New buildings look like they were intended for Winchelsea and not just imposed on the town from elsewhere</p> <p>New buildings contribute to the vitality and safety of the town.</p>	<div data-bbox="795 1005 929 1197">  Windows and doors orientated towards the street </div> <div data-bbox="940 1005 1075 1197">  And Or Mix of Commercial and domestic windows </div> <div data-bbox="1086 1005 1220 1197">  Or Domestic, vertically orientated windows </div> <div data-bbox="1232 1005 1366 1197">  Or Commercial, display windows </div> <div data-bbox="1377 1005 1512 1197">  Blank facades </div>	



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Important aspects of development and why they are important	Appropriate and inappropriate design characteristics	Does your proposal have these appropriate characteristics? If not, how does it achieve the preferred character?
<b>Other important features</b> Conforming to this guideline will contribute to ensuring: The building is a good fit with the town That new buildings offer a welcoming, interesting and comfortable experience for those walking along the adjoining footpath Ensure new buildings contribute to the vitality and safety of the street	<b>Advertising</b>  Traditional shopfront advertising  Internally illuminated signage and/or ridge line signage	
	<b>Articulation</b>  Variation in roofline and roof form And/or  Variation in colour And/or  Modulation between sections And/or  Variation in height And/or  Variation in setback	
	<b>Orientation</b> *This guideline only applies to lots fronting the riverside.  Pedestrian entrance and display windows orientated towards river for riverside lots* And  Principal pedestrian entrance visible from Highway  Principal pedestrian entrance not visible from Highway and river	
	<b>Presentation to street</b> (*for example café seating)  Planting pit for vines And  veranda And/or  Front setbacks (where appropriate) will require at least one canopy tree and activation* And/or  Low (1m or less) wall on front or riverside boundary	



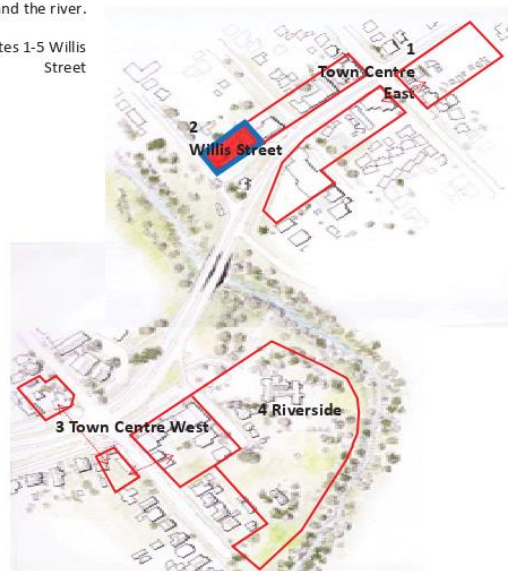
## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### Design Guidelines for Area 2 Willis Street



This area differs from area 1 in that it doesn't directly abut the highway, instead it relates more to the river and its landscaped setting and so it functions as a transition between the town centre and the river. These guidelines seek to ensure that development in this area can provide an attractive edge to both the town and the river.

This area incorporates 1-5 Willis Street



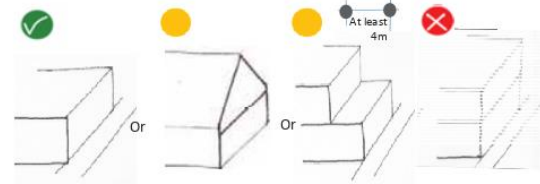

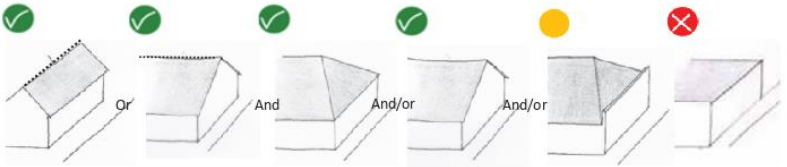
Indicative illustration of what a building or buildings built in accordance with these guidelines would look like





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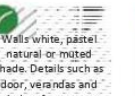






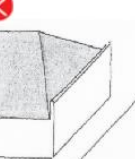
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Important aspects of development and why they are important	Appropriate and inappropriate design characteristics	Does your proposal have these appropriate characteristics? If not, how does it achieve the preferred character?
<b>Building Height</b> Conforming to this guideline will help ensure: New buildings are sympathetic to the existing scale of the town Trees will continue to be the main feature on the skyline when viewed from the highway The impact that taller buildings will have is reserved for buildings with a particularly significant function for the community	 <p>Single storey      Or      Single storey + setback second storey or second storey incorporated into roof      Or      Two storey</p>	
<b>Building placement</b> Conforming to this guideline will contribute to ensuring: New buildings respect the villages characteristic pattern of development There is space for significant landscaping	<p>(*setbacks may be acceptable if they are activated by café seating and appropriate landscaping but not if they are used for car parking)</p>  <p>Front and side setback      Or      Front setback*      Side setback only      No setback</p>	
<b>Roof design</b> Conforming to this guideline will contribute to ensuring: New buildings reinforce Winchelsea's country town skyline and close grain Trees are retained as the dominant feature on the skyline when viewed from the highway	 <p>Ridge parallel to front      Or      Ridge perpendicular to front      And      And/or      And/or      Gable      Flat</p>	



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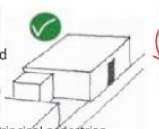

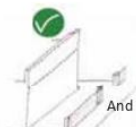



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Important aspects of development and why they are important	Appropriate and inappropriate design characteristics	Does your proposal have these appropriate characteristics? If not, how does it achieve the preferred character?
<p><b>Materials and colours</b></p> <p>Conforming to this guideline will play an important role in ensuring that new buildings reflects the detail and texture of the preferred character</p>	  <p>Or</p> <p>Tile Metal</p>      <p>Bluestone Or Render Or Metal Or Weatherboard Brick</p>	
<p><b>Windows</b></p> <p>Conforming to this guideline will contribute to ensuring:</p> <p>new buildings look like they were intended for Winchelsea and not just imposed on the town from elsewhere</p> <p>New buildings contribute to the vitality and safety of the town.</p>	 <p>And</p>  <p>Or</p>  <p>Or</p>  <p>Or</p>  <p>Blank facades</p>	



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Important aspects of development and why they are important	Appropriate and inappropriate design characteristics	Does your proposal have these appropriate characteristics? If not, how does it achieve the preferred character?
<b>Other important features</b>  Conforming to this guideline will contribute to ensuring:  That new buildings offer a welcoming, interesting and comfortable experience for those walking along the adjoining footpath  Ensure new buildings contribute to the vitality and safety of the street	<b>Advertising</b>   Traditional shopfront advertising   Internally illuminated signage and/or ridge line signage	
	<b>Articulation</b>   Variation in roofline and roof form  And/or   Variation in colour  And/or   Modulation between sections  And/or   Variation in height  And/or   Variation in setback	
	<b>Orientation</b>  *This guideline only applies only to lots fronting riverside.   Pedestrian entrance and display windows orientated towards river for riverside lots*  And   Principal pedestrian entrance visible from footpath  And   Principal pedestrian entrance not visible from footpath	
	<b>Presentation to street</b>   Low (1m or less) wall on front boundary  And   Front setbacks will require Canopy tree and activation  And   Planting pit for vines  And   veranda	



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### Design Guidelines for Area 3 Town Centre West

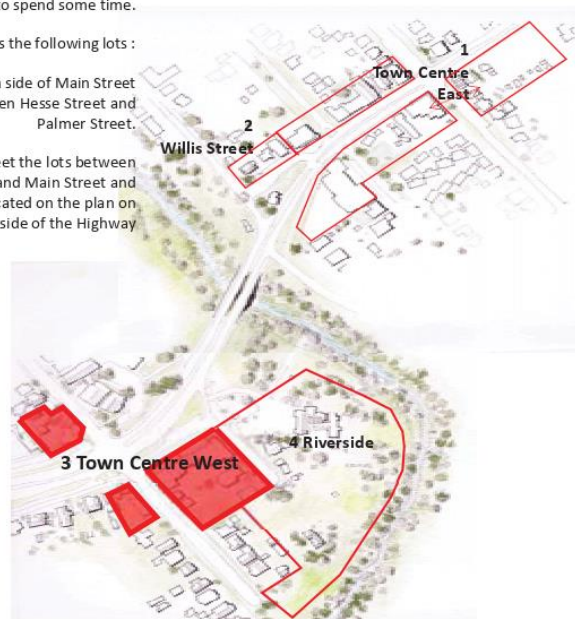


This area is the heart of the town. These guidelines seek to ensure this area can be developed in a way that visitors and locals will find distinctive, attractive and memorable and a rewarding place to spend some time.

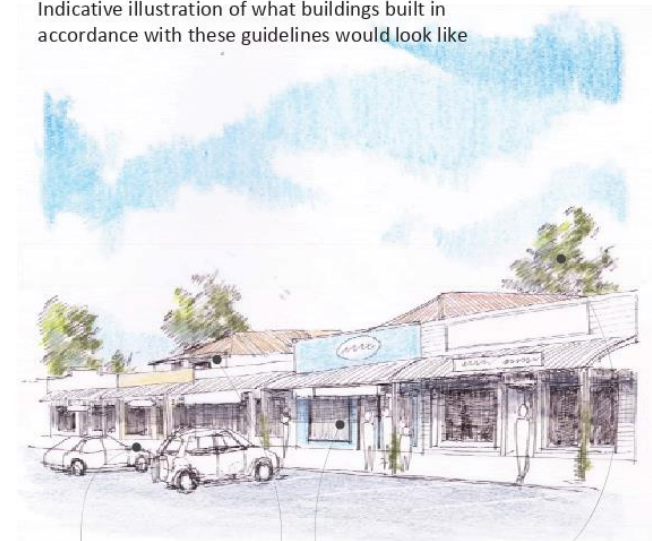
It incorporates the following lots :

On the south side of Main Street those between Hesse Street and Palmer Street.

On Hesse Street the lots between Rowan Lane and Main Street and the lots indicated on the plan on the north side of the Highway



Indicative illustration of what buildings built in accordance with these guidelines would look like



Parapets, verandas and windows and doors that occupy most of the facade to reflect the traditional country town character of Winchelsea

Potential for an additional floor if largely hidden from the highway

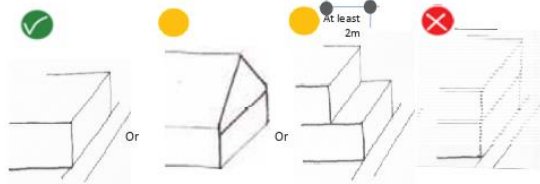

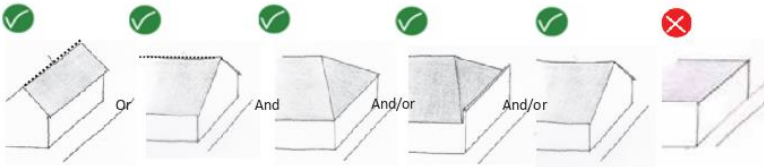
Predominantly single storey development allows for green skyline to be seen over most buildings from the streetscape in keeping with the villages country character

Building activity clustered around the street frontage, adding vitality and visual interest



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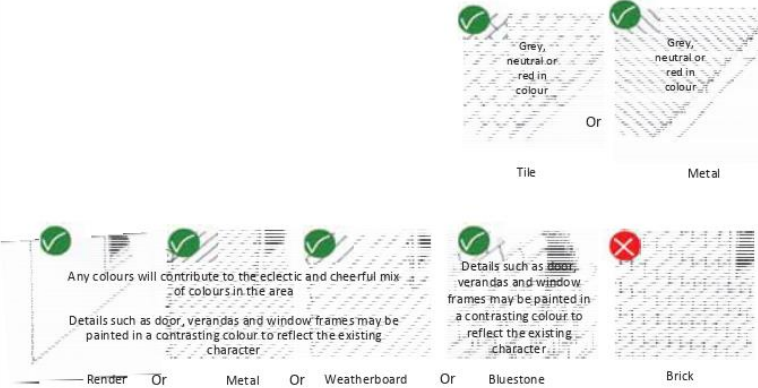
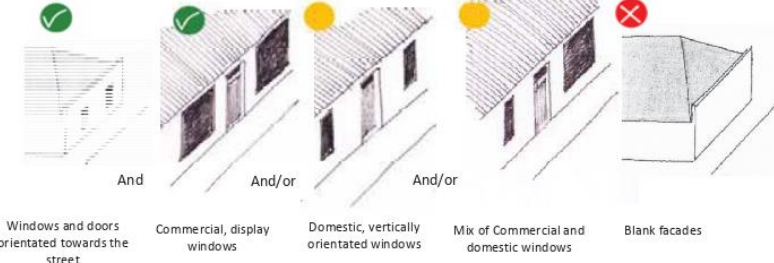
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Important aspects of development and why they are important	Appropriate and inappropriate design characteristics	Does your proposal have these appropriate characteristics? If not, how does it achieve the preferred character?
<b>Building Height</b> Conforming to this guideline will help ensure: New buildings are sympathetic to the existing scale of the town Trees will continue to be the main feature on the skyline when viewed from the highway The impact that taller buildings will have is reserved for buildings with a particularly significant function for the community	 <p>Single storey      Or      Single storey + setback second storey or second storey incorporated into roof      Or      Two storey</p>	
<b>Building placement</b> Conforming to this guideline will contribute to ensuring: New buildings respect the villages characteristic pattern of development	<p>(*setbacks may be acceptable if they are activated by café seating for example but not if used for car parking)</p>  <p>No setback      Or      Front setback*      Side setback only      Front and side setback</p>	
<b>Roof design</b> Conforming to this guideline will contribute to ensuring: New buildings reinforce Winchelsea's country town skyline and close grain Trees are retained as the dominant feature on the skyline when viewed from the highway	 <p>Ridge parallel to front      Or      Ridge perpendicular to front      And      And/or      And/or      And/or      Flat</p>	



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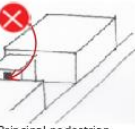




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Important aspects of development and why they are important	Appropriate and inappropriate design characteristics	Does your proposal have these appropriate characteristics? If not, how does it achieve the preferred character?
<p><b>Materials and colours</b></p> <p>Conforming to this guideline will play an important role in ensuring that new buildings reflects the detail and texture of the preferred character.</p>	 <p>Grey, neutral or red in colour</p> <p>Or</p> <p>Grey, neutral or red in colour</p> <p>Tile</p> <p>Metal</p> <p>Any colours will contribute to the eclectic and cheerful mix of colours in the area</p> <p>Details such as door, verandas and window frames may be painted in a contrasting colour to reflect the existing character</p> <p>Render Or Metal Or Weatherboard Or Bluestone Brick</p> <p>Details such as door, verandas and window frames may be painted in a contrasting colour to reflect the existing character</p>	
<p><b>Windows</b></p> <p>Conforming to this guideline will contribute to ensuring:</p> <p>new buildings look like they were intended for Winchelsea and not just imposed on the town from elsewhere</p> <p>New buildings contribute to the vitality and safety of the town.</p>	 <p>And</p> <p>And/or</p> <p>And/or</p> <p>Windows and doors orientated towards the street</p> <p>Commercial, display windows</p> <p>Domestic, vertically orientated windows</p> <p>Mix of Commercial and domestic windows</p> <p>Blank facades</p>	



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

The diagrams and descriptions on these pages describe the characteristics that can be found in Winchelsea. Not all characteristics contribute to a towns character. The ticked (green) diagrams and descriptions indicate the features that contribute to the preferred character. Those with no annotation (amber) indicates that although they are not characteristic of this area they may not be inappropriate, subject to detailed design. The crossed (red) diagrams indicate inappropriate characteristics in this area that are unlikely to be considered acceptable.

Important aspects of development and why they are important	Appropriate and inappropriate design characteristics		Does your proposal have these appropriate characteristics? If not, how does it achieve the preferred character?
<b>Other important features</b>  Conforming to this guideline will contribute to ensuring:  The building is a good fit with the town  That new buildings offer a welcoming, interesting and comfortable experience for those walking along the adjoining footpath  That new buildings contribute to the vitality and safety of the street	Advertising	  Traditional shopfront advertising   Internally illuminated signage and/or ridge line signage	
	Articulation	  Variation in roofline and roof form And/or   Variation in colour And/or   Modulation between sections And/or   Variation in height And/or   Variation in setback	
	Orientation	  Principal pedestrian entrance visible from Highway or road   Principal pedestrian entrance not visible from Highway or road	
	Presentation to street	  Planting pit for vines And   veranda	



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### Design Guidelines for Area 4 Riverside



This area has been identified for expansion of the town centre and open space.

Development in this area will activate and attract visitors to experience the beautiful Barwon River setting. Development will be required to respond sensitively to the surrounding open space, retain the dominance of the landscape and provide an attractive edge to both the town and the river.

This area covers the land indicated on the map below



Area liable to flooding (based on 2019 mapping, please check planning scheme for most up to date area)

Indicative illustration of what buildings built in accordance with these guidelines would look like

Mix of building heights and varied roof forms allows for green skyline to be seen over most buildings

Muted colours and materials minimises impacts of buildings



verandas and balconies to break up the mass of the building

Significant landscaping in activated front and side setbacks

Development fronting towards riverside open space and slow speed, pedestrian friendly access road linking Hesse Street and Palmer Street



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

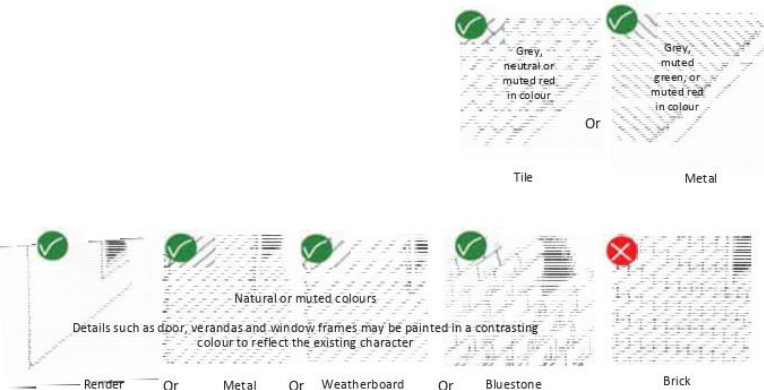
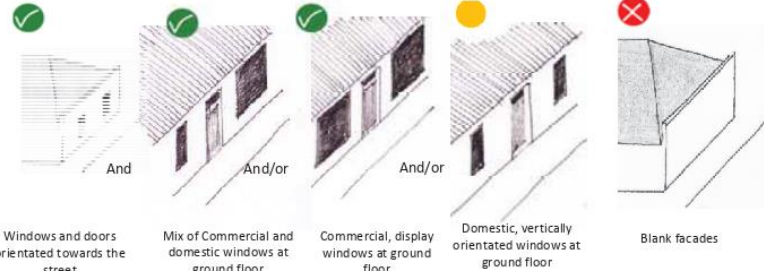
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Important aspects of development and why they are important	Appropriate and inappropriate design characteristics	Does your proposal have these appropriate characteristics? If not, how does it achieve the preferred character?
<b>Building Height</b> Conforming to this guideline will help ensure: New buildings are sympathetic to the existing scale of the town Trees will continue to be the main feature on the skyline when viewed from the highway The impact that taller buildings will have is reserved for buildings with a particularly significant function for the community	<p>Single storey Or Single storey + setback second storey or second storey incorporated into roof Or Two storey</p>	
<b>Building placement</b> Conforming to this guideline will contribute to ensuring: New buildings are focussed on the Barwon River	<p>*setbacks will require appropriate landscaping and activation such as café seating. Setbacks used for car parking will not be acceptable</p> <p>Front and side setback Or Front setback* Or Side setback only Or No setback</p>	
<b>Roof design</b> Conforming to this guideline will contribute to ensuring: New buildings reinforce Winchelsea's country town skyline and close grain	<p>Ridge parallel to front Or Ridge perpendicular to front And Hipped And/or Parapet And/or Gable Flat</p>	



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines



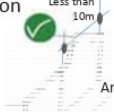









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Important aspects of development and why they are important	Appropriate and inappropriate design characteristics	Does your proposal have these appropriate characteristics? If not, how does it achieve the preferred character?
<p><b>Materials and colours</b></p> <p>Conforming to this guideline will play an important role in ensuring that new buildings reflects the detail and texture of the preferred character and are responsive to the riverside setting.</p>	 <p>Grey, neutral or muted red in colour</p> <p>Or</p> <p>Grey, muted green, or muted red in colour</p> <p>Tile</p> <p>Metal</p> <p>Natural or muted colours</p> <p>Details such as door, verandas and window frames may be painted in a contrasting colour to reflect the existing character</p> <p>Render Or Metal Or Weatherboard Or Bluestone Brick</p>	
<p><b>Windows</b></p> <p>Conforming to this guideline will contribute to ensuring:</p> <p>new buildings look like they were intended for Winchelsea and not just imposed on the town from elsewhere</p> <p>New buildings contribute to the vitality and safety of the town.</p>	 <p>And</p> <p>And/or</p> <p>And/or</p> <p>Windows and doors orientated towards the street</p> <p>Mix of Commercial and domestic windows at ground floor</p> <p>Commercial, display windows at ground floor</p> <p>Domestic, vertically orientated windows at ground floor</p> <p>Blank facades</p>	



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

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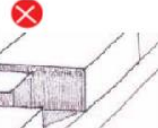
Important aspects of development and why they are important	Appropriate and inappropriate design characteristics	Does your proposal have these appropriate characteristics? If not, how does it achieve the preferred character?
<b>Other important features</b>  Conforming to this guideline will contribute to ensuring:  The building is a good fit with the town  That new buildings offer a welcoming, interesting and comfortable experience for those walking along the adjoining footpath  that new buildings contribute to the vitality and safety of the street	<b>Advertising</b>   Internally illuminated signage and/or ridgeline signage   Traditional shopfront advertising	
	<b>Articulation</b>   Variation in roofline and roof form  And/or   Variation in colour  And/or   Modulation between sections  And/or   Variation in height  And/or   Variation in setback	
	<b>Orientation</b>   Principal pedestrian entrance visible from access road   Principal pedestrian entrance not visible from access road	
	<b>Presentation to street</b>   Planting pit for vines  And   Balconies  And/or   Veranda	



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### Part 4 Managing buildings to contribute to character and amenity

The design of development is not the only factor that will impact upon the amenity and character of Winchelsea. How we manage these buildings once they are built will also have a significant impact on how attractive, distinctive and liveable the town is. The ideas on this page relate to how you might manage your development in order to maximise the contribution that appropriately designed development might make following construction.

Important aspects of development and why they are important	Appropriate and inappropriate management techniques			Will your proposal be managed in a way that incorporates these appropriate design techniques?
<b>Managing the building when its built</b>  Adopting these management techniques will contribute to ensuring:  That new buildings offer a welcoming, and interesting experience for those walking along the adjoining footpath  That new buildings contribute to the vitality and safety of the street  That landscape and nature can make a significant contribution to the towns character  Microclimatic comfort is maintained	<b>Windows</b>   Display that allow people to look in and out from street   Security shutters   Windows obscured by stock or advertising when viewed from street			
	<b>Landscaping</b>   Canopy tree in front setback (where appropriate) in accordance with guidelines   Install and tend raised beds   Install and tend vines in landscaping pits			
	<b>Lighting</b>   Lighting under verandas   unilluminated entrances			



## **2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines**

### **APPENDIX 2 COLLATED AMENDMENT DOCUMENTS**



## SURF COAST PLANNING SCHEME

### 02.04

10/06/2021  
C136surf

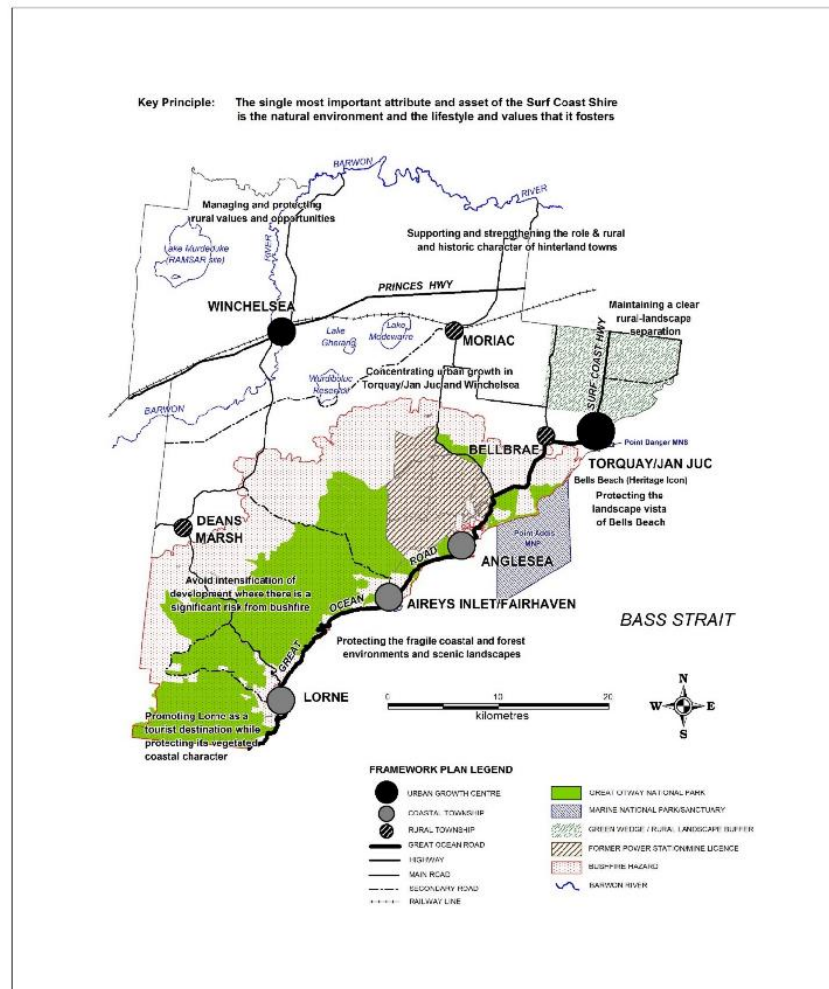
### STRATEGIC FRAMEWORK PLANS

The plans contained in Clause 02.04 are to be read in conjunction with the strategic directions in Clause 02.03.

### 02.04-1

10/06/2021  
C136surf

### Municipal strategic framework plan



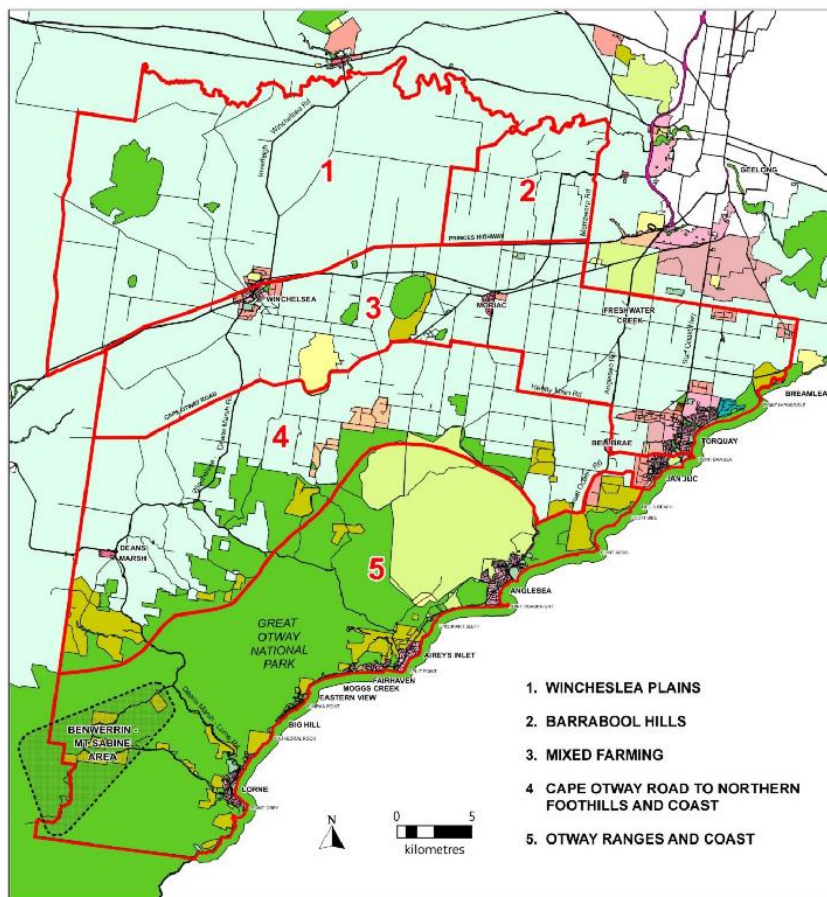


## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

02.04-2  
10/06/2021  
C136surf

#### Landscape precincts plan



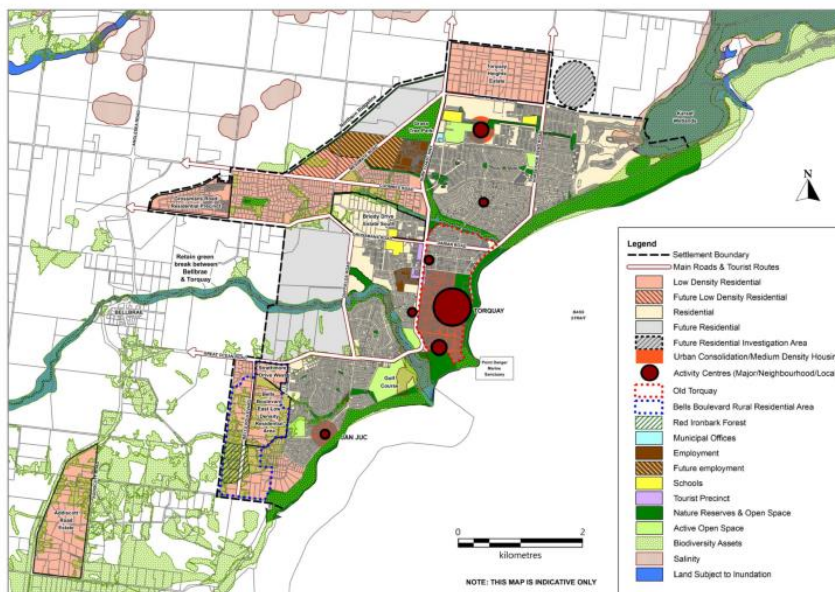


## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

02.04-3  
10/06/2021  
C136surf

#### Torquay-Jan Juc framework plan





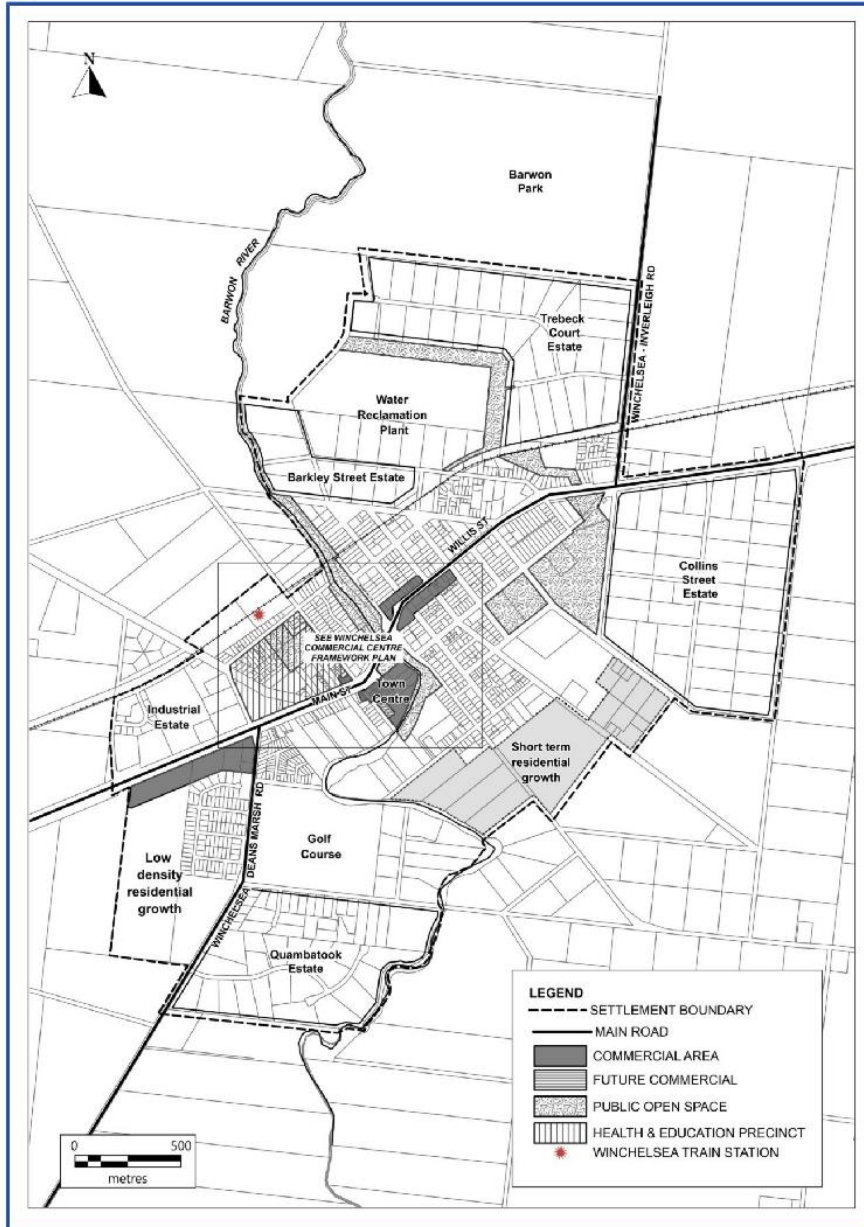
## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

02.04-4

#### Winchelsea framework plan

49/06/2024  
G136surf Proposed C134surf

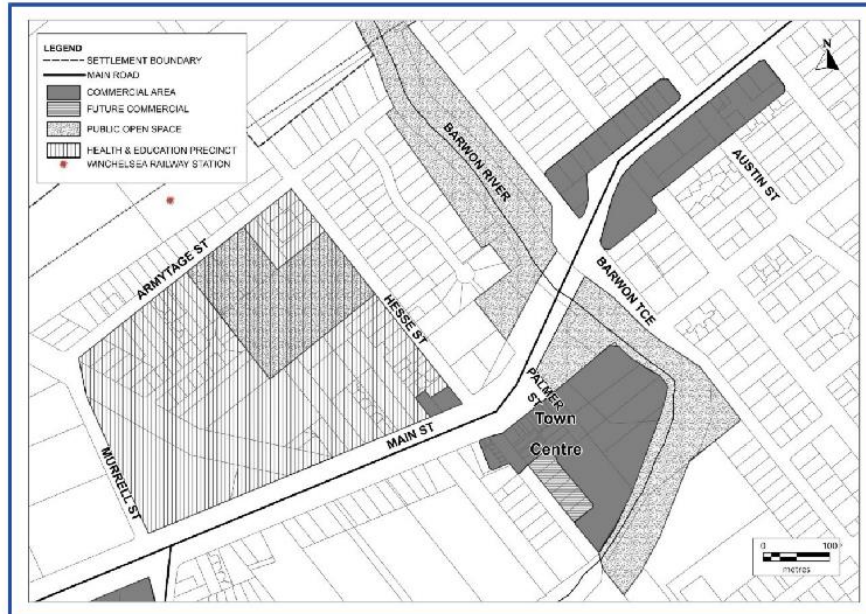




## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

Winchelsea commercial centre framework plan

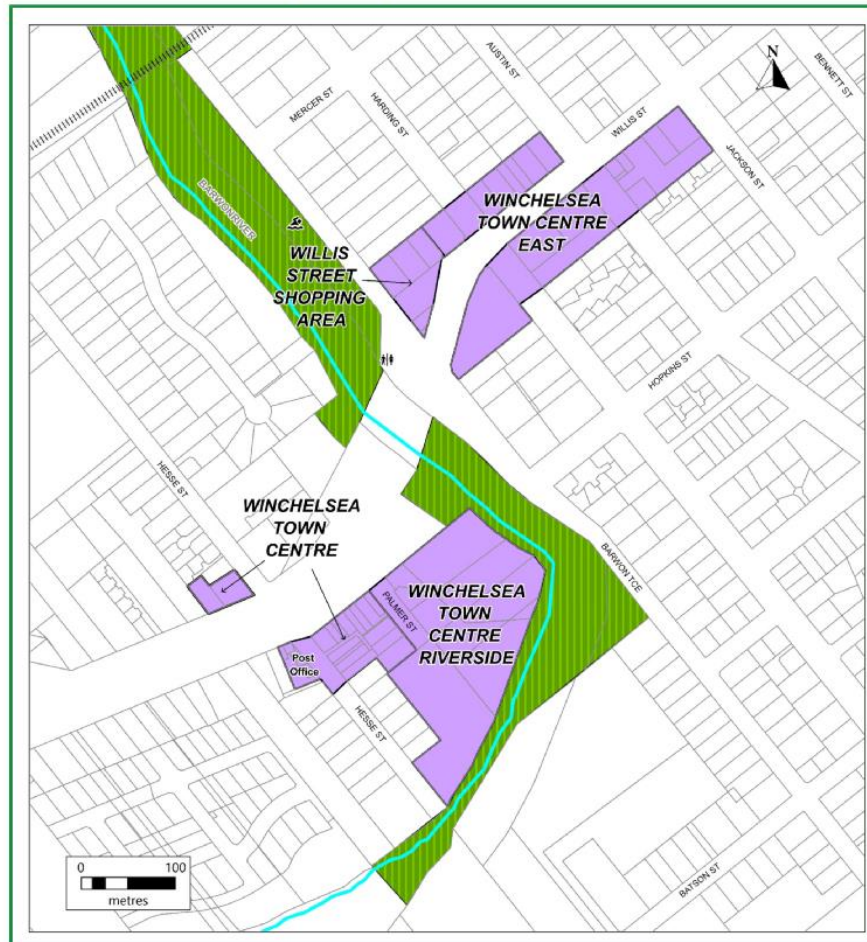




## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

Winchelsea commercial area precinct plan



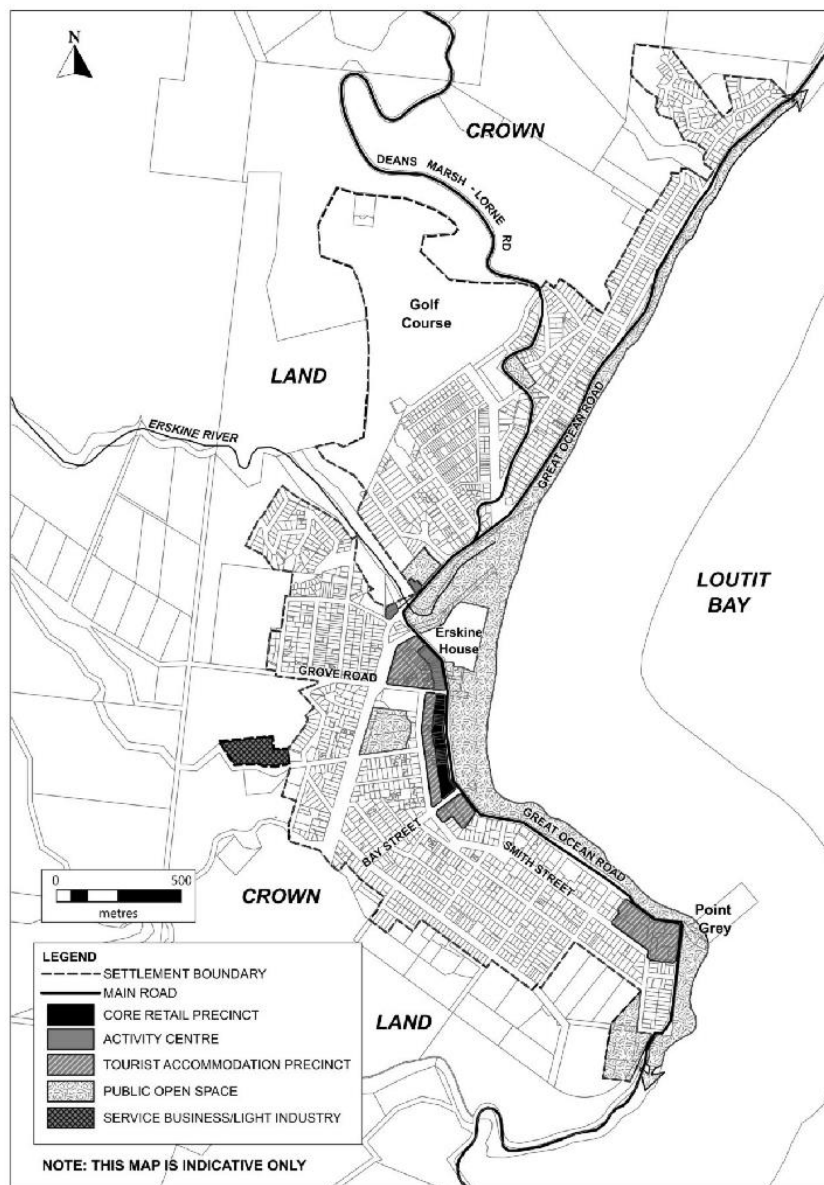


## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

02.04-5  
10/06/2021  
C136surf

#### Lorne framework plan



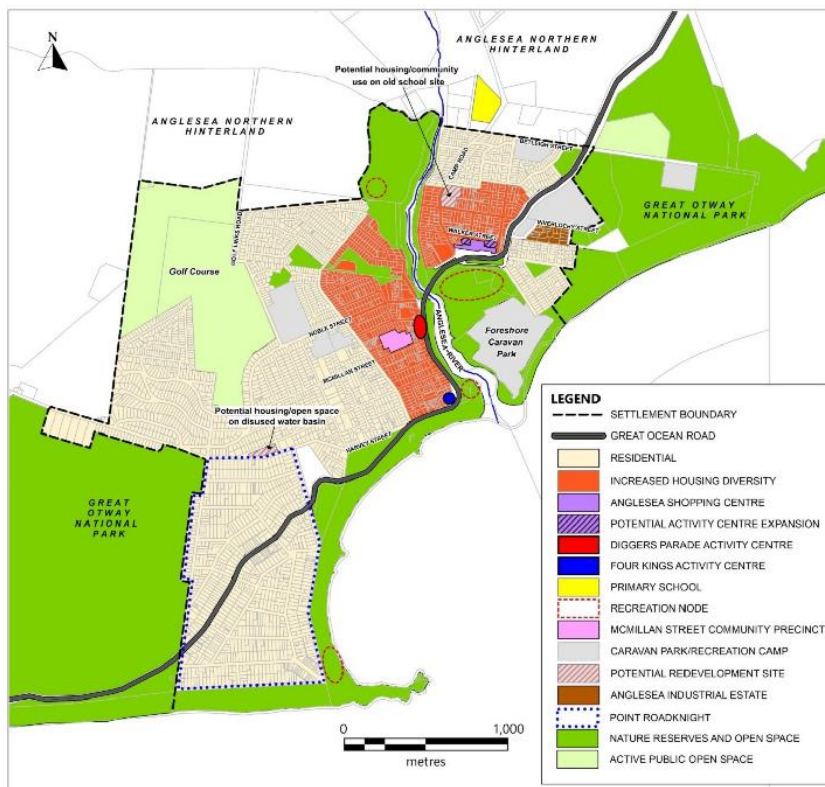


## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

02.04-6  
10/06/2021  
C136surf

#### Anglesea framework plan



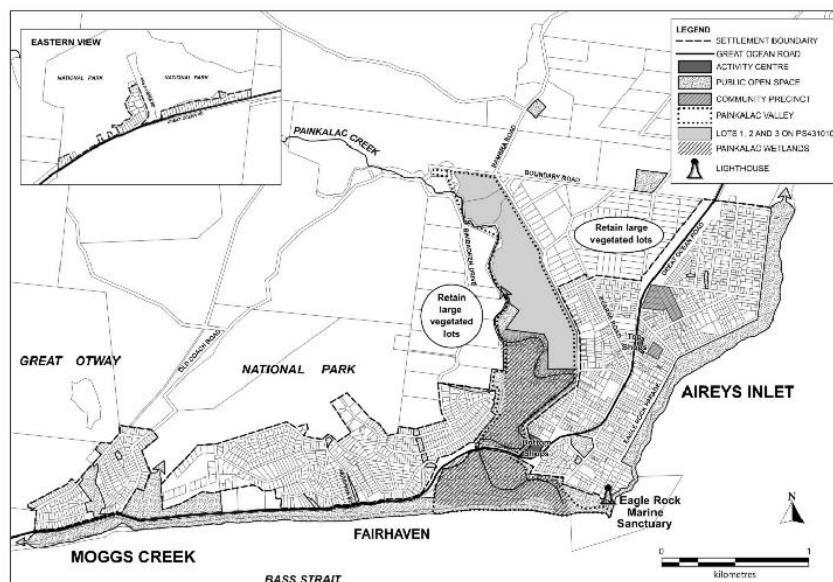


## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

02.04-7  
10/06/2021  
C136surf

#### Aireys Inlet to Eastern View framework plan



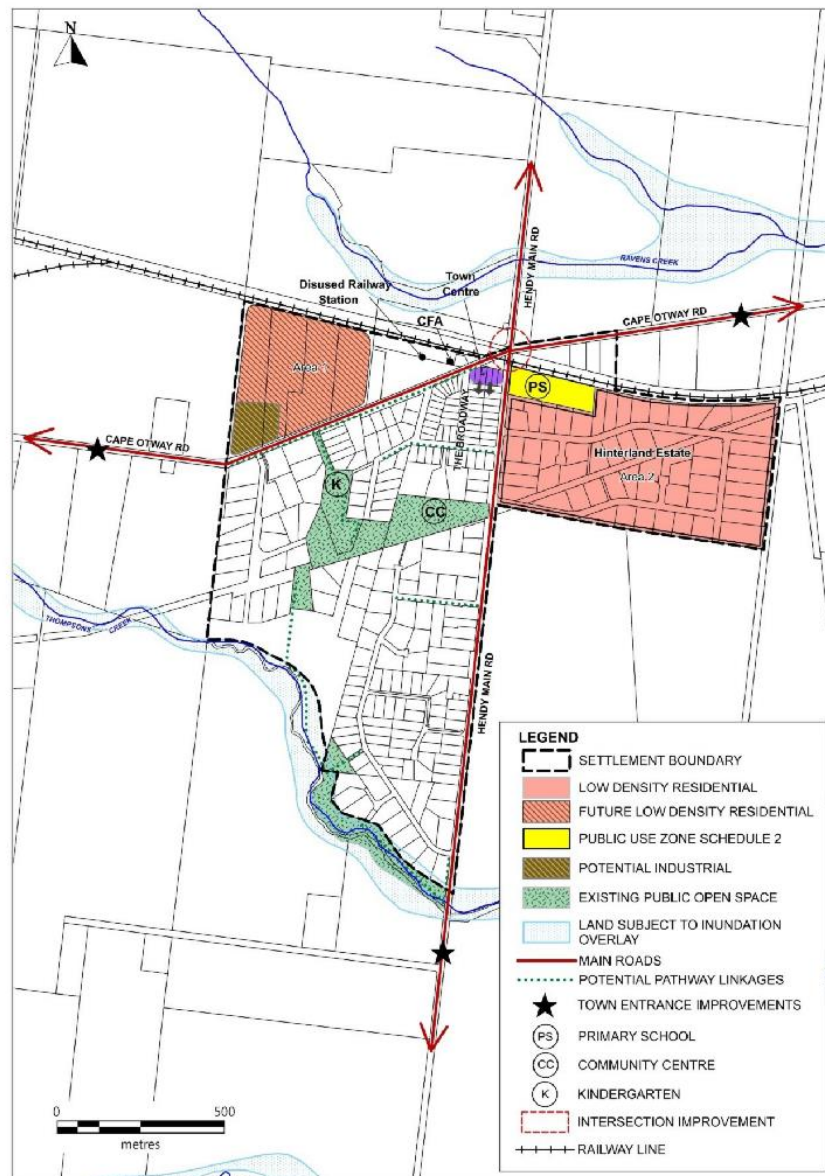


## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

02.04-8  
10/06/2021  
C136surf

#### Moriac framework plan



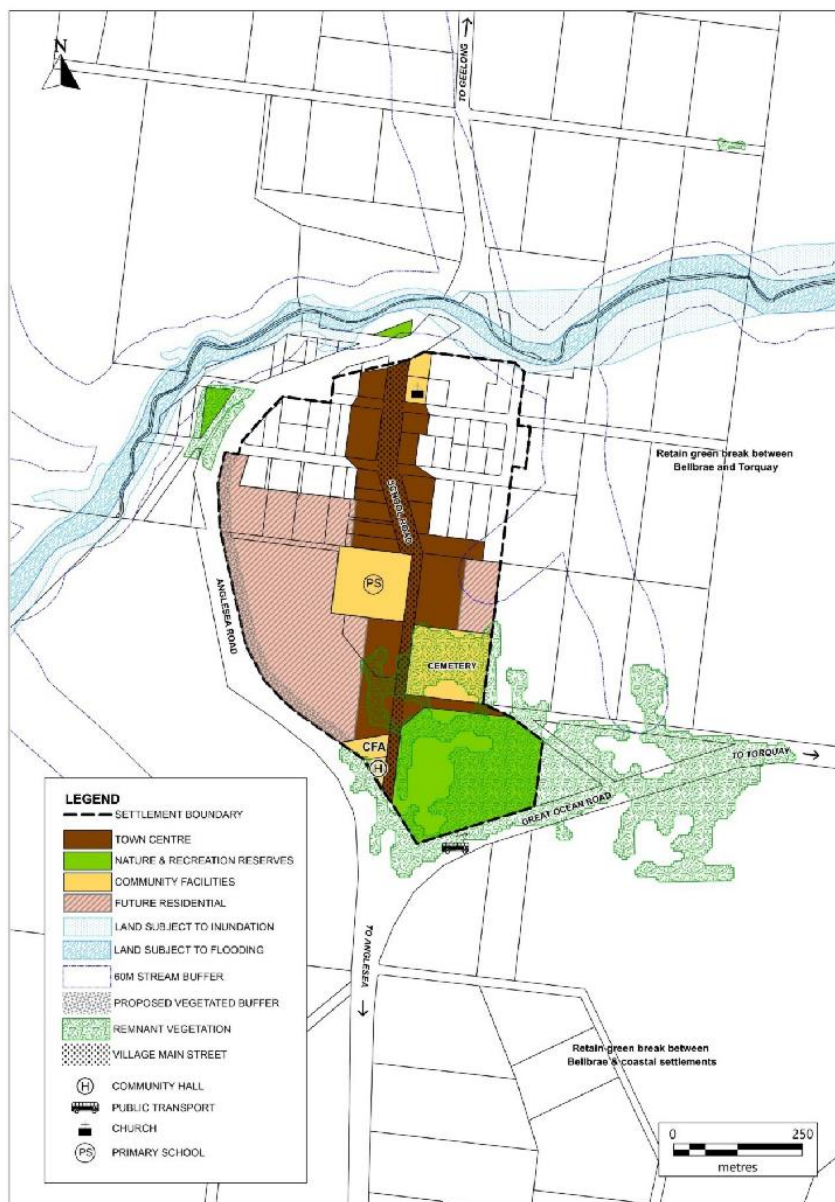


## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

02.04-9  
10/06/2021  
C136surf

#### Bellbrae framework plan





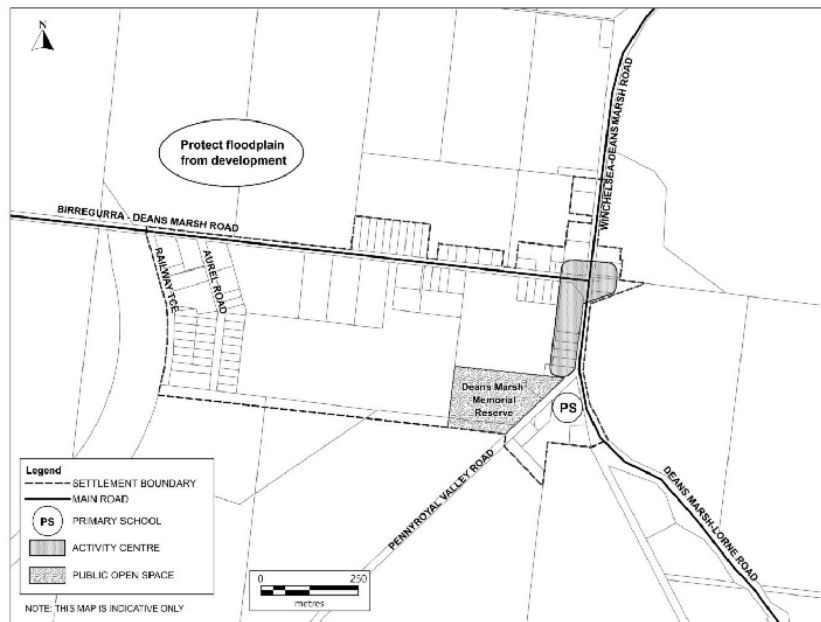
## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

02.04-10

10/06/2021  
C136surf

#### Deans Marsh framework plan





## **2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines**

### **SURF COAST PLANNING SCHEME**

#### **15.01 BUILT ENVIRONMENT**

31/07/2018  
VC148



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

#### 15.01-1S

31/07/2018  
VC148

#### Urban design

##### Objective

To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

##### Strategies

Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.

Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.

Ensure the interface between the private and public realm protects and enhances personal safety.

Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.

Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.

Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.

Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.

Promote good urban design along and abutting transport corridors.

##### Policy documents

Consider as relevant:

- *Urban Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017)



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

#### 15.01-1L-01 Design in Deans Marsh

18/06/2021  
C136surf

##### Strategies

Orient development in Deans Marsh so it has active frontages to public streets and natural landscape features.

Site and design development in Deans Marsh and the surrounding rural land to protect the scenic values of the township entries, including by:

- Maintaining the dominance of the natural landscape from main road corridors outside the township.
- Delineating the boundary between urban development and the natural landscape beyond to ensure the township has a definite visual edge.
- Locating signs away from township entries wherever possible.

##### Policy document

Consider as relevant:

- *Deans Marsh Structure Plan* (Surf Coast Shire, 2008)



## SURF COAST PLANNING SCHEME

40/06/2024--/---  
C136surfProposed C134surf



Maximise opportunities for:

- 1

Design commercial development in Winchelsea to:

- 

Site and design commercial development adjacent to the Painkalac Creek in Aireys Inlet to respect the open scenic landscape character of Painkalac Creek.

## 1

Consider as relevant:

*Winchelsea town centre and highway design guidelines (Surf Coast Shire, 2019)*



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

#### 15.01-1L-03 Signs

10/06/2024 - 10/06/2024  
G136surf Proposed C134surf

##### Strategies

Discourage the display of large, illuminated signs associated with electronic gaming activities.

Design and position signs to maintain the long term health of vegetation and minimise removal of or disturbance to vegetation.

Design commercial signs in Winchelsea to complement the country village or heritage theme.

Discourage signs in Winchelsea's Commercial 1 Zone that obscure the shopfront display or the architectural integrity of shopfronts.

##### Policy document

Consider as relevant:

- *Winchelsea town centre and highway design guidelines* (Surf Coast Shire, 2019)
- *Winchelsea Townscape Study* (Mark McWha Pty Ltd, 1995)



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

#### 15.01-1L-04 Streetscapes and landscaping

18/06/2021  
C136surf

##### Objective

To promote the development of co-ordinated and visually attractive streetscapes and landscapes in residential, commercial and industrial areas.

##### Strategies

Encourage vegetation species that are:

- Low maintenance with low water requirements.
- Of a sufficient height and spread to provide shade and assist in reducing the urban heat island effect.
- Respectful to the streetscape character.
- Indigenous, particularly in streets, nature reserves and open spaces that directly connect to areas of high ecological value.
- Not a weed species identified in the incorporated document *Weeds of the Surf Coast Shire* (Surf Coast Shire, 2013).

Select vegetation species that deliver a preferred street character in Torquay-Jan Juc and Winchelsea, consisting of a mix of native and exotic species.

Develop The Esplanade in Torquay in a manner that is consistent with its role in providing access to the foreshore and being the visual link between the town and the coast.

Encourage tree species in Winchelsea's heritage areas that respect the historic character, including species identified in the *Winchelsea Townscape Study* (Mark McWha Pty Ltd, 1995).

Break up large areas of parking with landscaping and shade trees.

Support street lights and furniture that respect the streetscape and neighbourhood character.

Limit the use of non-indigenous vegetation species except:

- Where it is used to provide continuity in the streetscape of existing avenues.
- In Torquay-Jan Juc and Winchelsea, where a mix of indigenous, native and exotic tree species is encouraged.

##### Policy guideline

Consider as relevant:

- Planting trees at a ratio of one tree to every four spaces in parking areas (including on street parking).



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

#### 15.01-2S

24/01/2020  
VC160

#### Building design

##### Objective

To achieve building design outcomes that contribute positively to the local context and enhance the public realm.

##### Strategies

Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale and massing of new development.

Ensure development responds and contributes to the strategic and cultural context of its location.

Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.

Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.

Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.

Ensure development is designed to protect and enhance valued landmarks, views and vistas.

Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.

Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.

Encourage development to retain existing vegetation.

##### Policy documents

Consider as relevant:

- *Urban Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017)
- *Apartment Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017)



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

#### 15.01-3S

31/07/2018  
VC148

#### Subdivision design

##### Objective

To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

##### Strategies

In the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by:

- Creating compact neighbourhoods that have walkable distances between activities.
- Developing activity centres in appropriate locations with a mix of uses and services and access to public transport.
- Creating neighbourhood centres that include services to meet day to day needs.
- Creating urban places with a strong sense of place that are functional, safe and attractive.
- Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.
- Creating landscaped streets and a network of open spaces to meet a variety of needs with links to regional parks where possible.
- Protecting and enhancing native habitat.
- Facilitating an urban structure where neighbourhoods are clustered to support larger activity centres served by high quality public transport.
- Reduce car dependency by allowing for:
  - Convenient and safe public transport.
  - Safe and attractive spaces and networks for walking and cycling.
  - Subdivision layouts that allow easy movement within and between neighbourhoods.
  - A convenient and safe road network.
- Being accessible to people with disabilities.
- Creating an urban structure and providing utilities and services that enable energy efficiency, resource conservation, integrated water management and minimisation of waste and air pollution.

##### Policy documents

Consider as relevant:

- *Urban Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017)



## SURF COAST PLANNING SCHEME

10/06/2024--/--/---  
C136surfProposed C134surf

## 1

Encourage recycled water infrastructure (third pipe).

Design local streets to present as an extension of the open space system through the planting of large shade trees.

Design the street network, particularly in new estates, to reflect the coastal character of the area by applying innovative engineering solutions, such as surface treatment, footpath, kerb and channel design.

Replicate the interconnected, grid based street network of Old Torquay (identified on the Torquay-Jan Juc framework plan in Clause 02.04) in infill developments.

Design subdivisions to respond to the area's natural features and establish a natural environment character throughout the development area.

Design subdivisions to contribute to the country village character of Winchelsea by providing wide streets, open spaces, and adequate space for front gardens with a generous street setback.

Ensure subdivision of land adjacent to the Barwon River will facilitate the orientation of future commercial development towards the river environs.

Ensure subdivision within the commercial areas creates a pattern of fine grain development, enabling a mixture of shops, cafe's and businesses to activate the town centre.

Set aside land in subdivisions in Lorne for footpaths.

Design and construct new roads and footpaths in Lorne, Anglesea and Aireys Inlet to Eastern View, to achieve an informal appearance, with an emphasis on:

- Retaining vegetation in road verges, including curving road pavements to avoid vegetation.
- Using alternatives to concrete kerb and channel drainage, such as grassed swale drains.
- Encouraging surfaces and finishes that have an informal appearance, including gravel roads and accessways.

Encourage lot sizes that respect the town's rural character and enables provision of onsite waste water infrastructure.

Consider as relevant:

- A minimum lot size of 0.4 hectares in the township.
- Minor variations to the minimum lot size of 0.4 hectares in the township where all waste water and septic tank effluent can be disposed of within the boundaries of the lot.



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

#### 15.01-4S

31/07/2018  
VC148

#### Healthy neighbourhoods

##### Objective

To achieve neighbourhoods that foster healthy and active living and community wellbeing.

##### Strategies

Design neighbourhoods that foster community interaction and make it easy for people of all ages and abilities to live healthy lifestyles and engage in regular physical activity by providing:

- Connected, safe, pleasant and attractive walking and cycling networks that enable and promote walking and cycling as a part of daily life.
- Streets with direct, safe and convenient access to destinations.
- Conveniently located public spaces for active recreation and leisure.
- Accessibly located public transport stops.
- Amenities and protection to support physical activity in all weather conditions.

##### Policy documents

Consider as relevant:

- *Urban Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017)



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

#### 15.01-5S

09/10/2020  
VC169

#### Neighbourhood character

##### Objective

To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

##### Strategies

Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.

Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:

- Pattern of local urban structure and subdivision.
- Underlying natural landscape character and significant vegetation.
- Neighbourhood character values and built form that reflect community identity.



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

#### 15.01-5L-01 Coastal towns preferred neighbourhood character

18/06/2021  
C136surf

##### Policy application

This policy applies to the coastal settlements of Anglesea, Aireys Inlet to Eastern View and Lorne.

##### General strategies

Encourage building design, form, materials, features and colours that respects the low density coastal character of each town.

Maintain and enhance the vegetated landscape and encourage its dominance over the built environment.

Encourage a reasonable sharing of views of scenic landscape features from private land.

##### Lorne strategies

Maintain the informal streetscape character through:

- Informal landscaping with an emphasis on indigenous vegetation and tall canopy trees.
- The general absence of solid fencing.
- Driveway surfaces and finishes that are informal in appearance, including gravel, dark coloured concrete and exposed aggregate.

Protect and enhance the tall gum tree canopy and its role in providing a backdrop and canopy cover to the town and a border to the water's edge around Louttit Bay.

Conserve and enhance the preferred character of recessive built form within a tall canopy treed setting.

Reinstate the preferred character of a tall canopy treed setting in areas that are substantially cleared of vegetation.

Encourage development that provides openness between properties.

Protect the views between the ocean and Mountjoy Parade for its contribution to the character of the town.

##### Anglesea strategies

Preserve and enhance the non-suburban coastal character of Anglesea and retain its sense of houses dispersed in a bush setting.

Design buildings to have small footprints to allow space around buildings for landscaping.

Screen buildings with vegetation to achieve a sense of privacy.

Discourage solid fencing and encourage the use of post and wire fences or no fences at all.

Design and site development on prominent sites at Four Kings Activity Centre and Diggers Parade Activity Centre (identified on the Anglesea framework plan in Clause 02.04) to respect the heritage value of adjoining traditional beach houses on the Great Ocean Road.

##### Aireys Inlet to Eastern View strategies

Encourage the protection of indigenous remnant understorey and tree canopy dominated by Ironbark, Messmate, Manna Gum, Moonah and Drooping Sheoak trees.

Encourage informal fencing on property boundaries.

Protect the ambience of the night sky from artificial illumination, such as from signs and tennis courts.

Protect the dominance and visual presence of the Split Point Lighthouse and associated buildings on Eagle Rock Bluff.



## **2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines**

### **SURF COAST PLANNING SCHEME**

Limit the scale and intensity of buildings around the Split Point Lighthouse so that development does not intrude on views to the lighthouse or compete with its visual presence.

Protect the scenic open landscape character of the Painkalac Valley by avoiding vegetation removal close to the creek and wetlands.



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

#### 15.01-5L-02 Torquay-Jan Juc preferred neighbourhood character

10/06/2021  
C136surf

##### Policy application

This policy applies to an application to construct or extend one or more dwellings or subdivide land in a residential zone in Torquay and Jan Juc as shown on the Torquay-Jan Juc residential development framework plan to this clause.

##### Objective

To ensure development achieves architectural and urban design outcomes consistent with the preferred character of the residential areas of Torquay-Jan Juc.

##### All precincts strategies

Retain and enhance landscaping and trees as a major element in the appearance and character of Torquay-Jan Juc's residential environments.

Provide contemporary coastal architecture with a lightweight appearance, visually interesting well-articulated facades, simple detailing and roof forms, and a variety of lightweight materials and natural colours.

Provide visually recessive garages that are set back behind the building line or to the rear of dwellings so as not to dominate the streetscape or building façade.

Retain the openness of front gardens to the street by avoiding the use of front fences or by providing low or open style front fences, except in the General residential (standard density) precinct where all front fencing should be avoided.

Minimise adverse amenity impacts on adjoining properties by way of visual bulk.

Provide a landscape treatment that enhances the overall appearance of the development and the streetscape, including by siting development to maintain the predominant pattern of front setbacks in the street to allow for space to retain or plant canopy trees and shrubs.

##### Urban consolidation precinct strategy

Facilitate medium and higher density development that is respectful of the key elements of original building stock, including the low rise coastal character of the original fibro and weatherboard beach shacks, Californian bungalows and other Interwar and Postwar buildings.

##### Urban consolidation precinct policy guideline

Consider as relevant:

- A preference for development of up to 2 storeys (7.5 metres), with the option for 3 storeys where the development:
  - Has minimal amenity impacts on the streetscape and adjoining land uses (e.g. commercial, open space).
  - Is site responsive.
  - Achieves housing diversity by supplying smaller dwellings with one or two bedrooms.

##### General residential (mixed density) precinct strategies

Maintain the existing garden character formed by single and double storey detached houses in a garden setting.

Support infill development at a height that respects the scale of the surrounding area.

Provide setbacks to both side boundaries to maintain a sense of spaciousness around dwellings.

Respect older building styles and scales without replicating them.



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

#### **General residential (mixed density) precinct policy guideline**

Consider as relevant:

- A maximum development height of 2 storeys (7.5 metres).

#### **General residential (standard density) precinct strategies**

Maintain the existing character typified by dwellings predominantly of single and double storey scale.

Support contemporary dwellings within landscaped gardens.

Retain and enhance existing vegetation, including canopy trees, with a mixture of traditional coastal and indigenous species to strengthen the visual connection of the area with the coast.

Maintain consistent setbacks from the front and side boundaries.

Use articulation, including a variety of materials and finishes to provide visual interest.

#### **General residential (standard density) precinct policy guideline**

Consider as relevant:

- A maximum development height of 2 storeys (7.5 metres).

#### **Bush residential precinct strategies**

Provide space around dwellings to retain and plant vegetation, in particular indigenous canopy trees and large shrubs.

Encourage landscaping to achieve bushy front gardens.

Support development of a low-scale and modest form.

Where the topography is hilly, design buildings to follow the contours of the land.

Site buildings, including those taking advantage of ocean views, so that they do not dominate the streetscape.

#### **Bush residential precinct policy guideline**

Consider as relevant:

- A maximum development height of 2 storeys (7.5 metres).

#### **Residential growth precinct strategies**

Establish a landscaped and built form character that reflects Torquay-Jan Juc's preferred coastal character and integrates with surrounding areas.

Encourage the planting of indigenous and other coastal vegetation around dwellings.

Plant street trees to unify the appearance of the area and add a sense of spaciousness and leafiness in greenfield subdivisions.

#### **Residential growth precinct policy guideline**

Consider as relevant:

- A preference for development of up to 2 storeys (7.5 metres) with the option of 3 storey development where it is in or close to activity centres and public open space.

#### **Low density residential precinct strategy**

Maintain the existing low density, single dwelling character.

#### **Low density residential precinct policy guideline**

Consider as relevant:



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

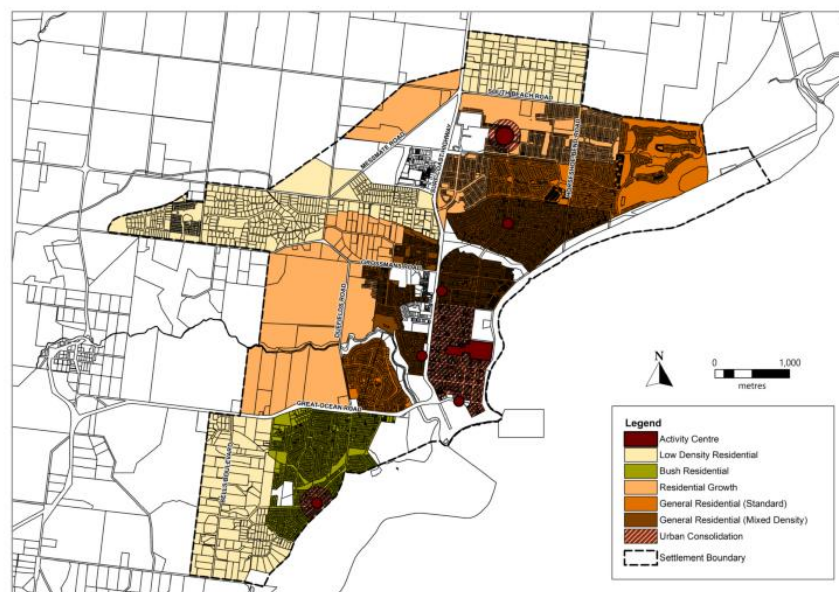
- A maximum development height of 2 storeys (7.5 metres).

#### Policy documents

Consider as relevant:

- *Sustainable Futures Plan Torquay-Jan Juc 2040* (Surf Coast Shire, 2014)
- *Torquay-Jan Juc Neighbourhood Character Study Review* (Surf Coast Shire, 2012)
- *Torquay-Jan Juc Neighbourhood Character Study & Vegetation Assessment* (Surf Coast Shire, 2006)

#### Torquay-Jan Juc residential development framework plan





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## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

#### 15.01-6S

31/07/2018  
VC148

#### Design for rural areas

##### Objective

To ensure development respects valued areas of rural character.

##### Strategies

Ensure that the siting, scale and appearance of development protects and enhances rural character.

Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located.

Site and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

#### 15.01-6L

10/06/2021  
C136surf

#### Design for rural areas

##### Objective

To protect and maintain open and uncluttered rural landscapes, including vistas from main road corridors.

##### Strategies

Encourage the siting and design of new buildings to:

- Nestle into the landscape.
- Be modest in scale.
- Complement existing farm structures.
- Avoid locating on hilltops and ridges.

Encourage indigenous revegetation around buildings, wetlands and along waterways to blend development with the surrounding landscape.

Encourage buildings on the site to adopt a clustered development pattern rather than being dispersed throughout the landscape.

Design and site buildings in the Barrabool Hills landscape precinct (as identified on the Landscape precincts plan in Clause 02.04) to foster the historic rural landscape qualities of the area.

Minimise the visual impact of timber plantations on tourist roads.

##### Policy guideline

Consider as relevant:

- A minimum 20 metre wide native vegetation landscape buffer from any timber production use along a Category 1 or Category 2 road or any other tourist road.



## **2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines**

### **SURF COAST PLANNING SCHEME**

**15.03**

31/07/2018  
VC148

### **HERITAGE**



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

#### 15.03-1S

26/10/2018  
VC155

#### Heritage conservation

##### Objective

To ensure the conservation of places of heritage significance.

##### Strategies

Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.

Provide for the protection of natural heritage sites and man-made resources.

Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.

Encourage appropriate development that respects places with identified heritage values.

Retain those elements that contribute to the importance of the heritage place.

Encourage the conservation and restoration of contributory elements of a heritage place.

Ensure an appropriate setting and context for heritage places is maintained or enhanced.

Support adaptive reuse of heritage buildings where their use has become redundant.

Consider whether it is appropriate to require the restoration or reconstruction of a heritage building in a Heritage Overlay that has been unlawfully or unintentionally demolished in order to retain or interpret the cultural heritage significance of the building, streetscape or area.

##### Policy guidelines

Consider as relevant:

- The findings and recommendations of the Victorian Heritage Council.
- The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013.



## **2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines**

### **SURF COAST PLANNING SCHEME**

#### **15.03-1L Heritage conservation**

10/06/2021  
C136surf

##### **Strategy**

Encourage the restoration of historic buildings and old shops in Winchelsea.



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

#### 15.03-2S

31/07/2018  
VC148

#### Aboriginal cultural heritage

##### Objective

To ensure the protection and conservation of places of Aboriginal cultural heritage significance.

##### Strategies

Identify, assess and document places of Aboriginal cultural heritage significance, in consultation with relevant Registered Aboriginal Parties, as a basis for their inclusion in the planning scheme.

Provide for the protection and conservation of pre-contact and post-contact Aboriginal cultural heritage places.

Ensure that permit approvals align with the recommendations of any relevant Cultural Heritage Management Plan approved under the *Aboriginal Heritage Act 2006*.

##### Policy guidelines

Consider as relevant:

- The findings and recommendations of the Aboriginal Heritage Council.
- The findings and recommendations of the Victorian Heritage Council for post-contact Aboriginal heritage places.

##### Policy documents

Consider as relevant:

- *Aboriginal Heritage Act 2006*



## **2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines**

### **SURF COAST PLANNING SCHEME**

**17.04**      **TOURISM**  
31/07/2018  
VC148



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

#### 17.04-1S

31/07/2018  
VC148

#### Facilitating tourism

##### Objective

To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.

##### Strategies

Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities.

Seek to ensure that tourism facilities have access to suitable transport.

Promote tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions.

Create innovative tourism experiences.

Encourage investment that meets demand and supports growth in tourism.

##### Policy guidelines

Consider as relevant:

- Any applicable regional tourism development strategy.

##### Policy documents

Consider as relevant:

- *Tourism Investment Guidelines – Your Guide to Tourism Investment in Victoria* (Tourism Victoria, 2008)



## SURF COAST PLANNING SCHEME

10/06/2024--/--/---  
C136surfProposed C134surf

## 1

Retain the caravan parks and school camps in Anglesea as a provider of low cost visitor accommodation.



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

Promote opportunities for tourist accommodation in Aireys Inlet to Eastern View that are sited and located to respond to its location and natural setting.

#### Rural towns strategies

Support the establishment of tourism based commercial development in Winchelsea that is associated with its historic buildings.

Encourage uses compatible with tourism in Winchelsea to locate in the commercial areas indicated on the Winchelsea ~~commercial centre framework~~town centre precinct plan in Clause 02.04 that are:

- ~~Between~~Heritage and antique focused in Town centre east (between the Barwon River and Austin Street north of Willis Street).
- ~~In the Winchelsea Town Centre~~Local produce sales and restaurant focused in the Riverside precinct.

Facilitate opportunities for Barwon Park to develop as a tourism and events hub for Winchelsea.

Facilitate low scale tourist accommodation and enterprises in Bellbrae that add to the scenic values and appeal of the area.

Encourage bed and breakfasts and other forms of tourist accommodation in the Deans Marsh township to cater for visitors seeking a retreat from urban areas.



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

#### 17.04-2S

31/07/2018  
VC148

#### Coastal and maritime tourism and recreation

##### Objective

To encourage suitably located and designed coastal, marine and maritime tourism and recreational opportunities.

##### Strategies

Support the development of ecotourism, tourism and major maritime events.

Ensure a diverse range of accommodation options and coastal experiences are provided for and maintained.

Ensure sites and facilities are accessible to all.

Ensure tourism development, within non-urban areas, demonstrates a tourist accommodation need and supports a nature-based approach.

Ensure development is of an appropriate scale, use and intensity relative to its location and minimises impacts on the surrounding natural, visual, environmental and coastal character.

Develop a network of maritime precincts around Port Phillip and Western Port that serve both local communities and visitors.

Maintain and expand boating and recreational infrastructure around the bays in maritime precincts at Frankston, Geelong, Hastings, Hobsons Bay, Mordialloc, Mornington, Patterson River, Portarlington, Queenscliff, St Kilda, Stony Point/Cowes and Wyndham.

Provide public access to recreational facilities and activities on land and water.

Encourage high quality urban design that is innovative, sustainable and integrated with surrounding areas.

Support maritime and related industries in appropriate locations.

##### Policy documents

Consider as relevant:

- *Boating Coastal Action Plan* (Central Coastal Board, 2007)
- *Victorian Coastal Strategy* (Victorian Coastal Council, 2014)
- *Coastal Spaces Landscape Assessment Study* (Department of Sustainability and Environment, 2006)



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

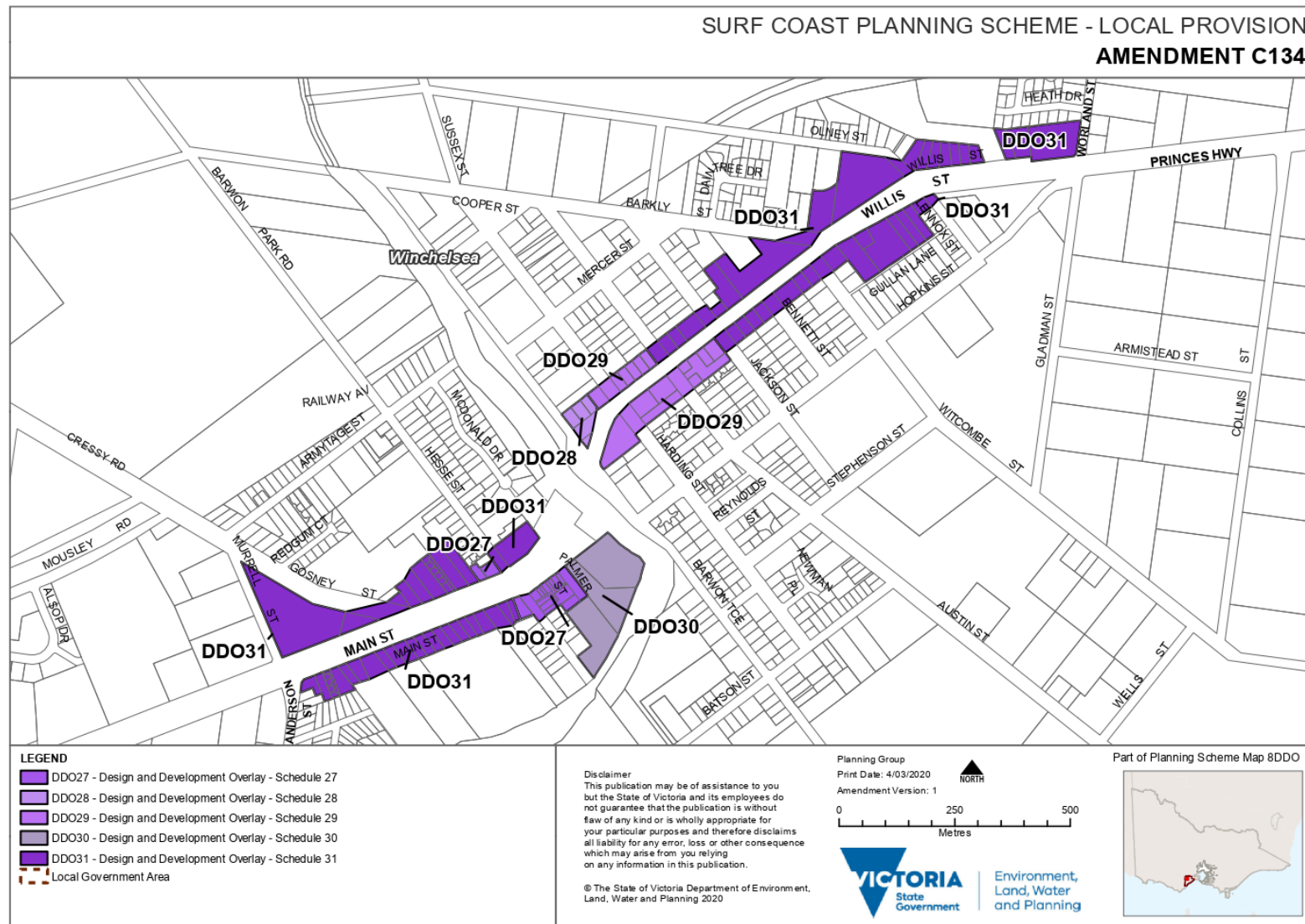
#### 17.04-2L Coastal tourism and recreation

10/06/2021  
C136surf

##### Strategy

Encourage coastal dependent recreational and tourism activities that complement and promote the coast's natural and cultural values.







## SURF COAST PLANNING SCHEME

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Proposed C134surf

### SCHEDULE 27 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO27**.

#### WINCHELSEA TOWN CENTRE

##### 1.0

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Proposed C134surf

##### Design objectives

To encourage development that enhances the historic small town country character of Winchelsea.

To encourage development that complements and maintains the visual prominence of heritage places.

To create a commercial space that provides a transition between the Barwon River and the more traditional shopping strip.

To encourage built form and subdivision design that enhances the public realm, particularly the interface with the Barwon River.

To encourage built form that prioritises pedestrian amenity and creates a vibrant and walkable town centre.

##### 2.0

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Proposed C134surf

##### Buildings and works

A permit is not required to:

- Install an automated teller machine.
- Alter an existing building façade provided:
  - The alteration does not include the installation of an external roller shutter.
  - At least 80 per cent of the building façade at ground level is maintained as an entry or window with clear glazing.

A permit is required to construct a fence on a boundary with street frontage, laneways exempted.

#### GENERAL REQUIREMENTS

The following requirements apply to an application to construct a building or carry out works.

- Service equipment/structures may exceed the preferred height provided that the equipment or structure (other than solar panels) occupies less than 50 per cent of the roof area.
- Balconies may intrude into an upper level setback.

#### TOTAL BUILDING HEIGHT REQUIREMENTS

**Table 1 Total building height requirements**

Preferred maximum building height
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2 storeys (no more than 9m)
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#### STREET FRONT BUILDING HEIGHT REQUIREMENTS

**Table 2 Street front building height requirements**

Preferred height requirements
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Single storey (no more than 5m)
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#### UPPER LEVEL STREET WALL REQUIREMENTS

Upper level development should:

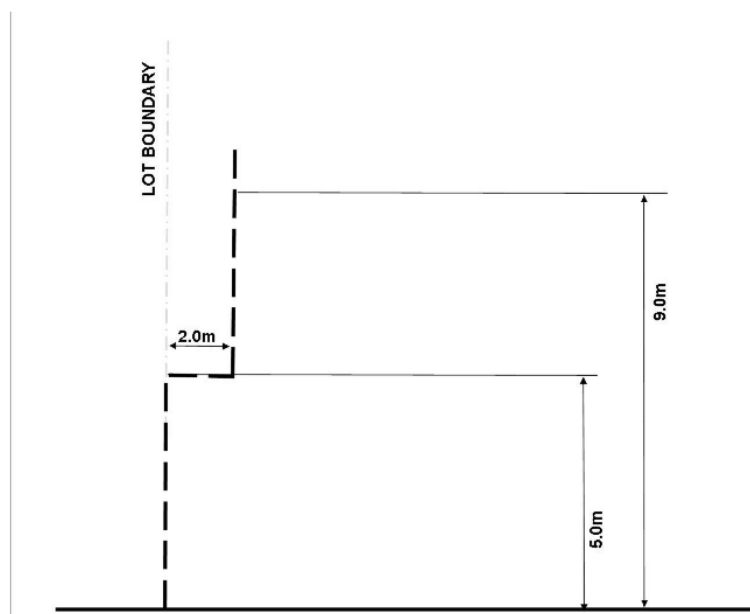


## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

- Be setback a minimum of 2m.
- Be setback to ensure the building is visually subordinate to heritage buildings when viewed from the public realm.
- Be setback to complement the preferred low scale country village character.
- Be visually recessive, having regard to height, massing, finishes and colours.

**FIGURE 1 UPPER LEVEL STREET WALL SETBACK REQUIREMENTS**



### STREET WALL SETBACK REQUIREMENTS

**Table 3 Street wall setback requirements**

Preferred setback from street frontage	Preferred setback from side boundary
0m	0m

The requirements of table 3 may be varied where;

- The variation is required to provide an outdoor dining area, retail display or other commercial space associated with a use on the same site; and,
- The outdoor space contains at least one tree and is not able to be used for carparking.

### ROOF DESIGN REQUIREMENTS

Development should:

- Provide for a varied skyline and a streetscape that includes a mix of pitched roofs and parapets.

### MATERIALS AND COLOURS REQUIREMENTS

Development should:



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

- Use external materials that reflect the heritage character of Winchelsea such as weatherboard, bluestone, render or metal.
- Use heritage colours where painted finishes are proposed that feature contrasting colours in details such as doors, verandahs and window frames.

#### PRESENTATION TO THE STREET REQUIREMENTS

Development should;

- Be designed to include continuous verandas over the street with planting pits provided at the base of veranda posts to enable the planting of vines.
- Include at least one canopy tree where outdoor spaces (including outdoor dining areas, retail display or other commercial activities) are proposed.
- Ensure windows and entry doors are orientated towards the street. Blank facades abutting a street frontage are to be avoided.
- Ensure the principal pedestrian entry point is visible from the highway.

#### VEHICULAR ACCESS, CAR PARKING AND LOADING AREAS REQUIREMENTS

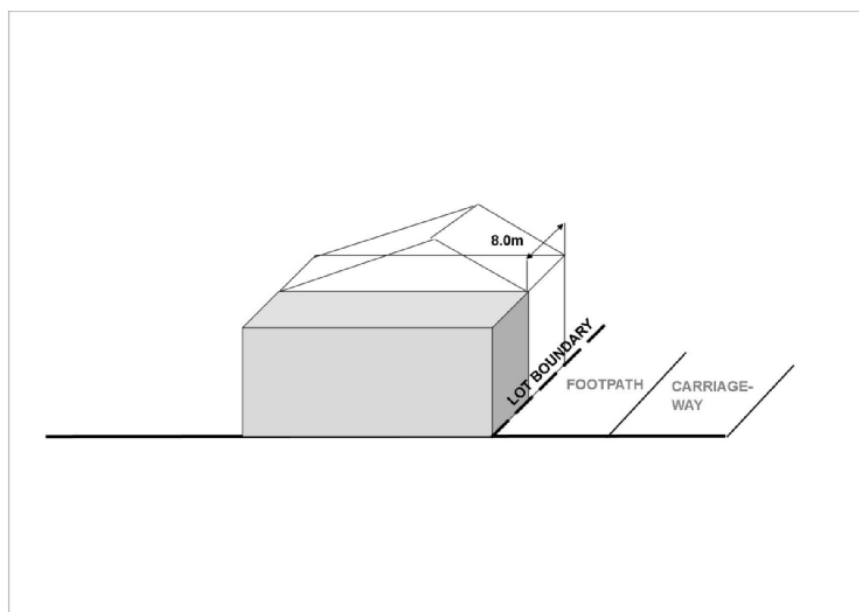
- New vehicle crossovers should be avoided except where providing access onto a lane way.

#### STREETSCAPE REQUIREMENTS

Development should;

- Provide an interesting, safe and active streetscape for those walking along the adjoining footpath.
- Avoid large unvaried blank walls on a street frontage (laneways accepted).
- Provide for a varied and interesting streetscape by breaking up the massing of built form through a variation of colour, roof design and building height at an optimum width of 8m.

FIGURE 2 PREFERRED BUILDING VARIATION REQUIREMENTS





## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

#### 3.0 Subdivision

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Proposed C134surf

A permit to subdivide land must meet the following requirements:

Lots created by subdivision;

- must be capable of containing an existing building, or supporting a new building, that will meet the built form objectives and requirements of this overlay schedule.
- should be capable of meeting the vehicular access and parking requirements contained within this overlay schedule.

#### 4.0 Signs

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Proposed C134surf

Sign requirements are at Clause 52.05. All land located within the Winchelsea Town Centre is in Category 3.

#### 5.0 Application requirements

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Proposed C134surf

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A neighbourhood and site description and design response which demonstrates how the proposal achieves the design objectives and requirements of this schedule.

#### 6.0 Decision guidelines

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Proposed C134surf

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

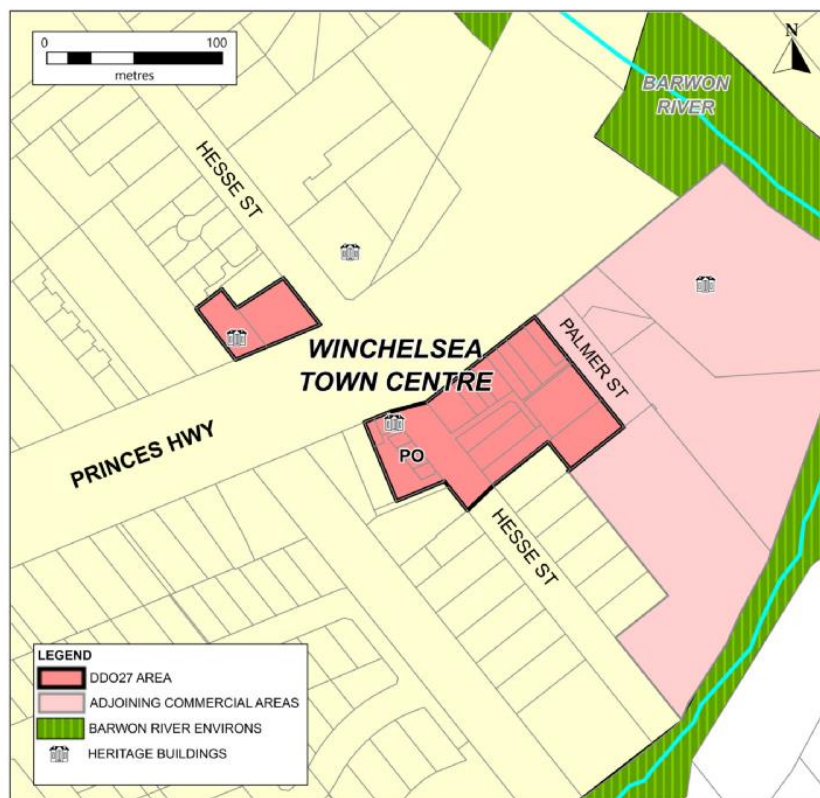
- Whether the General Design Requirements and other Design Requirements in this schedule are met.
- The profile and impact of development along the Main street when viewed from the Princess Highway.
- The design of the streetscape interface along the primary street frontage.
- Whether heritage buildings retain their dominance when viewed from the public realm.
- Whether upper level development is visually recessive and does not dominate or visually overwhelm the streetscape.
- Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.
- The impact of development on views to and the setting of;
  - The Shire hall
  - The Colonial bank
  - The former Post office.



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

MAP 1 WINCHELSEA TOWN CENTRE CONTEXT PLAN





## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

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Proposed C134surf

#### SCHEDULE 28 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO28**.

#### WILLIS STREET SHOPPING AREA

##### 1.0

--/--/---  
Proposed C134surf

#### Design objectives

- To encourage development that enhances the historic small town country character of Winchelsea.
- To encourage development that complements and maintains the visual prominence of heritage places.
- To encourage development that provides a transition between town centre east and the river environs
- To encourage built form and subdivision design that enhances the public realm and the Barwon River environs.
- To encourage built form that prioritises pedestrian amenity and creates a vibrant and walkable town centre.

##### 2.0

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Proposed C134surf

#### Buildings and works

A permit is not required to:

- Install an automated teller machine.
- Alter an existing building façade provided:
  - The alteration does not include the installation of an external roller shutter.
  - At least 80 per cent of the building façade at ground level is maintained as an entry or window with clear glazing.

A permit is required to construct a fence on a boundary with street frontage, laneways exempted.

#### GENERAL REQUIREMENTS

The following requirements apply to an application to construct a building or carry out works.

- Service equipment/structures may exceed the preferred height provided that the equipment or structure (other than solar panels) occupies less than 50 per cent of the roof area.
- Balconies may intrude into an upper level setback.

#### TOTAL BUILDING HEIGHT REQUIREMENTS

Table 1 Total building height requirements

Preferred maximum building height

2 storeys (no more than 9m)

#### STREET FRONT BUILDING HEIGHT REQUIREMENTS

Table 2 Street front building height requirements

Preferred height requirements

Single storey (no more than 5m)

#### UPPER LEVEL STREET WALL REQUIREMENTS

Upper level development should:

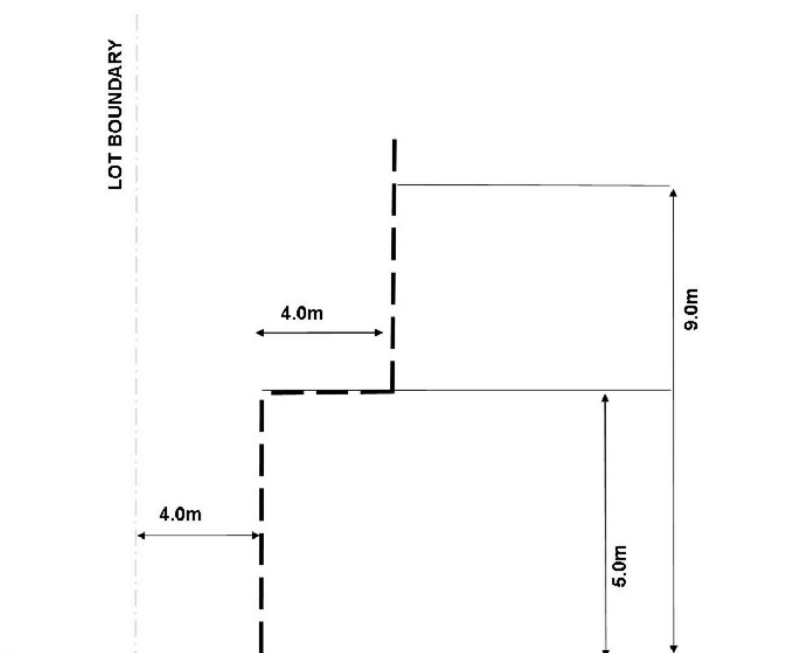


## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

- Be setback a minimum of 4m.
- Be setback to ensure the building is visually subordinate to heritage buildings when viewed from the public realm.
- Be setback to complement the Barwon River environs and the preferred low scale country village character.
- Be visually recessive, having regard to height, massing, finishes and colours.

FIGURE 1 UPPER LEVEL STREET WALL SETBACK REQUIREMENTS



### STREET WALL SETBACK REQUIREMENTS

Table 3 Street wall setback requirements

Preferred setback from street frontage	Preferred setback
4m or greater	2m or greater

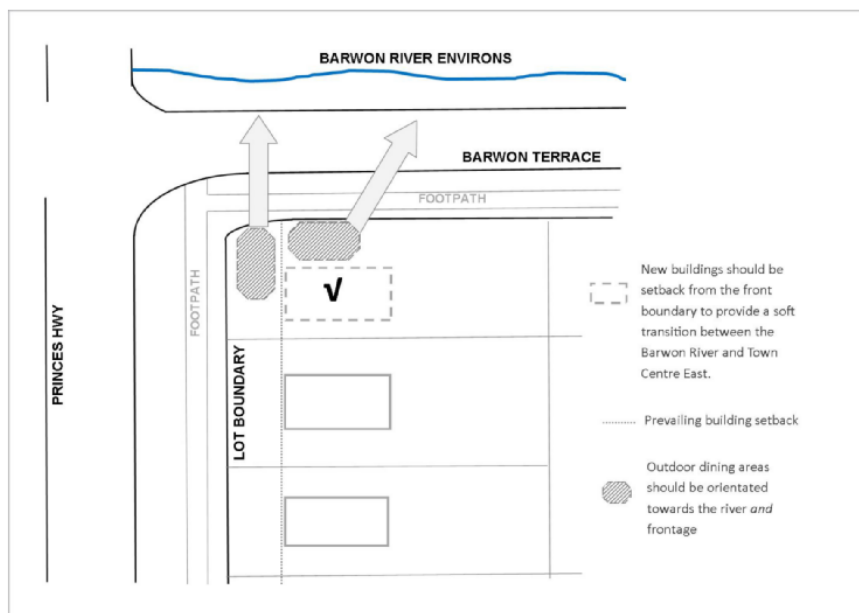
The setback between the building and the Barwon River and Princes Highway should provide an active and attractive interface with the public realm, through landscaping and/or alfresco seating, as appropriate.



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

FIGURE 2 ACTIVATION OF THE BARWON RIVER AND THE PRINCES HIGHWAY FRONTAGES



#### ROOF DESIGN REQUIREMENTS

Development should:

- Provide for a varied skyline and a streetscape that includes a mix of pitched roofs and parapets.

#### MATERIALS AND COLOURS REQUIREMENTS

Development should:

- Use external materials that reflect the heritage character of Winchelsea such as weatherboard, bluestone, render or metal.
- Use heritage colours where painted finishes are proposed that feature contrasting colours in details such as doors, verandahs and window frames.

#### PRESENTATION TO THE STREET REQUIREMENTS

Development should;

- Ensure fences, abutting a street frontage encourage interaction with the public realm and are not more than 1m in height.
- Include at least one canopy tree where outdoor spaces (including outdoor dining areas, retail display or other commercial activities) are proposed.
- Ensure windows and entry doors are orientated towards the street. Blank facades abutting a street frontage are to be avoided.
- Ensure the principal pedestrian entry point is visible from the highway and the Barwon River, as applicable.

#### VEHICULAR ACCESS, CAR PARKING AND LOADING AREAS REQUIREMENTS

- Car parking should be located to the rear of the site, away from the public realm.



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

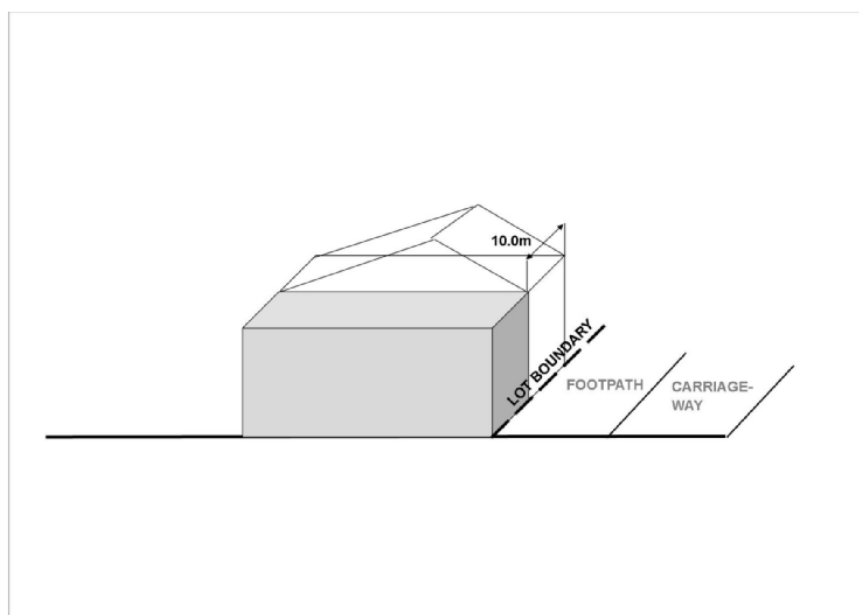
### SURF COAST PLANNING SCHEME

#### STREETSCAPE REQUIREMENTS

Development should;

- Provide an interesting, safe and active streetscape for those walking along the adjoining footpath.
- Avoid large unvaried blank walls on a street frontage (laneways accepted).
- Provide for a varied and interesting streetscape by breaking up the massing of built form through a variation of colour, roof design and building height at an optimum width of 10m.

FIGURE 3 PREFERRED BUILDING VARIATION REQUIREMENTS



#### 3.0 Subdivision

Proposed C134surf

A permit to subdivide land must meet the following requirements:

Lots created by subdivision;

- must be capable of containing an existing building, or supporting a new building, that will meet the built form objectives and requirements of this overlay schedule.
- should be capable of meeting the vehicular access and parking requirements contained within this overlay schedule.

#### 4.0 Signs

Proposed C134surf

Sign requirements are at Clause 52.05. All land located within the Willis street area is in Category 3.

#### 5.0 Application requirements

Proposed C134surf

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

- A neighbourhood and site description and design response which demonstrates how the proposal achieves the design objectives and requirements of this schedule.

#### 6.0 Decision guidelines

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Proposed C134surf

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the General Design Requirements and other Design Requirements in this schedule are met.
- The profile and impact of development when viewed from the Princess Highway and Barwon River environs.
- The design of the streetscape interface along the primary and river street frontage, as appropriate.
- Whether heritage buildings retain their dominance when viewed from the public realm.
- Whether upper level development is visually recessive and does not dominate or visually overwhelm the streetscape.
- Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.
- The impact of development on views to and the setting of;
  - The Barwon River
  - The Former Winchelsea Public Library
  - The Globe Theatre



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

MAP 1 WILLIS STREET CONTEXT PLAN





## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

--d--  
Proposed C134surf

#### SCHEDULE 29 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO29**.

#### WINCHELSEA TOWN CENTRE EAST

##### 1.0

--d--  
Proposed C134surf

#### Design objectives

To encourage development that enhances the historic small town country character of Winchelsea.

To encourage development that complements and maintains the visual prominence of heritage places.

To encourage development that creates continuity and extends the shopping strip experience east and west of the Barwon River .

To encourage built form and subdivision design that enhances the public realm and the Barwon River environs.

To encourage built form that prioritises pedestrian amenity and creates a vibrant and walkable town centre.

##### 2.0

--d--  
Proposed C134surf

#### Buildings and works

A permit is not required to:

- Install an automated teller machine.
- Alter an existing building façade provided:
  - The alteration does not include the installation of an external roller shutter.
  - At least 80 per cent of the building façade at ground level is maintained as an entry or window with clear glazing.

A permit is required to construct a fence on a boundary with street frontage, laneways exempted.

#### GENERAL REQUIREMENTS

The following requirements apply to an application to construct a building or carry out works.

- Service equipment/structures may exceed the preferred height provided that the equipment or structure (other than solar panels) occupies less than 50 per cent of the roof area.
- Balconies may intrude into an upper level setback.

#### TOTAL BUILDING HEIGHT REQUIREMENTS

Table 1 Total building height requirements

Preferred maximum building height

2 storeys (no more than 9m)

#### STREET FRONT BUILDING HEIGHT REQUIREMENTS

Table 2 Street front building height requirements

Preferred height requirements

Single storey (no more than 5m)

#### UPPER LEVEL STREET WALL REQUIREMENTS

Upper level development should:

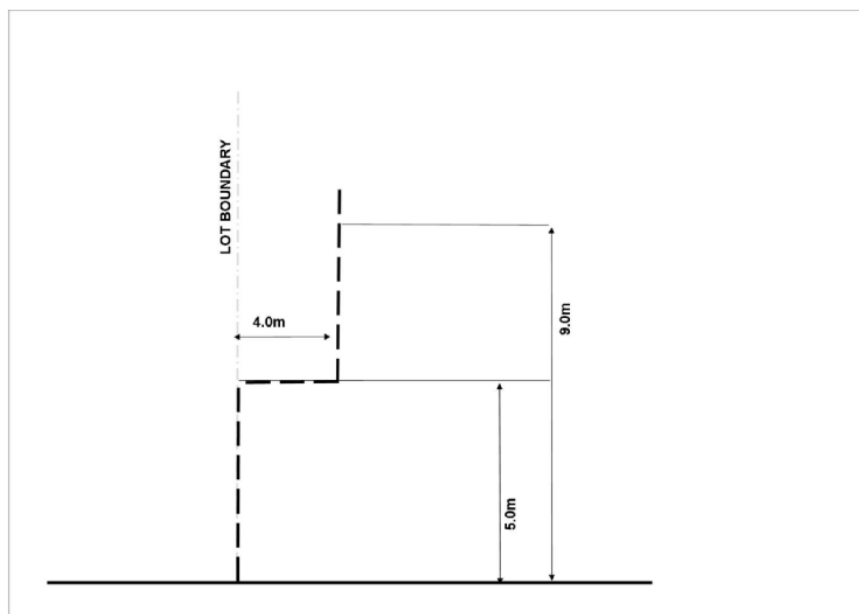


## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

- Be setback a minimum of 4m.
- Be setback to ensure the building is visually subordinate to heritage buildings when viewed from the public realm.
- Be setback to complement the preferred low scale country village character.
- Be visually recessive, having regard to height, massing, finishes and colours.

**FIGURE 1 UPPER LEVEL STREET WALL SETBACK REQUIREMENTS**



### STREET WALL SETBACK REQUIREMENTS

**Table 3 Street wall setback requirements**

Preferred setback from street frontage	Preferred set
0m	0m

The requirements of table 3 may be varied where;

- The variation is required to provide an outdoor dining area, retail display or other commercial space associated with a use on the same site; and,
- The outdoor space contains at least one tree and is not able to be used for carparking.

### ROOF DESIGN REQUIREMENTS

Development should:

- Provide for a varied skyline and a streetscape that includes a mix of pitched roofs and parapets.

### MATERIALS AND COLOURS REQUIREMENTS

Development should:



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

- Use external materials that reflect the heritage character of Winchelsea such as weatherboard, bluestone, render or metal.
- Use heritage colours where painted finishes are proposed that feature contrasting colours in details such as doors, verandahs and window frames.

#### PRESENTATION TO THE STREET REQUIREMENTS

Development should;

- Be designed to include continuous verandas over the street with planting pits provided at the base of veranda posts to enable the planting of vines.
- Include at least one canopy tree where outdoor spaces (including outdoor dining areas, retail display or other commercial activities) are proposed.
- Ensure windows and entry doors are orientated towards the street. Blank facades abutting a street frontage are to be avoided.
- Ensure the principal pedestrian entry point is visible from the highway and the Barwon River, as appropriate.
- Ensure fences, abutting a street frontage encourage interaction with the public realm and are not more than 1m in height.

#### VEHICULAR ACCESS, CAR PARKING AND LOADING AREAS REQUIREMENTS

- New vehicle crossovers should be avoided except where providing access onto a lane way.

#### STREETSCAPE REQUIREMENTS

Development should;

- Provide an interesting, safe and active streetscape for those walking along the adjoining footpath, through built form or landscaping and alfresco seating, as appropriate (refer figure 2).
- Avoid large unvaried blank walls on a street frontage (laneways accepted).
- Provide for a varied and interesting streetscape by breaking up the massing of built form through a variation of colour, roof design and building height at an optimum width of 12m (refer figure 3).



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

FIGURE 2 ACTIVATION OF THE BARWON RIVER AND THE PRINCES HIGHWAY FRONTAGES

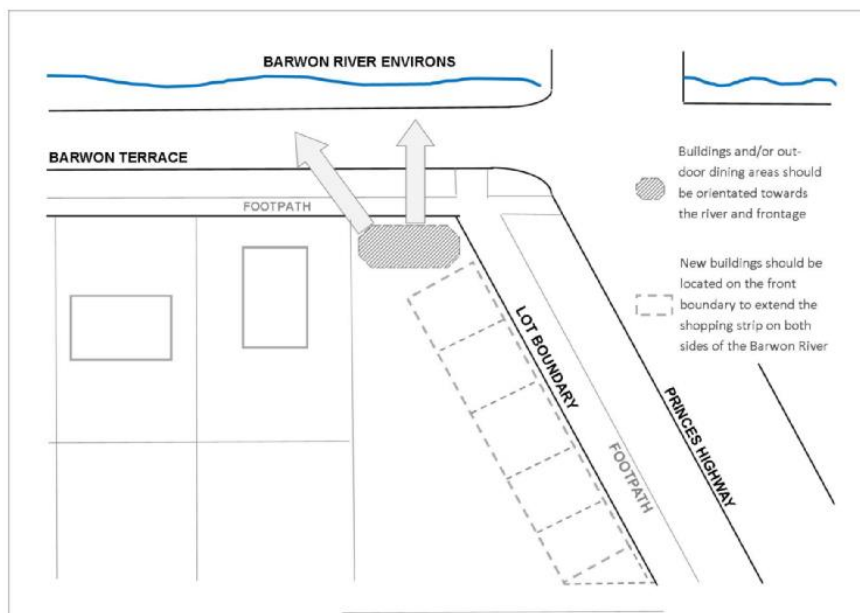
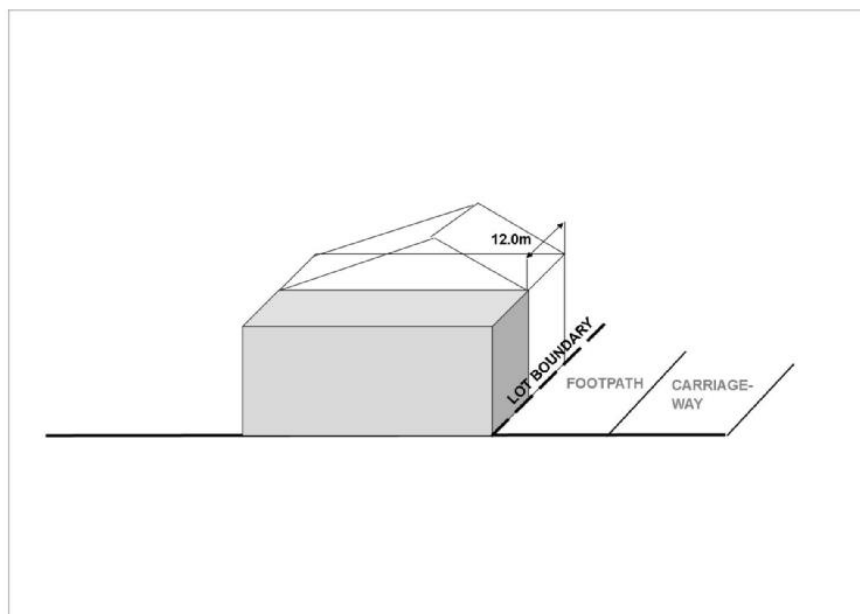


FIGURE 3 PREFERRED BUILDING VARIATION REQUIREMENTS



### 3.0

Proposed C134surf

### Subdivision

A permit to subdivide land must meet the following requirements:

Lots created by subdivision;



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

- must be capable of containing an existing building, or supporting a new building, that will meet the built form objectives and requirements of this overlay schedule.
- should be capable of meeting the vehicular access and parking requirements contained within this overlay schedule.

#### 4.0 Signs

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Proposed C134surf

Sign requirements are at Clause 52.05. All land located within the Winchelsea Town Centre East is in Category 3.

#### 5.0 Application requirements

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Proposed C134surf

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A neighbourhood and site description and design response which demonstrates how the proposal achieves the design objectives and requirements of this schedule.

#### 6.0 Decision guidelines

---  
Proposed C134surf

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the General Design Requirements and other Design Requirements in this schedule are met.
- The profile and impact of development when viewed from the Princess Highway and Barwon River environs.
- The design of the streetscape interface along the primary and river street frontage, as appropriate.
- Whether heritage buildings retain their dominance when viewed from the public realm.
- Whether upper level development is visually recessive and does not dominate or visually overwhelm the streetscape.
- Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.
- The impact of development on views to and the setting of;
  - The Globe Theatre
  - St. Thomas Anglican church
  - The former Winchelsea public library
  - The Winchelsea Hotel
  - Murrell's Store
  - Shinner's cafe and dwelling
  - Former Timon Schroeter's store



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

MAP 1 WINCHELSEA TOWN CENTRE EAST CONTEXT PLAN





## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

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Proposed C134surf

#### SCHEDULE 30 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO30**.

#### WINCHELSEA TOWN CENTRE RIVERSIDE

##### 1.0

--/--/--  
Proposed C134surf

#### Design objectives

To encourage development that enhances the historic small town country character of Winchelsea.  
To encourage development that complements and maintains the visual prominence of heritage places.

To create a commercial and community hub that fronts onto the Barwon River environs.

To encourage built form and subdivision design that enhances the public realm, particularly the interface with the Barwon River.

To encourage built form that prioritises pedestrian amenity and creates a vibrant and walkable town centre.

##### 2.0

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Proposed C134surf

#### Buildings and works

A permit is not required to:

- Install an automated teller machine.
- Alter an existing building façade provided:
  - The alteration does not include the installation of an external roller shutter.
  - At least 80 per cent of the building façade at ground level is maintained as an entry or window with clear glazing.

A permit is required to construct a fence on a boundary with street frontage, laneways exempted.

#### GENERAL REQUIREMENTS

The following requirements apply to an application to construct a building or carry out works.

- Service equipment/structures may exceed the preferred height provided that the equipment or structure (other than solar panels) occupies less than 50 per cent of the roof area.
- Balconies may intrude into an upper level setback.

#### TOTAL BUILDING HEIGHT REQUIREMENTS

Table 1 Total building height requirements

Preferred maximum building height

2 storeys (no more than 9m)

#### STREET FRONT BUILDING HEIGHT REQUIREMENTS

Table 2 Street front building height requirements

Preferred height requirements

Single storey (no more than 5m)

#### UPPER LEVEL STREET WALL REQUIREMENTS

Upper level development should:



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

- Ensure the building is visually subordinate to heritage buildings when viewed from the public realm.
- Complement the preferred low scale country village character.
- Be visually recessive, having regard to height, massing, finishes and colours.
- Be orientated towards the Barwon River environs to provide for active surveillance.

### STREET WALL SETBACK REQUIREMENTS

Table 3 Street wall setback requirements

Preferred setback from street frontage	Preferred set
0m - 4m	0m - 2m

The requirements of table 3 may be varied where;

- The variation is required to provide an outdoor dining area, retail display or other commercial space associated with a use on the same site; and,
- The outdoor space contains at least one tree and is not able to be used for carparking.
- The variation is required to provide a landscaped setting that engages with the Barwon River environs.

### ROOF DESIGN REQUIREMENTS

Development should:

- Provide for a varied skyline and a streetscape that includes a mix of pitched roofs and parapets.

### MATERIALS AND COLOURS REQUIREMENTS

Development should:

- Use external materials that reflect the heritage character of Winchelsea such as weatherboard, bluestone, render or metal.
- Use heritage colours where painted finishes are proposed that feature contrasting colours in details such as doors, verandahs and window frames.

### PRESENTATION TO THE STREET REQUIREMENTS

Development should;

- Include at least one canopy tree where outdoor spaces (including garden settings, outdoor dining areas, retail display or other commercial activities) are proposed.
- Ensure windows and entry doors are orientated towards the street that overlooks the Barwon River. Blank facades abutting a street frontage are to be avoided.
- Ensure the principal pedestrian entry point is visible from the Barwon River street.

### VEHICULAR ACCESS, CAR PARKING AND LOADING AREAS REQUIREMENTS

- New vehicle crossovers should be avoided except where providing access onto a lane way.

### STREETSCAPE REQUIREMENTS

Development should;

- Provide an interesting, safe and active streetscape for those walking along the adjoining footpath.

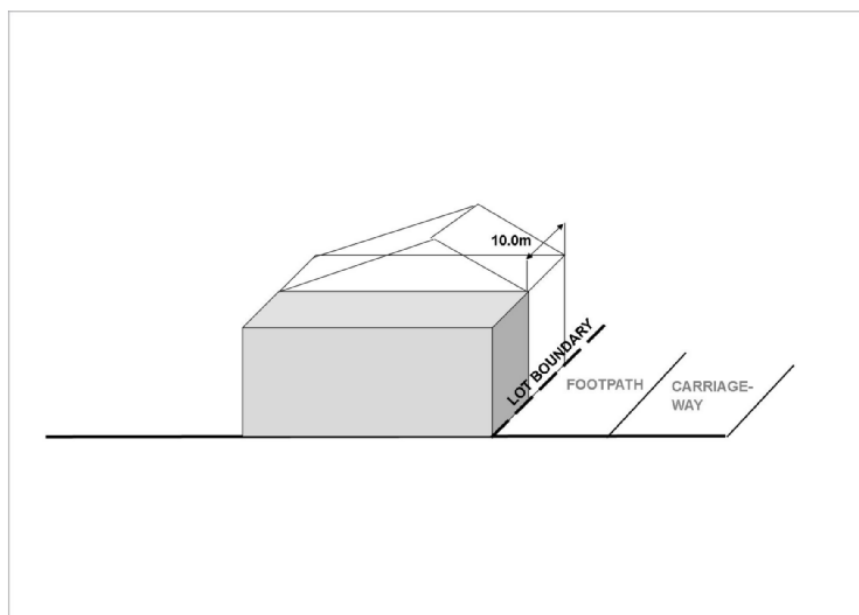


## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

- Avoid large unvaried blank walls on a street frontage (laneways accepted).
- Provide for a varied and interesting streetscape by breaking up the massing of built form through a variation of colour, roof design and building height at an optimum width of 10m.

FIGURE 2 PREFERRED BUILDING VARIATION REQUIREMENTS



### 3.0 Subdivision

Proposed C134surf

A permit to subdivide land must meet the following requirements:

Lots created by subdivision;

- must be capable of containing an existing building, or supporting a new building, that will meet the built form objectives and requirements of this overlay schedule.
- should be capable of meeting the vehicular access and parking requirements contained within this overlay schedule.

### 4.0 Signs

Proposed C134surf

Sign requirements are at Clause 52.05. All land located within the Winchelsea Town Centre Riverside is in Category 3.

### 5.0 Application requirements

Proposed C134surf

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A neighbourhood and site description and design response which demonstrates how the proposal achieves the design objectives and requirements of this schedule.



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

#### 6.0

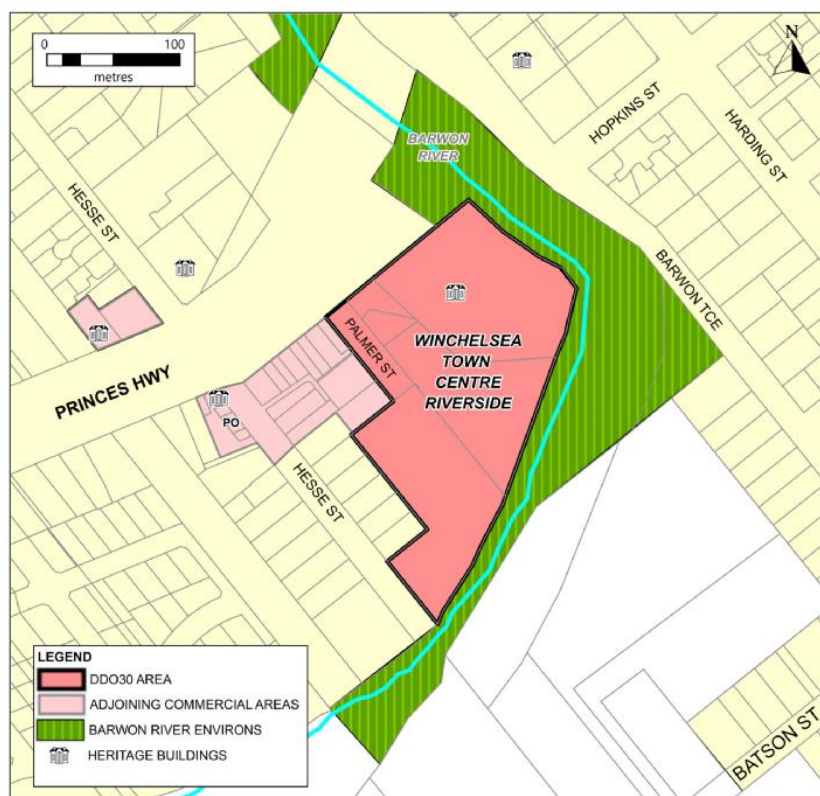
Proposed C134surf

#### Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the General Design Requirements and other Design Requirements in this schedule are met.
- The profile and impact of development along the Main street when viewed from the Princess Highway.
- The design of the streetscape interface along the primary street frontage.
- Whether heritage buildings retain their dominance when viewed from the public realm.
- Whether upper level development is visually recessive and does not dominate or visually overwhelm the streetscape.
- Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.
- The impact of development on views to and the setting of;
  - The Barwon River
  - The Barwon Hotel

#### MAP 1 WINCHELSEA TOWN CENTRE RIVERSIDE CONTEXT PLAN





## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

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Proposed C134surf

#### SCHEDULE 31 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO31**.

#### PRINCES HIGHWAY AND WINCHELSEA TOWN ENTRY

##### 1.0

--s--  
Proposed C134surf

#### Design objectives

To encourage development that enhances the historic small town country character of Winchelsea.

To encourage development that complements and maintains the visual prominence of heritage places.

To encourage the use of landscaping to create a visually appealing entry through the town.

To encourage built form that prioritises pedestrian amenity.

##### 2.0

--s--  
Proposed C134surf

#### Buildings and works

A permit is not required to:

- construct or extend a dwelling

#### GENERAL REQUIREMENTS

The following requirements apply to an application to construct a building or carry out works.

#### TOTAL BUILDING HEIGHT REQUIREMENTS

Table 1 Total building height requirements

Preferred maximum building height
-----------------------------------

2 storeys (no more than 9m)
-----------------------------

#### STREET FRONT BUILDING HEIGHT REQUIREMENTS

Table 2 Street front building height requirements

Preferred height requirements
-------------------------------

Single storey (no more than 5m)
---------------------------------

#### UPPER LEVEL STREET WALL REQUIREMENTS

Upper level development should:

- Be setback a minimum of 4m.
- Be setback to ensure the building is visually subordinate to heritage buildings, when viewed from the public realm.
- Be setback to ensure trees continue to be the main feature on the skyline, when viewed from the Princes Highway.
- Be setback to complement the preferred low scale country village character.

#### STREET WALL SETBACK REQUIREMENTS

Table 3 Street wall setback requirements

Preferred setback from street frontage
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Preferred set
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## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

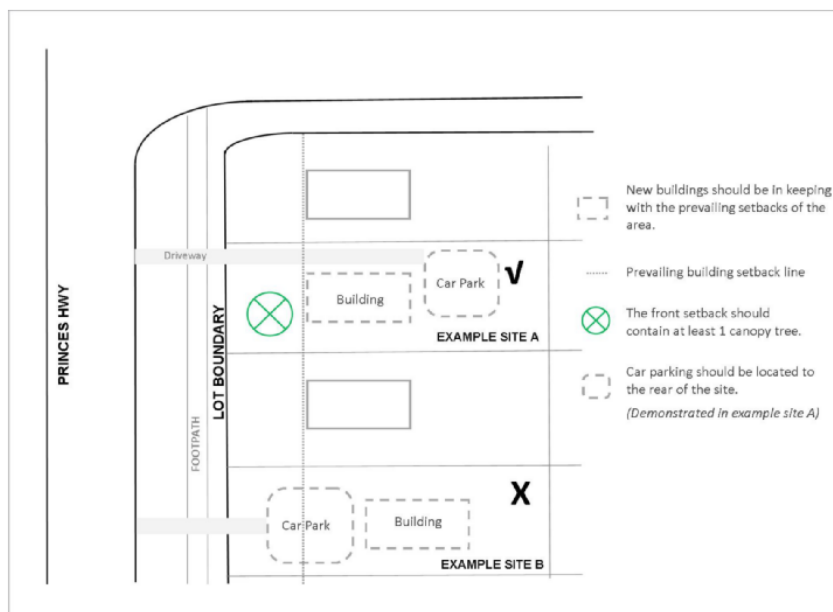
### SURF COAST PLANNING SCHEME

The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments 2m facing the front street or 6 metres, whichever is the lesser.

#### Front setbacks and setback treatment

- The street setback should contain at least one tree and should not be dominated by carparking.

**FIGURE 1 FRONT SETBACKS AND TREATMENT**



#### ROOF DESIGN REQUIREMENTS

Development should:

- Provide for a varied skyline and a streetscape that includes a mix of pitched roofs and parapets.

#### PRESENTATION TO THE STREET REQUIREMENTS

Development should;

- Include at least one canopy tree where outdoor spaces (including outdoor dining areas, retail display or other commercial activities) are proposed.
- Ensure windows and entry doors are orientated towards the street. Blank facades abutting a street frontage are to be avoided.
- Ensure the principal pedestrian entry point is visible from the highway.

#### VEHICULAR ACCESS, CAR PARKING AND LOADING AREAS REQUIREMENTS

- Carparking should be located to the rear of the site, accessed via a laneway or along the side boundary of the property.

#### STREETSCAPE REQUIREMENTS

Development should;

- Provide an interesting, safe and active streetscape for those walking along the adjoining footpath.
- Avoid large unvaried blank walls on a street frontage (laneways accepted).



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

#### 3.0 Subdivision

---  
Proposed C134surf

A permit to subdivide land must meet the following requirements:

Lots created by subdivision;

- must be capable of containing an existing building, or supporting a new building, that will meet the built form objectives and requirements of this overlay schedule.
- should be capable of meeting the vehicular access and parking requirements contained within this overlay schedule.

#### 4.0 Signs

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Proposed C134surf

Sign requirements are at Clause 52.05. All land along the Princes Highway is in Category 4.

#### 5.0 Application requirements

---  
Proposed C134surf

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A neighbourhood and site description and design response which demonstrates how the proposal achieves the design objectives and requirements of this schedule.

#### 6.0 Decision guidelines

---  
Proposed C134surf

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

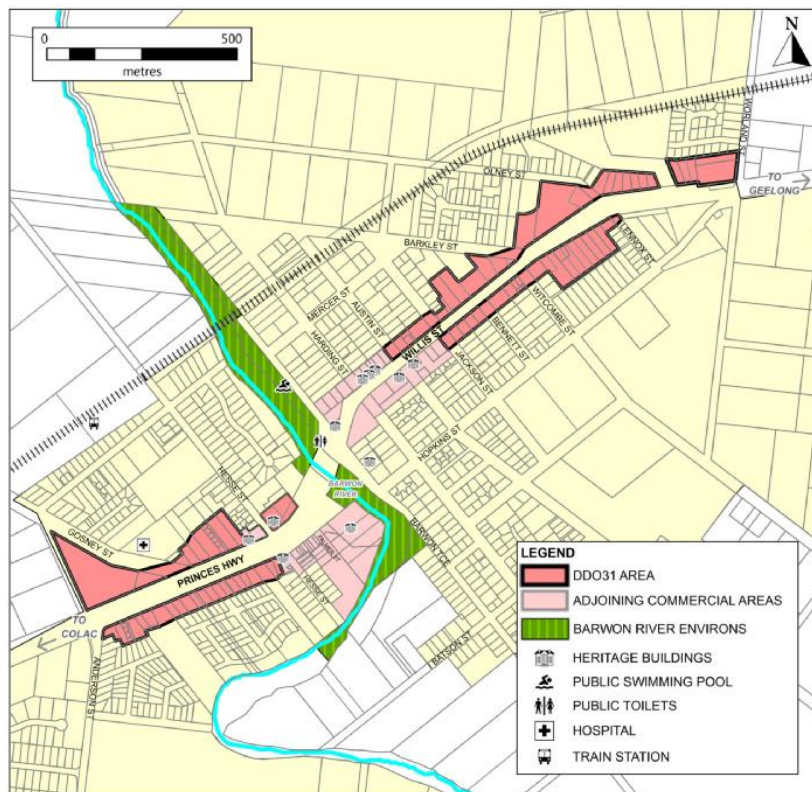
- Whether the General Design Requirements and other Design Requirements in this schedule are met.
- The profile and impact of development when viewed from the Princess Highway.
- The design of the streetscape interface along the primary street frontage.
- Whether heritage buildings retain their dominance when viewed from the public realm.
- Whether upper level development is visually recessive and does not dominate or visually overwhelm the streetscape.
- Whether a variation to the front setback will provide a more attractive interface with the streetscape, enhancing the town entry.
- Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

MAP 1 WINCHELSEA HIGHWAY AND TOWN ENTRY CONTEXT PLAN





## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

31/07/2018  
VC148

#### SCHEDULE TO CLAUSE 72.08 BACKGROUND DOCUMENTS

##### 1.0 Background documents

19/06/2024  
G436surf Proposed C134surf

Name of background document	Amendment number - clause reference
<i>Aireys Inlet to Eastern View Neighbourhood Character Study and Vegetation Assessment</i> (Surf Coast Shire, 2004)	C18
<i>Aireys Inlet to Eastern View Structure Plan</i> (Surf Coast Shire & AXOS Urban, 2015)	C110
<i>Anglesea Futures Land Use Framework</i> (Department of Environment, Land, Water and Planning, 2018)	C129surf
<i>Anglesea Great Ocean Road Study</i> (Planisphere, 2016)	C97
<i>Anglesea Neighbourhood Character Study</i> (Surf Coast Shire, 2003)	C16
<i>Anglesea Streetscape Project</i> (Mexted Rimmer Associates, Andrews Consulting & Huw Hulse, 1996)	C97
<i>Anglesea Structure Plan</i> (Surf Coast Shire, 2012)	C79
<i>Barrabool Uniting (formerly Presbyterian) Church &amp; Manse: Heritage Assessment</i> (Dr David Rowe Authentic Heritage Services Pty Ltd, 2014)	C103
<i>Bellbrae Stormwater Master Plan: Proposed Re-Zoning West of School Road</i> (Surf Coast Shire, 2013)	C74
<i>Bellbrae Structure Plan</i> (Surf Coast Shire, 2010)	C74
<i>Biodiversity Mapping Project</i> (Surf Coast Shire, Department of Environment and Primary Industries & Corangamite Catchment Management Authority, 2014)	C96
<i>Comprehensive Strategy Plan for Torquay/Jan Juc</i> (Henshall Hansen Associates, 1996)	NPS1
<i>Deans Marsh Structure Plan</i> (Surf Coast Shire, 2008)	C67
<i>The Great Ocean Road Region Landscape Assessment Study</i> (Planisphere, 2003)	C68
<i>Growing Winchelsea – Shaping Future Growth</i> (Surf Coast Shire, 2015)	C120
<i>Improving Our Waterways: Victorian Waterway Management Strategy</i> (Department of Environment and Primary Industries, 2013)	C85
<i>Indigenous Planting Guide for Rural Areas within the Surf Coast Shire</i> (Surf Coast Shire, 2003)	C49
<i>Indigenous Planting Guide for Urban Coastal Areas within the Surf Coast Shire</i> (Surf Coast Shire, 2003)	C16
<i>Landscape Assessment Study North of the Princes Highway: Background Report</i> (Planisphere, 2007)	C68
<i>Landscaping Your Surf Coast Garden For Bushfire</i> (Surf Coast Shire, 2012)	C96
<i>Lorne Neighbourhood Character Study</i> (Surf Coast Shire, 2006)	C34



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

Name of background document	Amendment number - clause reference
<i>Lorne Strategy Plan Review</i> (Environmental Resources Management Aust & Maunsell Australia, revised 2004)	C34
<i>Moriac Structure Plan</i> (Surf Coast Shire, 2010)	C80
<i>Open Space Strategy 2016 – 2025</i> (Ross Planning, 2015)	C96
<i>Pathways Strategy 2012 Review Part A: Process, Background Policies and Recommendations</i> (Surf Coast Shire, 2012)	C96
<i>Regional Bushfire Planning Assessment, Barwon South-West Region</i> (Department of Planning and Community Development, 2012)	C96
<i>Remnant Roadside Vegetation of the Surf Coast Shire</i> (Peter Moulton, Mark Trengove & Geoff Clark, 1997)	NPS1
<i>A Review of Domestic Wastewater Management in Bellbrae</i> (Van de Graaff and Associates, Geocode & LandSafe, 2010)	C74
<i>Rural Environment Study: Report on Environmental Resources</i> (Ecology Australia, 1996)	NPS1
<i>Salinity Management Overlay Project Cover Report</i> (EnPlan-DBA, Dalhaus Environmental Geology & Chris Harty and Environmental Management, 2006)	C38
<i>Spring Creek Catchment Plan</i> (Spring Creek Catchment Committee & EnPlan Australia Pty Ltd, 2003)	C74
<i>Spring Creek Urban Growth Framework Plan Working Paper 3 Landscape and Urban Form</i> (Hansen Partnership, 2008)	C74
<i>Surf Coast Housing Policy Project</i> (Planisphere, 2006)	C39
<i>Surf Coast Places of Cultural Significance Study: Report on Stage 1 Volume 1 – Methods and Results</i> (Context P/L & Dr Carlotta Kellaway, 1998)	C74
<i>Surf Coast Playground Strategy</i> (Surf Coast Shire, 2011)	C96
<i>Surf Coast Shire Gaming Policy Framework</i> (Coomes Consulting Group, 2008)	C72
<i>Surf Coast Shire Places of Cultural Significance Study: Selected Lorne/Deans Marsh Heritage Place Assessments 2003</i> (Surf Coast Shire, amended 2005)	C15
<i>Surf Coast Shire – Salinity Management Overlay: Salinity Occurrences and Mapping Background Report No 4</i> (Dahlhaus Environmental Geology Pty Ltd, 2006)	C38
<i>Surf Coast Shire Rural Land Use Strategy</i> (RG Ashby & Co, 1997)	NPS1
<i>Surf Coast Shire Rural Residential and Rural Living Strategy</i> (AGC Woodward-Clyde, 1997)	NPS1
<i>Surf Coast Shire Rural Strategy</i> (RCMG, 2007)	C68
<i>Surf Coast Shire Urban Tree and Vegetation Policy</i> (Surf Coast Shire, 2006)	C96
<i>Sustainable Futures Plan Torquay-Jan Juc 2040</i> (Surf Coast Shire, 2014)	C66



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

Name of background document	Amendment number - clause reference
<i>Thompson Creek Catchment Plan</i> (Thompsons Creek Catchment Committee, 1998)	NPS1
<i>Torquay and Jan Juc Structure Plan</i> (Surf Coast Shire, 2007)	C37
<i>Torquay-Jan Juc Neighbourhood Character Study and Vegetation Assessment</i> (Surf Coast Shire, 2006)	C37
<i>Torquay-Jan Juc Neighbourhood Character Study Review</i> (Surf Coast Shire, 2012)	C66
<i>Torquay/Jan Juc Retail Strategy</i> (Tim Nott, 2011)	C66
<i>Torquay North Outline Development Plan</i> (Surf Coast Shire, 2012)	C66
<i>Torquay North-West Outline Development Plan</i> (The Planning Group & Essential Economics, 2002)	C6
<i>Torquay Town Centre Parking and Access Strategy 2011-16</i> (Surf Coast Shire, 2011)	C66
<i>Tree Species Selection Criteria for the 'Torquay North' Development Plan Area</i> (Surf Coast Shire, 2010)	C96
<i>Winchelsea Growth Area Outline Development Plan</i> (Surf Coast Shire, 2011)	C120
<i>Winchelsea Industrial Estate Master Plan</i> (Surf Coast Shire, 2010)	C120
<i>Winchelsea Townscape Study</i> (Mark McWha Pty Ltd, 1995)	NPS1
<i>Winchelsea town centre and highway design guidelines</i> (Inclusive design, 2019)	



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

10/06/2021  
C136surf

#### SCHEDULE TO CLAUSE 74.01 APPLICATION OF ZONES, OVERLAYS AND PROVISIONS

##### 1.0 Application of zones, overlays and provisions

10/06/2021  
C136surf

This planning scheme applies the following zones, overlays and provisions to implement the Municipal Planning Strategy and the objectives and strategies in Clauses 11 to 19:

- General Residential Zone, Low Density Residential Zone and Township Zone to facilitate residential opportunities in all towns.
- Urban Growth Zone to land west of Duffields Road, Torquay-Jan Juc.
- Commercial 1 Zone to activity centres in Torquay-Jan Juc, Anglesea, Aireys Inlet, Lorne and Winchelsea.
- Commercial 2 Zone to commercial land on the Princes Highway, Winchelsea.
- Industrial 1 Zone to the industrial estate in Winchelsea.
- Industrial 3 Zone to industrial estates in Torquay, Anglesea and Lorne.
- Special Use Zone (Schedule 1) to the Alcoa Lease Area.
- Special Use Zone (Schedule 2) to the Anglesea Vehicle Proving Ground
- Special Use Zone (Schedule 3) to residential lots in the Anglesea heathland.
- Special Use Zone (Schedule 4) to the Torquay community development precinct.
- Special Use Zone (Schedules 5 and 8) to tourism focus areas in Torquay and Anglesea.
- Special Use Zone (Schedule 6) to the refuse disposal area in Lorne.
- Special Use Zone (Schedule 7) to Anglesea Golf Course and Lorne Golf Club.
- Special Use Zone (Schedule 9) to Christian College Campus, Jan Juc.
- Comprehensive Development Zone (Schedule 2) to the Sands Torquay Estate.
- Comprehensive Development Zone (Schedule 3) to the Cape Otway Road Australia (CORA) Sports, Tourism and Accommodation Development at Modewarre.
- Farming Zone (Schedule 1) to specify minimum lot areas and building setbacks.
- Rural Living Zone to land in Gherang and Wensleydale.
- Rural Conservation Zone (Schedule) to specify conservation values and minimum subdivisional area.
- Public Use Zone to local government, health, waste, resource recovery, transport and education facilities.
- Public Park and Recreation Zone to areas of public recreation and open space.
- Public Conservation and Resource Zone to public land with conservation values.
- Road Zone (Schedules 1 and 2) to significant roads.
- Neighbourhood Character Overlay (Schedules 1, 2 and 3) to coastal towns from Anglesea to Lorne.
- Design and Development Overlay (Schedule 1) to new residential subdivisions in Torquay.
- Design and Development Overlay (Schedules 2 and 6) to Bell Street and the Torquay town centre.
- Design and Development Overlay (Schedule 4) to the commercial and tourist areas in Lorne.
- Design and Development Overlay (Schedule 5) to industrial land.



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

- Design and Development Overlay (Schedule 7) to land adjacent to the Surf Coast Highway, Torquay.
- Design and Development Overlay (Schedule 8) to residential land surrounding Torquay Central.
- Design and Development Overlay (Schedule 9) to commercial land in Anglesea town centre.
- Design and Development Overlay (Schedules 10, 12 and 19) to coastal towns from Anglesea to Lorne.
- Design and Development Overlay (Schedule 11) to Low Density and Rural Conservation Zone land in coastal settlements from Aireys Inlet to Eastern View.
- Design and Development Overlay (Schedule 13) to Coastal Boulevards, Torquay-Jan Juc.
- Design and Development Overlay (Schedule 15) to Aireys Inlet commercial areas.
- Design and Development Overlay (Schedule 16) to the Municipal Precinct, Torquay.
- Design and Development Overlay (Schedule 17) to the Commercial 2 Zone, Winchelsea.
- Design and Development Overlay (Schedule 18) to the Deans Marsh township.
- Design and Development Overlay (Schedule 20) to Old Torquay South.
- Design and Development Overlay (Schedule 21) to Old Torquay North, Wombah Park and Church Estate, Torquay.
- Design and Development Overlay (Schedule 22) to Jan Juc.
- Design and Development Overlay (Schedule 23) to the activity centre in Torquay North.
- Design and Development Overlay (Schedule 24) to the Bellbrae township.
- Design and Development Overlay (Schedule 25) to tourism precincts at Four Kings and Diggers Parade, Anglesea.
- Design and Development Overlay (Schedule 26) to land at 85 Grossmans Road, Torquay.
- Design and Development Overlay (Schedule 27) to the Commercial 1 Zone, Winchelsea.
- Design and Development Overlay (Schedule 28) to the Commercial 1 Zone, Winchelsea.
- Design and Development Overlay (Schedule 29) to the Commercial 1 Zone, Winchelsea.
- Design and Development Overlay (Schedule 30) to the Commercial 1 Zone, Winchelsea.
- Design and Development Overlay (Schedule 31) to the General Residential Zone abutting the Princes Highway, Winchelsea.
- Heritage Overlay to protect heritage buildings, places, trees and streetscapes.
- Significant Landscape Overlay (Schedule 1) to hinterland areas at Bells Beach, Point Addis, Anglesea, Big Hill and Lorne.
- Significant Landscape Overlay (Schedule 3 and 4) to Anglesea and Lorne.
- Significant Landscape Overlay (Schedule 5) to land adjacent to the Barwon River, Winchelsea.
- Significant Landscape Overlay (Schedule 6) to Old Torquay and Jan Juc.
- Significant Landscape Overlay (Schedule 7) to land north of Spring Creek, Bellbrae.
- Environmental Significance Overlay (Schedule 1) to waterways and wetlands.
- Environmental Significance Overlay (Schedule 2) to special water supply catchment areas.
- Environmental Significance Overlay (Schedules 4 and 5) to land in Torquay-Jan Juc, Anglesea, Aireys Inlet, Fairhaven, Moggs Creek and Lorne.
- Vegetation Protection Overlay (Schedule 1) to significant vegetation.
- Floodway Overlay and Land Subject to Inundation Overlay to flood prone land.



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

- Salinity Management Overlay to areas of salinity.
- Bushfire Management Overlay to areas where there is potential for extreme bushfire behaviour.
- Bushfire Management Overlay (Schedule 1) to Aireys Inlet, Jan Juc, Lorne, Torquay BAL-12.5 areas.
- Bushfire Management Overlay (Schedule 2) to Aireys Inlet, Anglesea, Lorne BAL-29 areas.
- Parking Overlay (Schedules 1 - 3) to land on the Surf Coast Highway and central Torquay and to the Torquay North Activity Centre.
- Development Contributions Plan Overlay (Schedule 1 and 2) to land in Torquay-Jan Juc.
- Restructure Overlay (RO1, RO2, RO3) to poorly configured lots in Anglesea, Lorne and Deans Marsh townships.
- Development Plan Overlay (Schedule 3) to guide the development of the West Coast Business Park, Torquay.
- Development Plan Overlay (Schedules 4 - 6, 8 and 10 - 14) to guide development of residentially zoned land.
- Development Plan Overlay Schedule 7 to Torquay Town Centre between Payne and Pearl Streets.
- Development Plan Overlay (Schedule 9) to guide the development of land zoned Commercial 2 Zone in Winchelsea.
- Public Acquisition Overlay to land reserved for Category 1 roads and the Eastern Reserve extension in Winchelsea.
- Environmental Audit Overlay to potentially contaminated land in Winchelsea, Torquay and Lorne.
- Schedule to Clause 52.17 Native Vegetation to exempt the removal of native vegetation in specified locations and to identify scheduled weeds within the Shire.
- Schedule to Clause 52.28 Gaming to prohibit the installation or use of gaming machines in nominated areas within the Shire and to prohibit a gaming machine in a strip shopping centre in all strip shopping centres in the Shire.
- Schedule to Clause 52.32 Wind Energy Facility to specify the prohibition of a wind energy facility on all land within five kilometres of the high water mark of the coast.
- Schedule to Clause 52.33 Post Boxes and Dry Stone Walls to specify a permit requirement for dry stone walls on all land north west of the Barwon River.
- Schedule to Clause 53.01 Public Open Space Contribution and Subdivision to specify the contribution that must be made by a person who proposes to subdivide land.



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### SURF COAST PLANNING SCHEME

10/06/2021  
C136surf

#### SCHEDULE TO CLAUSE 74.02 FURTHER STRATEGIC WORK

##### 1.0 Further strategic work

10/06/2021  
C136surf Proposed C134surf

- Complete assessing the heritage significance of nominated heritage sites and undertake a further scoping study to determine any additional places of potential significance.
- Review:
  - The appropriateness of subdividing land in the Thompsons Creek catchment area to 40 hectares subject to meeting conditions specified in the Schedule to the Farming Zone.
  - Schedule 13 to the Design and Development Overlay Coastal Boulevards as it applies to land within Old Torquay in light of Old Torquay's role as an urban consolidation area to accommodate future growth.
- Investigate:
  - The potential to increase lot densities within the Bells Boulevard East Low Density Residential Area.
  - The potential for increasing housing densities in the Low Density Residential area between Strathmore Drive, Great Ocean Road, Bells Boulevard and the upper tributary of Jan Juc Creek.
  - The potential for low density residential development or sustainable tourist accommodation on sites identified as investigation areas in Lorne, considering bushfire risks, access and the need to protect significant biodiversity assets on the site.
  - The potential to develop land north of Coombes Road, west of Messmate Road up to the northern ridge line, for rural residential development subject to a supply and demand analysis.
  - The potential for urban growth to the north-east of Torquay to facilitate growth beyond 2030.
  - The potential for increased densities at the Collins Street Low Density Residential Estate, Winchelsea if initiated by landowners.
  - The need for and feasibility of expanding the town centre along Hesse Street (west side), Winchelsea.
  - The feasibility of developing an employment precinct north of the railway line in the Cressy Road area, Winchelsea.
  - The location of a possible school precinct in Winchelsea.
  - Zone/overlay responses for low density residential development in the investigation areas that are contiguous with the urban edge of Lorne.
- Establish the exact settlement boundary on the northern ridgeline of Torquay when specific development opportunities are investigated with the aim of avoiding any visual intrusion of development north of the ridgeline.
- Prepare:
  - ~~Updated urban design guidelines for the Princes Highway corridor and the Winchelsea Town Centre.~~
  - A precinct structure plan for the Winchelsea Town Centre (including all land in the Commercial 1 Zone east and west of the Barwon River and the intervening Crown Land).
  - A vegetation management plan to protect and enhance the avenue of oak trees along the Winchelsea/Deans Marsh Road.



## **2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines**

### **SURF COAST PLANNING SCHEME**

- A Winchelsea Development Contributions Plan for the provision of new community facilities and infrastructure.
- Design guidelines to guide future development of the Moriac Town Centre.
- Introduce planning controls to protect and enhance identified biodiversity sites and corridors in Moriac.



## **2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines**

### **APPENDIX 3 EXPLANATORY REPORT**



*Planning and Environment Act 1987*

## **SURF COAST PLANNING SCHEME**

### **AMENDMENT C134**

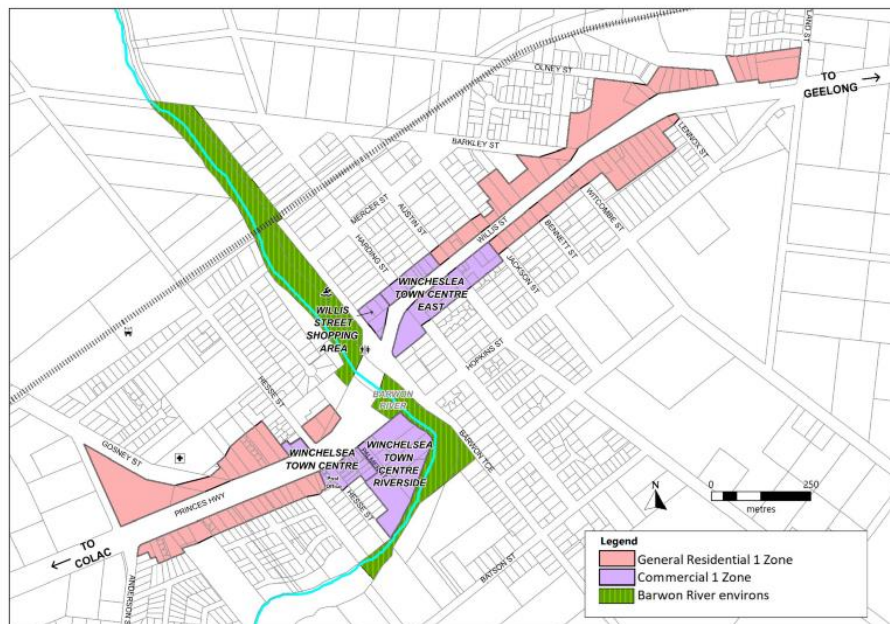
#### **EXPLANATORY REPORT**

##### **Who is the planning authority?**

This amendment has been prepared by the Surf Coast Shire who is the planning authority for this amendment.

##### **Land affected by the amendment**

The amendment applies all land zoned Commercial 1 and General Residential 1 (abutting the Princes Highway) in the township of Winchelsea as shown in map 1 below.



**Figure 1: Land affected by amendment C134**

##### **What the amendment does**

The amendment protects the distinctive country town character of Winchelsea, through the implementation of the *Winchelsea Town Centre and Highway Design Guidelines, 2019*.

Specifically the Amendment:

- Amends Clause 02.04 of the Municipal Planning Strategy.
- Amends Clauses 15.01-1L-02, 15.01-1L-03, 15.01-3L and 17.04-1L of the Local Planning Policy Framework.



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

- Inserts 5 new Schedules (DDO27, DDO28, DDO29, DDO30 and DDO31) to Clause 43.02,
- Amends the Schedule to Clause 72.08 within of the Operational Provisions to include a new background document titled 'Winchelsea Town Centre and Highway Design Guidelines, 2019'.
- Amends the Schedule to Clause 74.01 within of the Operational Provisions to include reference to the new DDO schedules.
- Amends the Schedule to Clause 74.02 within of the Operational Provisions to delete reference to required further work.

### Strategic assessment of the amendment

#### Why is the amendment required?

The amendment completes further strategic work contained within the Schedule to Clause 74.02 of the Surf Coast Planning Scheme. The schedule requires the preparation of design guidelines for commercial land and the entrance to the town of Winchelsea. Council adopted the *Winchelsea Town Centre and Highway Design Guidelines* in 2019 and a planning scheme amendment is required to implement the adopted guidelines.

The amendment seeks to ensure the distinctive country town character of Winchelsea as described in the guidelines is protected and enhanced. The guidelines build on the vision for the township contained within the place-making plan 'Growing Winchelsea, 2015'. The guidelines were prepared by Inclusive Design in consultation with the Winchelsea community, including traders groups, Growing Winch Inc. and the local primary school.

The amendment applies five Design and Development Overlay Schedules, requiring all development within the town centre and all new commercial development abutting the highway to respond to the defined preferred character. The guidelines encourage innovative design and provides multiple design options to allow for greater flexibility.

#### How does the amendment implement the objectives of planning in Victoria?

The amendment implements the objectives of planning in Victoria (sections 4(1) and 12(1)(a) of the Planning and environment Act 1987) by providing for the fair, orderly, economic and sustainable use and development of land within the town centre and along the highway. The amendment formalises an urban design document that aims to stimulate the town of Winchelsea as a tourist destination with a distinctive historic charm, celebrating the picturesque setting on the Barwon River.

#### How does the amendment address any environmental, social and economic effects?

##### *Environmental*

Amendment C134 implements guidelines that will enhance the pedestrian experience within the township. The built form encouraged through the guidelines will result in active streetscapes, pedestrian friendly and human scale development. The proposed overlay schedules encourage the planting of canopy trees and vines to help green the streetscape.

##### *Social and Economic*

The guidelines encourage vibrancy and activity within the town centre with the intention of activating the Barwon River environs and preserving the historic country town feel. There was strong community support for the guidelines during their development in 2019.

#### Does the amendment address relevant bushfire risk?

The township of Winchelsea is not considered to be in a high bushfire risk area. It is not affected by the Bushfire Management Overlay but is designated a Bushfire Prone Area, as is most of Victoria. The amendment does not include changes to the planning scheme that would increase bushfire risk in Winchelsea or that would impact on current applicable bushfire regulations.

#### Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the *Planning and Environment Act 1987*. It also complies with the requirements of Minister's Direction No. 11 Strategic Assessment of amendments.

### **How does the amendment support or implement the Planning Policy Framework and any adopted State policy?**

The Amendment supports and implements Clause 11 – Settlement. It is consistent with Clause 11.03-1S 'Activity centres,' supporting the focus on business, shopping, working, leisure and community facilities within the Winchelsea town centre. The Amendment reinforces the importance of creating a vibrant, concentrated, accessible activity centre.

The Amendment acknowledges the environmental and landscape values of Winchelsea as required by Clause 12, ensuring new development within the town centre is orientated towards the Barwon River environs. The amendment takes into consideration environmental risks, such as flooding and bushfire, set out in Clause 13 (Environmental Risks).

The Amendment promotes development consistent with the valued country village and historical character of Winchelsea, consistent with the direction of Clause 15 (Built Environment and Heritage).

The Amendment encourages urban design features that will contribute to the sense of place and cultural identity of Winchelsea, consistent with Clause 15.01-1S – Urban design. The Amendment establishes the preferred neighbourhood character as a low scale country town with a strong historic heritage in line with Clause 15.01-5S.

### **How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The amendment supports and implements the Municipal Planning Strategy (MPS). Clause 02.03-1 Settlement (Strategic Directions contained within the Municipal Planning Strategy) establishes Winchelsea as one of two major growth nodes in the Surf Coast Shire.

Clause 02.03-5 (Built environment and Heritage) highlights that Winchelsea features a number of valued heritage buildings. Amendment C134 seeks to balance both strategic directions by enhancing the look and appeal of the town centre to ensure as it grows, the valued character is preserve and celebrated.

02.03-7 (Economic development) outlines the importance of Winchelsea's historical and country village character noting that it provides an opportunity for further tourism growth for the town. The amendment builds upon this strategic direction encouraging responsive design to activate the Barwon River frontage and consolidate the four different township precincts for a more walkable and inviting visitor experience.

The amendment amends the MPS by inserting a new map into Clause 02.04 (Strategic Framework Maps) dividing the town centre into four separate precincts. Different design outcomes are sought in the different precincts to be implemented through the DDO schedules being applied through the amendment.

The amendment amends Clause 15.01-1L-02 (Activity centre and commercial design) of the Local Planning Policy Framework inserting new strategies to implement the 'Winchelsea town centre and highway design guidelines'.

The amendment amends Clause 15.01-1L-03 (Signs) of the Local Planning Policy Framework by including the guidelines as a background document.

The amendment amends Clause 15.01-3L (Subdivision design in Surf Coast) of the Local Planning Policy Framework inserting new strategies to ensure new subdivision layout in the Winchelsea town centre activates the Barwon River.

The amendment amends Clause 17.04-1L (Facilitating tourism in the Surf Coast) of the Local Planning Policy Framework by providing new strategies that will enhance Winchelsea as an inland tourism destination.

### **How does the amendment support or implement the Municipal Planning Strategy?**

The amendment supports and implements the Municipal Planning Strategy by building on the strategic directions contained under Clause 02.03-1 (Settlement) and Clause 02.03-5 (Built environment and



## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

Heritage) by seeking to activate the town centre and gateway to the town whilst preserving the unique historic country character that is the greatest attractor to the settlement.

The proposed changes to the Local Planning Policy Framework (discussed above) are consistent with the strategies for Winchelsea contained within the MPS. The amendment does not change the strategic directions of the MPS but aligns and builds upon current policy direction.

### **Does the amendment make proper use of the Victoria Planning Provisions?**

- The Amendment makes proper use of the Victoria Planning Provisions through aligning with the MPS and strengthening local policy for clearer decision making.

### **How does the amendment address the views of any relevant agency?**

The Amendment will not directly impact on any government agency. The amendment will be exhibited to all relevant agencies and referral authorities in accordance with the requirements of the *Planning and Environment Act 1987*.

### **Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The Amendment is not expected to have any impact upon the objectives, strategies and decision making principles of the *Transport Integration Act 2010*.

### **Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The Amendment is not expected to have any significant impact on the resource and administrative costs of Council.

### **Where you may inspect this amendment**

The amendment can be inspected free of charge at the Surf Coast Shire website at <https://www.surfcoast.vic.gov.au/Home>

And

The amendment is available for public inspection, free of charge, during office hours at the following places:

Surf Coast Shire Council, 1 Merrijig Drive, Torquay.

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection).

### **Submissions**

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by [insert submissions due date].

A submission must be sent to: Barbara Noelker, Surf Coast Shire Council, 1 Merrijig Drive, Torquay 3228 or [info@surfcoast.vic.gov.au](mailto:info@surfcoast.vic.gov.au).

### **Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: [insert directions hearing date]



## **2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines**

- panel hearing: [insert panel hearing date] ]



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## 2.1 Amendment C134 - Winchelsea Town Centre and Highway Design Guidelines

### ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Winchelsea	Town centre and residential land abutting the highway	Surf Coast C134 001ddoMap08 Authorisation



**3. OFFICE OF THE CEO**

Nil



#### 4. GOVERNANCE & INFRASTRUCTURE

##### 4.1 Project Budget Adjustments and Cash Reserve Transfers - August 2021

**Author's Title:** Coordinator Management Accounting      **General Manager:** John Bertoldi  
**Department:** Finance      **File No:** F18/850-4  
**Division:** Governance & Infrastructure      **Trim No:** IC21/1361  
**Appendix:**

**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 presented in this August 2021 report relate to the 2021-22 financial year. 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 7 of 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	168,136
Adopted Strategy Reserve	14,864
<b>Grand Total</b>	<b>183,000</b>

#### Council Resolution

**MOVED Cr Gary Allen, 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 7 of 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	168,136
Adopted Strategy Reserve	14,864
<b>Grand Total</b>	<b>183,000</b>

CARRIED 9:0



#### 4.1 Project Budget Adjustments and Cash Reserve Transfers - August 2021

##### 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 the 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 \$
Nil			

**Table 2 – For Council Approval - Projects Requiring Adjustment**

Project Name	Funding Source	Basis for Variation	Project Allocation \$
Grading Projects	Grant Funded – Roads to Recovery	Roads to Recovery Program advice for 2021-22 confirmed that the budgeted Grading Projects will not qualify under this grant program for 2021-22 unlike previous years. Therefore, Officers propose to assign this \$30,000 Roads to Recovery grant to an existing Roads to Recovery project (Barwon Park Road Shoulder Widening and Reconstruction), and reduce Council's Asset Renewal allocation on this project by \$30,000; returning it to source.	(30,000)
	Asset Renewal Reserve		15,136
	Adopted Strategy Implementation Reserve		14,864
Barwon Park Road Shoulder Widening and Reconstruction	Grant Funded – Roads to Recovery	To fund the budgeted \$30,000 Grading Project for 2021-22, it is proposed the unspent previous allocation to grading projects of \$14,864 from 2019-20 be utilised from the Adopted Strategy Reserve, along with the balance of \$15,136 from the Asset Renewal Reserve.  No additional cost to Council occurs as a result to this adjustment and complies with the Roads to Recovery Program guidelines for 2021-22.	30,000
	Asset Renewal Reserve		(30,000)



#### 4.1 Project Budget Adjustments and Cash Reserve Transfers - August 2021

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 \$
Nil			

**Table 4 – For Council Approval – New Projects**

Project Name	Funding Source	Basis for Variation	Project Allocation \$
Timber Bridge Renewal – Lorne Visitor Information Centre and Ron's Bridge, Moggs Creek	Asset Renewal Reserve	New projects identified via more extensive investigation following initial asset condition audits.	183,000

The following project closures, detailed in Table 5, have been endorsed at an Executive Management Team meeting.

**Table 5 – For Council Ratification – Closed Projects**

Project Name	Funding Source	Basis for Variation	Project Allocation \$
Nil			

The following project detailed in Table 6 has been endorsed by the then Acting Chief Executive Officer.

**Table 6 – For Council Ratification – CEO Approved Transfers**

Project Name	Funding Source	Basis for Variation	Project Allocation \$
Nil			



#### 4.1 Project Budget Adjustments and Cash Reserve Transfers - August 2021

**Table 7 – Accumulated Unallocated Cash Reserve Movement**

<b>Accumulated Unallocated Cash Reserve</b>	<b>2021-22 \$'000</b>	<b>2022-23 \$'000</b>	<b>2023-24 \$'000</b>	<b>2024-25 \$'000</b>
Opening Balance	3,493	3,079	2,346	748
Budgeted Annual Surplus/(Deficit)	50	(1,018)	(1,598)	(3,312)
Transfer for Adopted Projects Funded	(465)	285	-	-
Net Allocations During Year	-	-	-	-
New Allocations Proposed	-	-	-	-
<b>Closing Balance *</b>	<b>3,079</b>	<b>2,346</b>	<b>748</b>	<b>(2,564)</b>

<b>Accumulated Unallocated Cash Reserve</b>	<b>2021-22 \$'000</b>
<b>Net Allocations During Year</b>	
Nil	-
<b>Net Allocations (From)/To</b>	-
<b>New Allocations Proposed</b>	
Nil	-
<b>Total New Net Allocations (From)/To</b>	-

\*Note: Includes budgeted annual surplus/(deficit) as per Adopted Budget 2021-22.

#### **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*

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



#### **4.1 Project Budget Adjustments and Cash Reserve Transfers - August 2021**

##### ***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 for successful project outcomes.

##### ***Risk Assessment***

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

##### ***Options***

###### **Option 1 – Not approve transfers as recommended**

This option is not recommended by officers 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 August 2021.



## 4.2 Draft Governance Rules

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

**General Manager:** John Bertoldi  
**File No:** F17/1772  
**Trim No:** IC21/1215

### Appendix:

1. Draft Governance Rules - August 2021 (D21/150213)
2. Draft Governance Rules with tracked changes (D21/61174)
3. Public Question Time Options (D21/150354)
4. Amendments to Motions Options (D21/150355)
5. Notices of Motion Options (D21/150357)
6. Points of Order Options (D21/150358)

### 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 present draft Governance Rules to Council for adoption.

## Summary

At its Special Council Meeting held on 7 September 2020, Council resolved to adopt the Governance Rules as currently in force. Part of the resolution adopting the Governance Rules requires a review to take place within 12 months of the 2020 general election. At its meeting on 25 May 2021, Council resolved to endorse reviewed draft Governance Rules for public exhibition. The draft Governance Rules were exhibited for a period of 28 days, and 27 submissions were received. All submissions were provided to Councillors for consideration, and a Special Council Meeting for Hearing Submissions was held on 13 July 2021 to hear from individuals who wished to speak in support of their written submission. These submissions, in combination with Councillor feedback received through multiple Councillor forums including a workshop, have informed the review process and recommendation development.

The recommendation reflects community submissions, feedback provided by Councillors and demonstrates good governance.

## Recommendation

That Council:

1. Adopts the Governance Rules as attached at Appendix 1, including the insertion of wording into sections as follows;
  - 1.1 Option 4 from Appendix 3 into the Public Question Time section.
  - 1.2 Option 4 from Appendix 4 into the Amendments to Motions section.
  - 1.3 Option 2 from Appendix 5 into the Notices of Motion section.
  - 1.4 Option 4 from Appendix 6 into the Points of Order section.
2. Declares that the Governance Rules adopted through this resolution come into force the day after the date of this resolution.
3. Authorises officers to make any necessary alterations to the numbering and appendices to ensure consistency and accuracy within the adopted document.

## Motion

### MOVED Cr Mike Bodsworth, Seconded Cr Liz Pattison

That Council:

1. Adopts the Governance Rules as attached at Appendix 1, including the insertion of wording into sections as follows;
  - 1.1 Option 4 from Appendix 3 into the Public Question Time section.
  - 1.2 Option 4 from Appendix 4 into the Amendments to Motions section save for clause 33.2.3 being amended to delete the words "any part of".



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- 1.3 Option 2 from Appendix 5 into the Notices of Motion section.  
1.4 Option 4 from Appendix 6 into the Points of Order section.
2. Declares that the Governance Rules adopted through this resolution come into force the day after the date of this resolution.
  3. Authorises officers to make any necessary alterations to the numbering and appendices to ensure consistency and accuracy within the adopted document.

### Amendment

#### **MOVED Cr Heather Wellington, Seconded Cr Paul Barker**

That Council adopt Governance Rules as proposed in the recommendation save for Item 1.3 – Option 2 from Appendix 5 - Notices of Motion section - Clause 35.2.1 is to be amended so that a Notice of Motion is required to be signed by one Councillor only.

LOST 2:7

### Division

Councillor *Barker* called for division, voted on which was as follows:

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr Wellington	Cr Hodge	Nil
Cr Barker	Mayor Stapleton	
	Cr Bodsworth	
	Cr Allen	
	Cr Gazzard	
	Cr Schonfelder	
	Cr Pattison	

LOST 2:7

### Amendment

#### **MOVED Cr Heather Wellington, Seconded Cr Paul Barker**

That Council adopt Governance Rules as proposed in the recommendation save for Item 1.2 – Option 4 from Appendix 4 – Amendments to Motion section - Clause 33.2.1 is to be deleted.

LOST 2:7

### Division

Councillor *Wellington* called for division, voted on which was as follows:

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr Wellington	Cr Hodge	Nil
Cr Barker	Mayor Stapleton	
	Cr Bodsworth	
	Cr Allen	
	Cr Gazzard	
	Cr Schonfelder	
	Cr Pattison	

LOST 2:7

### Council Resolution

#### **MOVED Cr Mike Bodsworth, Seconded Cr Liz Pattison**

That Council:

1. Adopts the Governance Rules as attached at Appendix 1, including the insertion of wording into sections as follows;
  - 1.1 Option 4 from Appendix 3 into the Public Question Time section.
  - 1.2 Option 4 from Appendix 4 into the Amendments to Motions section save for clause 33.2.3 being amended to delete the words “any part of”.
  - 1.3 Option 2 from Appendix 5 into the Notices of Motion section.



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- 1.4 Option 4 from Appendix 6 into the Points of Order section.
2. Declares that the Governance Rules adopted through this resolution come into force the day after the date of this resolution.
3. Authorises officers to make any necessary alterations to the numbering and appendices to ensure consistency and accuracy within the adopted document.

CARRIED 7:2

### Division

Councillor *Barker* called for division, voted on which was as follows:

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr Hodge	Cr Wellington	Nil
Mayor Stapleton	Cr Barker	
Cr Bodsworth		
Cr Allen		
Cr Gazzard		
Cr Schonfelder		
Cr Pattison		

CARRIED 7:2



## 4.2 Draft Governance Rules

### Report

#### ***Officer Direct or Indirect Interest***

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

#### ***Background***

Prior to the implementation of the *Local Government Act 2020*, Council meeting procedure was governed by Council's Local Law No. 2 (LL2) which contained Council's longstanding meeting procedure. In 2019 Councillors initiated a comprehensive review of the LL2, which also underwent legal review prior to adoption.

As the *Local Government Act 2020* requires Council's meeting procedure to be contained within Governance Rules, the meeting procedure contained within the LL2 was transferred into the new format with minimal content change. The Governance Rules underwent full legal review and were publicly exhibited prior to adoption at a Special Council Meeting in September 2020. Part of the resolution adopting the Governance Rules included the requirement for a review to occur within 12 months of the 2020 General Election.

#### ***Discussion***

The current Governance Rules have been reviewed in accordance with the following process:

- An initial high level review was undertaken by an experienced Local Government governance consultant.
- Governance staff attended several Councillor briefings and circulated email correspondence to engage Councillors in the review process from commencement.
- Following the feedback received at the Councillor briefings session, Governance staff reviewed the existing rules and recommended improvements to several sections. Staff subsequently received formal legal opinion that the draft Governance Rules as exhibited are legally sound.
- Council resolved at its meeting on 25 May 2021 to publicly exhibit the draft Governance Rules as attached in the agenda at that meeting.
- Feedback was invited over a 28 day period, and 27 submissions were received. Nine submitters then presented to Council at the Special Council Meeting for Hearing Submissions held on 13 July 2021.
- Following the Special Council Meeting for Hearing Submissions, Councillors were given the opportunity to participate in a workshop to consider community feedback and discuss their views on the effective management of Council meetings.

#### Community Feedback:

The submissions received throughout the exhibition process have all been carefully considered in the development of the final recommendation. Each submission has been considered individually, however key themes are grouped in the table below to avoid duplication of response.

Issue raised in submission	Officer response
Inconsistencies with Councillor Code of Conduct.	The document has been reviewed to ensure no apparent inconsistencies with the Code of Conduct. The recommendation includes an update to the Points of Order section to include direct reference to the Code of Conduct.
Lack of uniformity across Governance Rules in different Victorian municipalities.	The Local Government Act 2020 expressly states the expectation that each Council create their own Governance Rules. This promotes the separation of different levels of government, and enables councils to develop Governance Rules appropriate for that council and municipality.
The wording of the amendments to motions section, with particular concern expressed relating to the reference to documents.	The recommended option has removed this requirement, enabling the Chair to exercise more discretion in the interpretation and application of this section.
Requests for a more flexible approach to Public Question Time.	The recommended option has provided an opportunity for individuals to ask clarifying follow-up questions, and allows questions to be directed to



## 4.2 Draft Governance Rules

	specific Councillors in certain circumstances. The requirement for the individual or their proxy to be present in the gallery has also been removed.
Concerns raised over the need to have 2 Councillors sign a Notice of Motion.	This community feedback has been thoroughly considered in the development of the recommendation, and an option is provided in the appendices reflecting this feedback. Feedback has been provided by Councillors expressing concerns that if the two signature requirement was removed additional agenda items with little Councillor appetite to be considered will be included in already lengthy agendas. The recommended option will continue to require two signatures on notices of motion in acknowledgement of the concerns raised relating to the consequences of removing this requirement.
Objections to the proposed change from 7 days to 10 days to submit a petition or joint letter.	This change was made to facilitate the earlier distribution of the agenda (moved forward from Friday to Wednesday). Without the change in deadlines, it will not always be administratively possible for staff to meet the new timeline for agenda distribution.
Inconsistency with commentary/literature relating to meeting procedure.	The Local Government Act 2020 expressly states the expectation that each Council create their own Governance Rules. As long as the requirements of the Act and associated regulations are adhered to, any pre-existing common law or other meeting convention no longer applies.

All matters raised have been considered, and have informed the development of the final recommendation. The Governance Rules as presented in Appendix 1 are presented as exhibited, save for the following changes:

1. The existing numbering has been replaced with end-to-end numbering.
2. References to 'clauses' have been replaced with references to 'rules'.
3. The appendices have been amended to reflect changes within the document.
4. Minor grammatical corrections.
5. Additional wording added to the Special Council Meeting for Hearing Submissions section to preclude Councillors from presenting submissions on behalf of submitters. This change is presented to ensure that Councillors do not act with a conflict of interest, and to enable them to act in the best interests of the municipal community.
6. The requirement for the Mayor to sign the minutes has been removed. This change has been made to modernise the process, removing the need for the minutes to be printed as they can now all be safely stored electronically.

Additionally, the following sections have been removed and replaced with 'To Be Inserted'.

1. Public Question Time
2. Points of Order
3. Amendments to Motions
4. Notices of Motion

A variety of options have been prepared and are presented in this report with regard to each of the four sections listed above. These options are provided in the interest of democracy and good governance to enable Council to make an informed decision in the adoption of their Governance Rules. Governance staff have reviewed each option and the recommendation takes into account all community and Councillor feedback received and the professional advice of Council officers.

### **Council Plan**

Theme 5 High Performing Council

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



## 4.2 Draft Governance Rules

### **Reporting and Compliance Statements:**

*Local Government Act 2020 – LGA 2020*

<b>Implications</b>	<b>Applicable to this Report</b>
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020 and Council's Community Engagement Policy SCS-017 )	Yes
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
Risk Assessment	No
Communication	Yes
Human Rights Charter	No

### **Governance Principles - Local Government Act 2020 (LGA 2020)**

The Governance Principles have been considered throughout the Governance Rules review process, with the following rules being regarded as having particular relevance:

*s9(2)(a) – Council decisions are to be made and actions taken in accordance with the relevant law;* The draft Governance Rules have been developed in accordance with the requirements of section 60 of the *Local Government Act 2020*.

*s9(2)(b) - priority is to be given to achieving the best outcomes for the municipal community, including future generations;* by adopting the Rules in accordance with the recommendation in this report, Council will ensure that a professionally tailored and robust decision-making framework is in place, which will facilitate sound decision making for the best outcomes of the municipal community in accordance with this Governance Principle.

*s(9)(2)(i) the transparency of Council decisions, actions and information is to be ensured;* the Governance Rules review has undergone a comprehensive public exhibition and community engagement process. Media enquiries have been responded to in an accurate and timely manner to ensure maximum public transparency.

### **Policy/Relevant Law**

The Governance Rules have been developed and reviewed to ensure compliance with section 60 of the Local Government Act 2020. Any common-law or meeting convention which pre-dates the Act does not apply to Governance Rules developed under the Act.

### **Community Engagement**

In accordance with Council's Community Engagement Policy SCS-017, the engagement level is **Consult** as shown below.

Engagement Level	Promise to the Community	Role of Community	Example of Activities
Consult	Council will listen to and acknowledge your contribution	Contribute opinions and ideas.	Public Exhibition Submissions process Special Council Meeting for Hearing Submissions.



## **4.2 Draft Governance Rules**

### ***Public Transparency***

Public transparency has been ensured through the public exhibition and community engagement processes.

### ***Risk Assessment***

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

### ***Communication***

The outcome of the Governance Rules review process will be posted on Council's website, and individuals who made a submission during the exhibition period will also be informed of the outcome.

### ***Options***

#### Option 1 – Adopt the Governance Rules per the recommendation

This option is recommended as the attached draft Governance Rules, including the insertion of the recommended sections, taking into account the feedback received from Councillors as well as the community through the submissions process and reflects good governance.

#### Option 2 – Adopt Governance Rules which are different to those presented in the recommendation

This option is not recommended as careful consideration have been taken by officers in recommending rules which reflect best governance practices for the municipal community, and the adoption of alternative rules may not reflect community feedback.

#### Option 3 – Do not adopt the Governance Rules

This option is not recommended by officers as significant improvements have been made to the Governance Rules, and the review process has been informed by Councillor and community feedback.

### ***Conclusion***

The Governance Rules have undertaken a comprehensive review process and are now presented to Council for adoption.



## **4.2 Draft Governance Rules**

### **APPENDIX 1 DRAFT GOVERNANCE RULES - AUGUST 2021**





# GOVERNANCE RULES

This document was created in accordance with section 60 of the Local Government Act 2020

Adopted by Council (date to be inserted) 2021



## 4.2 Draft Governance Rules

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## 4.2 Draft Governance Rules

### Introduction

These are the Governance Rules of Surf Coast Shire Council, made in accordance with section 60 of the Act

### Purpose of the Governance Rules

The purpose of these Governance Rules is to facilitate good governance and assist in delivering the overarching governance principles as set out in section 9 of the Act

### Commencement

The Governance Rules come into operation on the day following the date of adoption by Council.

### Definitions

Unless the contrary intention appears in these Governance Rules, the following words and phrases are defined to mean:

**'absolute majority'** means the number of Councillors which is greater than half the total number of the Councillors of a Council (s.61(7)).

**'Act'** means the *Local Government Act 2020*;

**'Acting Mayor'** means the Councillor appointed to represent the Mayor in the event of the Mayor and Deputy Mayor's absence or where there is a need to fill the role;

**'agenda'** means the notice of a meeting setting out the business to be transacted at the meeting;

**'amendment'** means a proposed alteration to the wording of a motion in accordance with rule 33;

**'authorised officer'** means a person appointed as such by Council under section 224 of the Local Government Act 1989;

**'Chair'** means the Chair of the meeting and includes acting, temporary and a substitute Chairperson;

**'Chief Executive Officer'** means the Chief Executive Officer of Council, and includes a person acting as Chief Executive Officer;

**'Council'** means the Surf Coast Shire Council;

**'Councillor'** means a Councillor of Council who has taken the oath or affirmation of office in accordance with section 30 of the Act;

**'Council meeting'** is a meeting of the Council;

**'day'** means a Council business day;

**'delegated committee'** means a committee established by Council under section 63 of the Act;

**'deliver'** means to hand over or mail to a recipient and includes transmission by electronic means, electronic mail or published on Council's internet site;

**'Deputy Mayor'** means the Councillor elected to represent the Mayor and act in the Mayor's role in the event of the Mayor's absence.;

**'gallery'** means the area set aside in the Council chamber or meeting room for the public;

**'Joint Letter'** means a formal application to Council in the form of a letter which has been signed by at least ten people or executive/committee representatives from ten separate entities whose names and physical addresses also appear on the letter. A letter from a single entity or organisation that is signed by multiple parties from that organisation or entity will not be classed as a joint letter;



## 4.2 Draft Governance Rules

**'leave of absence'** means a period, approved through Council resolution, where a Councillor will not perform the duties or functions of a Councillor during a period of four consecutive months, that may be inclusive of any meeting of Council;

**'Mayor'** means the Mayor of Council and/or any person acting as Mayor;

**'minutes'** mean the collective record of proceedings of Council or a delegated committee (meeting records);

**'Municipal district'** means the municipal district of Council.

**'notice of motion'** means a notice in writing conforming with Rule 35.

**'petition'** means a formal written application addressed to Council, submitted in printed or electronic format without erasure, signed or electronically endorsed by at least ten people whose names and physical addresses also appear, and on which each page of the petition bears the wording of the whole of the petition.

**'procedural motion'** means a motion that relates to a procedural matter only and which is not designed to produce any substantive decision but used merely as a formal procedural measure.

**'public notice'** means notice provided on either the Council's website and/or social media channels and/or in local newspapers or other means deemed suitable to provide notice to the community of a related information.

**'resident'** means a person who has a place of residence within the Municipal District.

**'resolution'** means a formal determination by a meeting of Council or delegated committee, or by a member of Council staff acting under delegation.

**'rule'** means a rule within these Governance Rules.

**'visitor'** means any person (other than a Councillor, or member of Council staff) who is in attendance at a meeting of the Council or a delegated committee.

**'written'** includes duplicated, photocopied, photographed, emailed, faxed, printed and typed.



## 4.2 Draft Governance Rules

# Chapter 1 INTRODUCTION

## Part 1 – Governance Structure

The Surf Coast Shire Council is governed by the Act.

According to the Act, the role of a Council is to provide good governance in its municipal district for the benefit and wellbeing of the community.

Section 8 of the Act defines 'good governance' as the Council performing its role in accordance with the overarching governance principles, and the Councillors of the Council performing their role by participating in the decision making of Council, representing the interests of the municipal community whilst participating in that decision making, and contributing to the strategic direction of the Council through the development and review of key strategic documents, including the Council Plan.

As set out in section 9 of the Act:

*The overarching governance principles are:-*

- (a) Council decisions are made and actions taken in accordance with relevant law;*
- (b) Priority is to be given to achieving the best outcomes for the municipal community, including future generations;*
- (c) The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;*
- (d) The municipal community is to be engaged in strategic planning and strategic decision making;*
- (e) Innovation and continuous improvement is to be pursued;*
- (f) Collaboration with other Councils and Governments and statutory bodies is to be sought;*
- (g) The ongoing financial viability of the Council is to be ensured;*
- (h) Regional, state and national plans and policies are to be taken into account in strategic planning and decision making;*
- (i) The transparency of Council decisions, action and information is to be ensured.*

A local government consists of two separate but connected components. The Council, which for Surf Coast Shire is made up of nine Councillors, who make decisions at Council and provide the strategic direction, policy guidance and resources through a suite of strategic documents including the Council Plan, Financial Plan and Asset Plan; and the organisation which carries out the day to day operations, consisting of employees led by the Chief Executive Officer (CEO) that implements the strategy and policy, provides professional advice to Councillors and reporting to Council on activities and outcomes.

The CEO will ensure the effective and efficient management of the day to day operations of the organisation, and support the Mayor and Councillors in performing their roles. The CEO is delegated certain powers and responsibilities either directly under the Act or by Council.

Council may establish delegated committees to make decisions on Council's behalf under delegated power.

The procedures and processes set out in these Governance Rules underpin this governance structure or framework which supports the delivery of good governance by Surf Coast Shire Council.



## 4.2 Draft Governance Rules

### Part 2 – Decision Making

#### 1. Council decision making

Council must consider, and make decisions on, any matter being considered by Council fairly and on its merits.

Any person whose rights will be directly affected by a decision of the Council is entitled to:

- a) communicate their views by written submission;
- b) subsequently speak to their submission to Council or a delegated member of Council staff, or to have a person speak on their behalf; and
- c) have their interests considered.

For the purposes of this rule, a decision of Council means the following—

- a) a resolution made at a Council meeting;
- b) a resolution made at a meeting of a Delegated Committee; or
- c) the exercise of a power or the performance of a duty or function of Council by a member of Council staff or a Community Asset Committee under delegation.

#### 2. Role of the Chair

The way in which Council and Delegated Committee meetings are conducted makes a significant contribution to good governance.

The Chair plays a crucial role in facilitating an orderly, respectful, transparent and constructive meeting by ensuring all Councillors and members of delegated committees have the opportunity to be heard, matters are adequately discussed, meeting procedures are followed appropriately, and statutory requirements are adhered to.

The Chair is an independent leader of meetings and does not participate in debate or move or second motions.

The Act provides for the Mayor to appoint a Councillor as the Chair of a Delegated Committee and any such appointment prevails over any appointment made by Council. While there are no limitations on exercising that power, the Mayor must always act in a way that is consistent with the adopted Councillor Code of Conduct and transparency commitments of the Council.

Specific duties and discretions of the role of the Chair are outlined throughout these Governance Rules.

#### 3. Responsibilities of Chair, Councillors, Committee Members and Council Officers

In addition to the Chair, each member of the meeting has an obligation to participate in good decision-making.

The Chair, Councillors, members of delegated committees and Council officers will ensure good Council decision-making by endeavouring to ensure:

- Decision making is transparent to members and observers;
- Meeting members have sufficient information to make good decisions;
- Every member is supported to contribute to decisions;
- Any person whose rights are affected has their interests considered;
- Debate and discussion is focussed on the issues at hand;
- Meetings are conducted in an orderly manner.
- Decisions should be made on the merits of the matter.



## **4.2 Draft Governance Rules**

### **4. Community**

Council meetings form a significant part of the organisation's decision making, and are therefore open for the community to attend in person or view proceedings via Council's website.

Community members may participate in Council meeting through public question time in accordance with rule 22 of these Governance Rules, allowing the community to communicate their views and have their interests considered.

Community members are encouraged to participate in Council's community engagement processes which are conducted in accordance with Council's Community Engagement Policy.

Community members may seek to inform individual Councillors of their views by contacting them directly in advance of meetings.



## 4.2 Draft Governance Rules

# Chapter 2

## MEETINGS AND MEETING PROCEDURE

### Council Meetings

Council meetings are held regularly to conduct the ongoing business of the Council.

The community will be made aware of the times, dates and locations of Council and delegated committee meetings and the matters Council will consider.

An agenda for each Council meeting will be provided to Councillors in advance so that they can prepare adequately for the Council meeting. The Agenda contains the order of business and the professional advice of the organisation, with a recommendation for Council to consider.

The agenda must also be placed on Council's website except for confidential items of the agenda.

*(Pursuant to section 61 of the Act)*

- A Council meeting is a meeting of the Council at which—*
- a. all the Councillors are, subject to this Act, entitled to attend and vote; and*
  - b. no other person is entitled to vote; and*
  - c. a decision to do an act, matter or thing is made by a resolution of the Council.*
- 2. Except as provided in this Act and subject to the Governance Rules, the conduct of Council meetings is at the Council's discretion.*
- 3. A Council meeting must be chaired by—*
- a. the Mayor; or*
  - b. if the Mayor is not present at the Council meeting, the Deputy Mayor; or*
  - c. if the Mayor and the Deputy Mayor are not present at the meeting, a Councillor who is present at the Council meeting and is appointed by a resolution of the Council to chair the meeting.*
- 4. A quorum at a Council meeting is an absolute majority.*

### ELECTION OF THE MAYOR & DEPUTY MAYOR

#### 5. Procedure for Election of Mayor

*(Pursuant to Section 25 of the Act – Election of Mayor)*

- 5.1 The meeting to elect the Mayor shall be held in accordance with the Act.
- 5.2 Subject to section 167 of the Act, any Councillor is eligible for election or re-election to the office of Mayor
- 5.3 The election of the Mayor must be chaired by the Chief Executive Officer at a Council meeting that is open to the public, however the Chief Executive Officer will have no voting rights.
- 5.4 The Chief Executive Officer shall be responsible for the counting of votes.
- 5.5 The Councillor who receives an absolute majority of votes cast must be declared elected.
- 5.6 For the purposes of this rule the following will apply:
  - 5.6.1 Nominations must be moved and seconded;
  - 5.6.2 Where only one nomination is received, that Councillor must be declared elected; or
  - 5.6.3 Where there are more than two nominations received:
    - 5.6.3.1 the Councillor who receives an absolute majority at the first round of votes cast must be declared elected; or



## 4.2 Draft Governance Rules

5.6.3.2 if no candidate receives an absolute majority of votes, the candidate with the least number of votes must be eliminated as a candidate and a further vote conducted between the remaining candidates.

5.6.3.3 If there are several candidates, this procedure must be repeated until a candidate receives an absolute majority of votes and that candidate shall be declared elected.

5.6.3.4 If for the purpose of eliminating the candidate with the least number of votes, two or more candidates have the same least number of votes, the candidate to be eliminated shall be determined by simple majority vote.

5.6.3.5 If an absolute majority of the Councillors cannot be obtained at the meeting, the Council may resolve to conduct a new election at a later specified time and date.

5.7 After the election of the Mayor is determined, the Mayor must take the Chair.

### 6 Procedure for Election of Deputy Mayor

6.1 Where the Council has resolved to elect a Deputy Mayor the provisions contained in rule 5 for the election of the Mayor will apply to the election of the Deputy Mayor save that the Mayor shall preside over the election.

### 7 Procedure for Appointment of an Acting Mayor

7.1 If the Mayor for any reason is incapable of performing the duties of the office of the Mayor, including attending a Council meeting or part of a Council meeting, and the Deputy Mayor cannot take on the responsibility of the office of the Mayor, Council must, by resolution of Council, appoint a Councillor to be the Acting Mayor.

7.2 If the office of the Mayor is vacant for any reason, and the Deputy Mayor cannot take on the responsibility of the office of the Mayor, Council must, by resolution of Council, appoint a Councillor to be the Acting Mayor.

7.3 Any resolution to appoint an Acting Mayor, must include the period for which that Councillor will be Acting Mayor.

## GENERAL PROVISIONS

*The purpose of this Part is to regulate proceedings at all meetings of the Council.*

### 8 Council Meeting Chair

8.1 The Mayor must take the chair at all Council meetings at which they are present unless precluded from doing so because of a conflict of interest, or in accordance with rule 42.1.

8.2 In the absence of the Mayor, the Deputy Mayor shall take the chair.

8.3 In the absence of the Mayor and the Deputy Mayor, an Acting Mayor shall be appointed in accordance with rule 7.

### 9 Chair's Duties & Responsibilities

The Chair's duties and responsibilities are to:

9.1 Formally declare the meeting open, after ascertaining that a quorum is present and to welcome visitors;

9.2 At the start of each Council meeting, to recite the Pledge or allocate this role to another Councillor;

9.3 Preside over the meeting, conducting it impartially and according to these Governance Rules;

9.4 Present any reports for which they are responsible;

9.5 Ensure that debate is conducted in the correct manner;

9.6 Declare the results of all votes;

9.7 Give rulings on points of order and other questions of procedure;

9.8 Preserve order; and

9.9 Adjourn (when so resolved) or formally declare the meeting closed when all business has been concluded.



## 4.2 Draft Governance Rules

### 10 Quorum

- 10.1 A quorum is an absolute majority.
- 10.2 If a quorum is not present within 30 minutes of the time appointed for the commencement of a Council meeting:
  - 10.2.1 The meeting shall be deemed to have lapsed;
  - 10.2.2 The Mayor must convene another Council meeting and ensure that the agenda for the meeting which is deemed to have lapsed is addressed; and
  - 10.2.3 The Chief Executive Officer must give all Councillors notice of the meeting convened by the Mayor.
- 10.3 If a quorum cannot be maintained after a Council meeting has begun due to Councillors having to leave the meeting, the meeting lapses.
- 10.4 If the meeting lapses, the undisposed business must be included in the agenda for the next Council meeting.
- 10.5 If a quorum cannot be maintained because of the number of Councillors who have a conflict of interest in a matter, the Council must consider whether the decision can be made by an alternative manner including:
  - 10.5.1 Resolving to split the matter into two or more separate parts so that a quorum can be maintained; or
  - 10.5.2 Making prior decisions on component parts of the matter at a meeting for which a quorum can be maintained before deciding the overall matter at a meeting for which a quorum can be maintained.
- 10.6 If unable to establish a quorum using an alternative manner, the Council must, in accordance with section 67(4) of the Act, establish a delegated committee to make the decision in regard to the matter. The delegated committee must consist of:
  - 10.6.1 All the Councillors who have not disclosed a conflict of interest in regard to the matter; and
  - 10.6.2 Any other person or persons the Council considers suitable.

### 11 Attendance & Notice of Meetings

- 11.1 The Chief Executive Officer must give notice to the public of any meeting of the Council by public notice at least seven days prior to the meeting and via Council's website.
- 11.2 The dates, time and place for all Council meetings shall be fixed by Council resolution from time to time, with the exception of Council meetings not scheduled by Council resolution in accordance with rule 14.
- 11.3 An electronic agenda will be delivered to Councillors at least 48 hours before a Council meeting.
- 11.4 Despite rule 11.3, the Chief Executive Officer may deliver an agenda for a Council meeting to Councillors less than 48 hours prior to the meeting, if the Chief Executive Officer considers that in view of the urgency of the matter(s) this should occur.
- 11.5 Members of the public will be requested to sign in before entering the meeting area.

### 12 Time Limit for Meetings

- 12.1 Council meetings must conclude no later than 10pm unless a resolution is carried to extend the meeting.
- 12.2 Any resolution to extend a meeting will be for no longer than 30 minutes. Once the meeting reaches the conclusion of the 30 minute extension, a further resolution to extend the meeting must be carried.
- 12.3 In the absence of such continuance, the meeting must stand adjourned to a time, date and place to be announced by the Chair.
- 12.4 No meeting is to exceed 11pm. If a meeting reaches 11pm, the Chair must adjourn the meeting.
- 12.5 The Chief Executive Officer must give notice to each Councillor of the date, time and venue to which the meeting stands adjourned and of the business remaining to be considered, and this information must be published on Council's website.

### 13 Recording of Minutes

- 13.1 The Chief Executive Officer is responsible for the keeping of Minutes on behalf of Council. Those Minutes must record:



## 4.2 Draft Governance Rules

- the date, place, time and nature of the Council meeting;
- the names of Councillors and whether they are present, an apology, or on leave;
- the titles of the members of Council staff present who are not part of the gallery;
- the disclosure of a conflict of interest made by a Councillor in accordance with the Act;
- the arrivals and departures of Councillors, during the course of the Meeting (including any temporary departures or arrivals);
- every Motion and amendment moved (including procedural Motions),
- the outcome of every Motion moved;
- The names of each Councillor and the way their vote was cast on each item, noting that under section 61(5) of the Act that a Councillor present at the meeting who does not vote is taken to have voted against the question for the purposes of determining the result of the vote;
- details of any failure to achieve or maintain a quorum;
- details of any petitions made to Council;
- the time and reason for any adjournment of the Meeting or suspension of standing orders;
- any other matter, which the Chief Executive Officer thinks should be recorded to clarify the intention of the Meeting or assist in the reading of the Minutes; and
- the time the Council meeting was opened and closed, including any part of the Council meeting that was closed to members of the public.

### 14 Council Meetings not scheduled by Council resolution

- 14.1 Where a Council meeting is required urgently, or to deal with a specific matter in a timely manner that cannot wait for a Council meeting scheduled by Council resolution, the Mayor, or at least three Councillors may by written notice call a Council meeting.
- 14.2 Where it is not possible for the procedure in rule 14.1 to occur, such as during caretaker period, the Chief Executive Officer may call a Council Meeting at their discretion if it is considered that the matter cannot wait for the meeting to be called in accordance with rule 14.1.
- 14.3 The notice must specify the date and time of the proposed meeting and the business to be transacted.
- 14.4 The notice must be presented to the Chief Executive Officer at least seven days prior to the meeting date. If the meeting is called under rule 14.1, the Chief Executive Officer must sign all sections of the notice.
- 14.5 The Chief Executive Officer must call the Council meeting as specified in the notice.
- 14.6 Unless all the Councillors are present at the Council meeting and unanimously agree by resolution to deal with a matter that is not specified on the Council meeting notice, only the business specified is to be transacted.
- 14.7 The Chief Executive Officer must give notice to the public of any Council meeting via Council's website at least five days prior to the meeting and by public notice, where possible, as soon as is practicable.

### 15 Special Council Meetings for Hearing Submissions

- 15.1 Where a Council meeting is required to hear submissions, the Chief Executive Officer must call a Special Council Meeting for Hearing Submissions by preparing a written notice advising of a Special Council Meeting for Hearing Submissions.
- 15.2 Prior to preparing the notice, the Chief Executive Officer must consult with the Mayor as required under section 46(2)(d) of the Act.
- 15.3 The notice must specify the date and time of the proposed meeting and the matter(s) to be heard.
- 15.4 Unless all the Councillors are present at the Special Council Meeting and unanimously agree by resolution to hear a matter that is not specified on the Special Council Meeting notice, only the matters specified can be heard.
- 15.5 The Chief Executive Officer must give notice to the public of any Special Council Meeting via Council's website at least five days prior to the meeting and by public notice, where possible, as soon as is practicable.



## 4.2 Draft Governance Rules

- 15.6 The following procedures apply at Special Council Meetings for Hearing Submissions:
- 15.6.1 Written submissions must be provided by the deadline specified in the public notice/advertisement and relate to the matter/s listed in the resolution or notice scheduling the meeting, and the submission must indicate whether the submitter desires to speak at the Special Council Meeting for Hearing Submissions.
- 15.6.2 Submitters will be allocated a maximum of 5 minutes to speak to their submission, with the exception of planning matters where the applicant will be allocated a maximum of 10 minutes.
- 15.7 Speakers who have submitted a joint written submission must nominate a representative who will be allocated a maximum of 5 minutes to speak to the joint submission.
- 15.7.1 If three or more submitters who made separate written submissions wish to speak to their submissions together, the speaking time will be capped at 15 minutes.
- 15.8 A submitter may nominate a representative to speak to their submission on their behalf, however Councillors cannot be nominated to speak on behalf of a submitter.
- 15.9 Requests for variations to the process outlined above shall be at the discretion of the Chair

### 16 Joint Council Meetings

- 16.1 Council may resolve to participate in a Joint Council meeting to consider:
- 16.1.1 Matters subject to discussion of the G21 Alliance
- 16.1.2 Collaborative projects
- 16.1.3 Collaborative procurement
- 16.1.4 Emergency Response.
- 16.2 If Council has resolved to participate in a Joint Council meeting, the Chief Executive Officer will agree on Governance Rules with the participating Councils.
- 16.3 Where Surf Coast Shire Council is the lead Council on a matter to be brought for consideration at a Joint Council meeting, the Mayor will be nominated to Chair the Joint Council meeting.
- 16.4 At least three Councillors will be appointed to represent Council at a Joint Council meeting.
- 16.5 Consistent information will be provided to Councillors prior to any Joint Council Meeting and every endeavour will be made by the Chief Executive Officer to facilitate a joint briefing.
- 16.6 A joint briefing arranged in accordance with rule 16 may be held electronically.

### 17 Form and Availability of Meeting Records

- 17.1 Draft Minutes of the Council meeting shall be displayed on Council's website no later than 5 business days after the Council meeting.
- 17.2 Any recording of the meeting will also be made available via Council's website no later than 5 business days after the Council meeting, however the recording must be in accordance with Council's Live Streaming Policy, and Council reserves the right to choose to record and/or share any recording made.
- 17.3 At the request of a member of the public, a printed copy or an electronic version of the minutes may be made available.

## ***ORDER OF BUSINESS (Including Description & Procedure of Each Business Item)***

### 18 Conduct of Business

- 18.1 The order of business will be determined by the Chief Executive Officer.
- 18.2 Once an agenda has been sent to Councillors the order of business for that meeting may only be altered by resolution of the Council.
- 18.3 The Chief Executive Officer is responsible for setting the agenda for a Council meeting, after consulting with the Mayor.

### 19 Apologies

- 19.1 Where a Councillor is aware they are unable to attend a Council meeting, they are to notify the Mayor, or the office of the Mayor as soon as is practicable.



## 4.2 Draft Governance Rules

- 19.2 Apologies will be accepted by resolution of Council at the beginning of the meeting.

### 20 Confirmation of Minutes

At every meeting of Council the minutes of the preceding meeting(s) must be dealt with as set out below:

- 20.1 If the minutes have been delivered to each Councillor at least 48 hours before the meeting, a Motion must be put for the confirmation of the minutes.
- 20.2 If the minutes have not been delivered, Council may defer to the next Council meeting if considered appropriate, or where the Chair considers the minutes must be confirmed with urgency, they must be read and a Motion must be put for the confirmation of the minutes. No discussion or debate on the confirmation of minutes is permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned. Any changes to the draft minutes must be updated on Council's website as soon as practicable.
- 20.3 .
- 20.4 Council meeting minutes from meetings that are open to the public will be confirmed in the open section of the agenda.
- 20.5 Council Meeting minutes from closed sections of Council meetings will be confirmed in the closed section of the meeting.

### 21 Councillors Seeking Leave

*(Pursuant to section 35(4) of the Act)*

- 21.1 Any Councillor seeking or requiring leave for a period of 4 consecutive months or greater from Council duties must provide the reason for the leave at a Council meeting as soon as practicable, or, if this is not practicable, the Councillor must give the Chief Executive Officer written notice of their intention to seek leave and the stated reason prior to the next available Council meeting.
- 21.2 A request for leave will be determined by resolution of Council granting or refusing the leave.
- 21.3 A Councillor who will be absent from a Council meeting but who does not intend to seek leave, should convey their apology to the Mayor's office beforehand to enable the apology to be disclosed to the meeting.
- 21.4 In the event that a Councillor is incapacitated or unable to provide written notice of their intention to seek leave from Council, the Mayor shall provide this written notice to the Chief Executive Officer including the stated reason, prior to the Council meeting.

### 22 Public Question Time

**\*\*\*To be inserted.**

### 23 Petitions and Joint Letters

- 23.1 A petition or joint letter must be presented to the next available meeting of Council where the petition or joint letter is received at least 10 business days before the meeting of Council.
- 23.2 A petition or joint letter shall not be presented at a meeting of Council or received by Council unless it meets the definition under these Governance Rules, unless it is specifically resolved by Council to receive the petition or joint letter in a non-conforming format.
- 23.3 When a petition or joint letter presented to a meeting of the Council relates to a planning application, it will be received by Council at the next available Council meeting and subsequently considered as a formal submission to the planning application whether the application is determined by Council or under delegation.
- 23.4 When a petition or joint letter presented to a meeting of the Council relates to an item of business on the agenda, the submission is to be considered by Council as part of its deliberations on such item.
- 23.5 Unless Council determines to consider it as an item of urgent business, no motion (other than a motion to receive the same) may be made on any petition or joint letter, until the next meeting of Council after that at which the petition or joint letter has been presented, unless it is addressed under rules 23.3 or 23.4.



## 4.2 Draft Governance Rules

- 23.6 The Chair may disallow any petition or joint letter which is considered to:
- 23.6.1 Relate to a matter beyond the power or duties of Council;
  - 23.6.2 Be defamatory, indecent, offensive, abusive, irrelevant, trivial or objectionable in language or nature;
  - 23.6.3 Be confidential in nature or of legal significance;
  - 23.6.4 Be repetitive of a question already answered (whether at the same or any earlier meeting);
  - 23.6.5 Be aimed to embarrass a Councillor, a member of Council staff, or other individuals, parties or government agencies;
  - 23.6.6 Relate to personnel matters;
  - 23.6.7 Relate to the personal hardship of any resident or ratepayer;
  - 23.6.8 Relate to proposed developments or legal advice;
  - 23.6.9 Relate to matters affecting the security of Council property;
  - 23.6.10 Relate to a matter which has already been acted on;
  - 23.6.11 Relate to any other matter which Council considers would prejudice the Council or any person; or
  - 23.6.12 Relate to a matter for which there is already a primary avenue of redress such as planning permits or amendments which will be addressed through the planning submissions process.
- 23.7 An officer report pertaining to any petition or joint letter may be required at a Meeting of Council within three months of the date the petition was received (if the petition has not been dealt with in accordance with the provisions of rule 23.3, 23.4 or 23.5).

### 24 Reports from Officers

- 24.1 Any report(s) by Officers to a Council meeting must contain a recommendation except for a report responding to a notice of motion, and be in the appropriate report style format.

### 25 Urgent Business

- 25.1 Business must not be admitted as Urgent Business unless:
- 25.1.1 It relates to or arises out of a matter which has arisen since distribution of the agenda; and
  - 25.1.2 It cannot safely or conveniently be deferred until the next Council meeting; and
  - 25.1.3 The Council resolves to admit an item considered to be Urgent Business.
- 25.2 Items of Urgent Business are to be supported by an officer's report.
- 25.3 Notices of Motion will not be admitted into Urgent Business and will be dealt with in accordance with rule 35.

### 26 Meeting Closure to the Public

*Pursuant to Section 66 of the Act.*

- 26.1 A Council meeting must be open to the public unless it meets the specified circumstances set out in section 66(2) of the Act.
- 26.2 If a meeting report contains confidential information as defined by section 3(1) of the Act, the meeting will be closed to the public in accordance with section 66(2)(a) of the Act while that agenda item is considered. The Chief Executive Officer must ensure that the report includes the grounds under section 3(1) of the Act under which the report is deemed to contain confidential information, and an explanation of why the specified grounds apply.
- 26.3 The Chair must call for a motion to close the meeting to the public and this motion must be carried prior to commencing any business pertaining to reports containing confidential information.
- 26.4 If a meeting will be closed the public due to security reasons (section 66(2)(b)) and this is known prior to the meeting, the meeting closure must be posted on the Council website as soon as is practicable to notify the public of the closure. This meeting must be livestreamed on the Council website, and the minutes of the meeting must detail the meeting closure to the public under section 66.
- 26.5 If during meeting proceedings the Chair believes that the meeting must be closed to the public for either security reasons (section 66(2)(b)) or to enable the meeting to proceed in an orderly



## 4.2 Draft Governance Rules

- manner (section 66(2)(c)), the Chair must ensure that livestreaming is occurring and available for the public to view the meeting, before calling for a motion to close the meeting to the public.
- 26.6 A motion to close the meeting due to confidential information under section 66(2)(a) must contain the grounds for determining to close the meeting to the public by reference to the grounds specified in section 3(1) of the Act, and an explanation of why the specified grounds apply.
- 26.7 Upon a resolution to close a meeting to the public being passed, the Chair must advise those present in the public gallery that they must vacate the meeting while the meeting remains closed.
- 26.8 The Chair must call for a motion to re-open the meeting to the public. This motion must be carried and the time recorded in the minutes of the meeting.
- 26.9 All items that are considered confidential pursuant to section 3(1) of the Act remain confidential, inclusive of report content, recommendations, motions, and resolutions until Council has passed a resolution specifying that all or part of the information is no longer confidential.
- 26.10 If an agenda item or resolution deemed to include confidential information is to be moved out of the closed part of the meeting:
- 26.10.1 Council must, by Council resolution, determine to move all or a specified part of the item or items into the open Council meeting; and/or
- 26.10.2** Council must, by Council resolution, determine that the report or section of the report be included in the minutes of the meeting showing the Council decision that was made in the closed section of the meeting.

### **CONDUCT OF DEBATE AND RULES OF SPEAKING**

#### **27 Addressing the Council Meeting**

- 27.1 Councillors and any other person addressing the Chair must refer to them as:
- 27.1.1 'Mayor'; or
- 27.1.2 'Mayor (Cr Surname)'; or
- 27.1.3 'Chair'; or
- 27.1.4 'Chair (Cr Surname)'; -
- as the case may be.
- 27.2 All Councillors other than the Mayor must be addressed as Councillor (surname).
- 27.3 All members of Council staff must be addressed as their position title followed by their surname as appropriate or simply by their official title.

#### **28 Priority of Address**

- 28.1 In the case of competition for the right to speak, the Chair must decide the order in which the Councillors concerned will be heard.

#### **29 Time Limits**

- 29.1 A Councillor must not speak longer than the time set out below, unless granted an extension by the Chair:
- 29.1.1 The mover of a motion or an amendment: 5 minutes;
- 29.1.2 Any other Councillor: 3 minutes; and
- 29.1.3 The mover of a motion making a closing statement: 2 minutes.

#### **30 Motions**

- 30.1 A motion must:
- 30.1.1 Be within Council's power;
- 30.1.2 Identify clear action/s required to be taken by Council if the motion is carried. This action may include that Council acts upon, refrains from acting upon, or notes a certain matter;
- 30.1.3 Be in writing, if requested by the Chairperson;



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- 30.1.4 Except in the case of urgent business, be relevant to an item of business on the agenda; and
- 30.1.5 Be moved and seconded, otherwise it lapses.
- 30.2 A Motion must not contravene rule 30.1 or be:
  - 30.2.1 Defamatory; or
  - 30.2.2 Objectionable in language or nature.
- 30.3 A motion can only be withdrawn by the mover.

### 31 Debate

- 31.1 The Chair will summarise the applicable report upon reaching that agenda item during the meeting proceedings.
- 31.2 The Chair will call for a motion to be moved on the agenda item.
- 31.3 If there is no motion moved the item lapses.
- 31.4 If there is no seconder the motion lapses due to want of a seconder.
- 31.5 Debate can only commence once a motion has been moved and seconded.
- 31.6 The mover of the motion, followed by the seconder then has the right to speak to the motion, commencing debate, or the mover can reserve their right to speak until a time later in the debate.
- 31.7 The Chair shall ask immediately after the mover and seconder have spoken to the motion (or deferred speaking), whether the motion is opposed. If no Councillor wishes to speak against the motion the Chair may then invite other Councillors to speak to the motion without requiring Councillors to identify their support for, or opposition to the motion.
- 31.8 If the mover reserved their right to speak at the beginning of debate, they are to be provided with an opportunity to speak to the motion to conclude the debate prior to the motion being put to a vote.
- 31.9 Each Councillor can only speak once to each motion, except for the mover who may make a closing statement immediately before the vote is taken.
- 31.10 Once the each Councillor has been given the opportunity to speak, and the mover has been given an opportunity to make a closing statement, the motion must be put to a vote.
- 31.11 The mover of a motion's right to make a closing statement is lost if an amendment to the motion is carried.
- 31.12 The mover of a motion must not introduce new material when making a closing statement.
- 31.13 If a substantive motion on a matter which has a statutory requirement for an outcome to be reached is lost, and there is no outcome on the matter, the Chair must call for another motion.
- 31.14 If Council is unable to achieve a resolution on an agenda item, and the matter requires a resolution by law, a motion of deferral should be sought by the Chair, and that motion should state what Councillors will need in order to be able to achieve an outcome.
- 31.15 The Councillor acknowledged by the Chair to speak must not be interrupted unless:
  - 31.15.1 they are called to order; or
  - 31.15.2 their speaking time has expired; or
  - 31.15.3 a point of order is raised; or
  - 31.15.4 a formal motion is moved.
- 31.16 If a Councillor is interrupted by the Chair or upon a point of order they must remain silent until the Chair has ceased speaking, and the point of order has been determined.
- 31.17 A Councillor must not digress from the subject matter of the motion or business under discussion.
- 31.18 Councillors must designate each other by their official titles during debate and throughout the meeting.

### 32 Seeking Clarification or Asking Questions of Officers

- 32.1 Officers will support the meeting process through provision of reports for the agenda and Councillors should make every effort to seek clarification from officers in advance of the meeting.
- 32.2 Where Councillors need to seek clarification by asking questions of officers during the meeting, that were not able to be asked prior to the meeting, such questions must be:
  - 32.2.1 Directed through the Chair;
  - 32.2.2 Relevant to an item on the agenda;



## 4.2 Draft Governance Rules

- 32.2.3 Seeking genuine clarification of a matter that is not already addressed in the officer's report;
  - 32.2.4 Not objectionable in language, nature or tone;
  - 32.2.5 Not intended to draw officers into debating a matter or justifying a recommendation; and
  - 32.2.6 Not seeking re-iteration of an answer that was provided prior to the meeting;
  - 32.2.7 Not designed to canvass matters or disseminate information to the public.
- 32.3 Questions are not to be asked between moving and seconding a motion except to seek clarification on the motion received.

### 33 Amendments

***\*\*\*To be inserted.***

### 34 Foreshadowed Motions

- 34.1 A Councillor may foreshadow a motion that the Councillor intends to move after the motion under consideration has been dealt with.
- 34.2 A Councillor may foreshadow a motion when they are speaking to the substantive motion before Council, or advise the Chair that they wish to foreshadow a motion at another time during the debate between other Councillors speaking to the Motion.
- 34.3 When foreshadowing a motion, a Councillor should briefly state the nature of the foreshadowed motion but not speak to the foreshadowed motion.
- 34.4 If the substantive motion during which a Councillor foreshadowed a motion is lost, the Chair shall call on that Councillor to move their foreshadowed motion. If seconded, the motion shall then be the substantive motion and is subject to the debate rules outlined in rule 27.
- 34.5 Unless a foreshadowed motion becomes a substantive motion, it will not be recorded in the meeting minutes.

### 35 Notice of Motion

***\*\*\*To be inserted.***

### 36 Rescission or Amendment Notice of Motion

- 36.1 A Councillor may propose a motion to amend or rescind a previous resolution of Council provided the notice of motion is signed by three Councillors and delivered to the Chief Executive Officer no later than 72 hours following the meeting of Council at which the resolution proposed to be rescinded or amended was adopted.
- 36.2 Notices of Motion to rescind or amend a previous resolution of Council are to be lodged in the format provided for this purpose as appearing in Schedule C.
- 36.3 No action will be taken to implement a resolution on which a notice to rescind or amend the resolution has been given pursuant to rule 36.1.
- 36.4 A notice of motion to rescind or amend a previous resolution of Council shall be deemed to have been withdrawn if not moved at the next meeting at which such business may be transacted.
- 36.5 A Councillor may not propose a motion to rescind or amend a resolution of the Council which has been acted upon.
- 36.6 A resolution will be considered as having been acted upon once its details have been formally communicated to persons affected by or reliant on the resolution or where a statutory procedure has commenced or been carried out.
- 36.7 A second or subsequent notice to rescind or amend an earlier resolution must not be accepted by the Chief Executive Officer until a period of three months has elapsed since the date of the meeting at which the previous motion of rescission or amendment was dealt with.

### 37 Points of Order

***\*\*\*To be inserted.***



## 4.2 Draft Governance Rules

### 38 Procedural Motions

- 38.1 A procedural motion may be moved at any time during a meeting and must be immediately dealt with.
- 38.2 A procedural motion may be refused by the Chair.
- 38.3 A procedural motion requires a seconder.
- 38.4 Debate on a procedural motion is not permitted with the exception of a meeting closure under section 66(2)(a) of the Act, or that debate on a matter be deferred until a later meeting.
- 38.5 A Councillor may move a procedural motion that:
  - 38.5.1 'a report/document be tabled';
  - 38.5.2 'the Agenda item/s be moved forward';
  - 38.5.3 'the motion be put';
  - 38.5.4 'that a substantive motion be voted on in separate parts';
  - 38.5.5 'the matter be laid on the table';
  - 38.5.6 'the matter be taken from the table';
  - 38.5.7 'the meeting be adjourned';
  - 38.5.8 'standing orders be suspended';
  - 38.5.9 'standing orders be resumed';
  - 38.5.10 'the meeting be closed to the public';
  - 38.5.11 'the meeting be reopened to the public';
  - 38.5.12 'the Chair's ruling be dissented from';
  - 38.5.13 'the debate on the matter be deferred'-which are outlined further in Schedule D.

### 39 Repeating Motion or Amendment

- 39.1 Before any matter is put to the vote, a Councillor may request that the motion or amendment be read again.
- 39.2 The Chair without being so requested may direct the Councillor moving the motion or amendment, or the Chief Executive Officer (or other person authorised by the Chief Executive Officer) to read the motion or amendment to the meeting before the vote is taken.

### 40 Voting

- 40.1 Each Councillor present at a Council meeting who is entitled to vote is entitled to one vote.
- 40.2 Voting at a meeting must not be in secret, but if the meeting is closed to the public, a Councillor is not required to divulge their vote to the public.
- 40.3 The question is determined in the affirmative by a majority of the Councillors present at a meeting at the time the vote is taken voting in favour of the question.
- 40.4 If the number of votes in favour of the question is half the number of Councillors present at the meeting at the time the vote is taken, the chairperson has a second vote, with the exception of the election of a Mayor or a Deputy Mayor, and a vote to declare the office of Mayor or Deputy Mayor vacant.
- 40.5 For the purpose of determining the result of a vote, a Councillor present at the meeting who does not vote is to be taken to have voted against the question.
- 40.6 Voting must be by a show of hands, unless otherwise determined by Council.
- 40.7 Councillors must remain seated in silence while a vote is being taken.
- 40.8 The Chair may direct that the vote be recounted as often as may be necessary to satisfy themselves of the result.
- 40.9 On motions containing multiple items which can feasibly be implemented separately, these items may be voted upon separately after having been debated as a whole.

### 41 Suspension of Standing Orders

- 41.1 The provisions of these meeting procedures, except the quorum requirements applying under rule 10, may be suspended for any part of a meeting at the Chair's discretion. The Chair can accept a motion to suspend standing orders where they believe it is necessary to do so, such as to seek technical advice. Such suspension would normally be for five minutes or less.
- 41.2 During a suspension of standing orders, Councillors are not to discuss the issue or seek to reach agreement outside a formal debate.



## 4.2 Draft Governance Rules

- 41.3 No motion, except one which proposes the resumption of standing orders, may be accepted by the Chair or be lawfully dealt with during any suspension of standing orders.
- 41.4 Resumption of standing orders should occur as soon as possible.

### **42 The Chair's Right to Speak**

- 42.1 If the Chair wishes to address a meeting upon any matter under discussion, the Chair must leave the Chair and speak in their capacity as Councillor.

### **43 Clarification by Chief Executive Officer or another member of Council staff**

- 43.1 With the consent of, or at the request of the Chair, the Chief Executive Officer or a member of Council staff may address any item to clarify a statement made by a Councillor during the course of debate.

### **44 Ordering Withdrawal of Remark**

- 44.1 The Chair may require a Councillor to withdraw any remark which is defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature.
- 44.2 A Councillor required to withdraw a remark must do so immediately without qualification or explanation.

### **45 Adjournment & Resumption of Adjourned Debate**

- 45.1 The Council may by resolution adjourn a meeting to a later time on the day for which the meeting was called or for a period not exceeding 7 days.
- 45.2 When a motion to adjourn a meeting is before the Council, the Chair must not allow discussion on the motion to adjourn. If the Council fails to pass the motion to adjourn, the Chair must resume the meeting at the item of business under consideration.
- 45.3 The Chief Executive Officer must deliver written notice of an adjourned meeting to all Councillors, except when the meeting is adjourned to a later time on the same day, in which case any form of notice may be given to all Councillors.
- 45.4 If a debate is adjourned by motion, the Councillor moving the adjournment has the right to be the first speaker upon the resumption of debate unless they have already spoken to the motion or amendment.
- 45.5 Except for meetings adjourned to a later time on the same day, the day and time for which the meeting is to resume should be published on Council's website.

### **46 Suspensions**

- 46.1 Council may by resolution, suspend from a meeting, and for the balance of the meeting, any Councillor whose actions have disrupted the business of Council, and have impeded its orderly conduct, provided the Councillor in question has received an initial warning from the Chair that their conduct is, in the Chair's opinion, impeding the orderly conduct of the meeting.
- 46.2 Subject to rule 46.1, where seeking a Council resolution is not feasible, the Chair can direct a Councillor to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business.

### **47 The Chair may Adjourn Disorderly Meeting**

- 47.1 If the Chair is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the meeting, they may adjourn the meeting to a later time on the same day or to some later day as they think proper.

### **48 Public Behaviour**

- 48.1 Any member of the public addressing Council must extend courtesy and respect to the Council and the processes under which it operates and must take direction from the Chair whenever called on to do so.



## **4.2 Draft Governance Rules**

### **49 Removal from Chamber or Meeting Room**

- 49.1 The Chair may ask any member of the Police Force or person appointed by Council to maintain security to remove from the Chamber or meeting room any person who acts in breach of these Governance Rules.

### **50 Recording of Proceedings**

- 50.1 Council will record the proceedings at each Council meeting, unless there is a specific resolution not to do so, and may livestream open Council meetings. This will take whatever form the Council has decided.
- 50.2 Except where Council conducts the recording, no video or audio recording of proceedings of Council meetings shall be permitted without specific approval by resolution of the meeting.
- 50.3 Council will make the recordings of open Council meetings subsequently available to the public.



## 4.2 Draft Governance Rules

### PART 2 – Delegated Committees

*Pursuant to section 63 of the Act*

A delegated committee is formed by a Council and which Council delegates “any power, duty or function of a Council under this Act or any other Act...” (s 11(1)). In effect, a delegated committee may exercise a power or undertake a duty or function as if it is the Council. Under the Act, the formation of, appointment to, and administration of delegated committees is to be strongly controlled given a delegated committee’s ability to exercise statutory functions and powers on behalf of the Council.

#### **63 Delegated Committees**

- (1) A delegated committee established by a Council—
- (a) must include at least 2 Councillors; and
  - (b) may include any other persons appointed to the delegated committee by the Council who are entitled to vote.
- (2) A meeting of a delegated committee established by a Council must be chaired by—
- (a) a Councillor appointed by the Council or the Mayor to chair meetings of the delegated committee; or
  - (b) if the Councillor appointed by the Council or the Mayor to chair meetings of the delegated committee is not present at the meeting, a Councillor who is present at the meeting and is appointed by the members of the delegated committee who are present at the meeting.
- (3) Section 61 applies to a meeting of a delegated committee as if the members were Councillors.

### **SECTION 1 –DELEGATED COMMITTEES**

#### **51. Establishment**

- 51.1. A delegated committee can only be established by resolution of Council.
- 51.2. The resolution must include the date from which the committee will be enacted, and the date it is to be disbanded.
- 51.3. Any extension to the term of a delegated committee must be by resolution of Council.
- 51.4. A delegated committee’s instrument of delegation must be approved by resolution of Council, and it must specifically outline the powers and functions of the committee.
- 51.5. A delegated committee must report the minutes of all Committee meetings to the next practicable Council meeting.
- 51.6. A delegated committee must act in accordance with its Instrument of Delegation and any Terms of Reference adopted by Council.

#### **52. Membership**

- 52.1. Appointment to a delegated committee is to be by resolution of Council.
- 52.2. A Councillor must be appointed the position of Chair of a delegated committee.
- 52.3. Appointment of the Chair of a delegated committee is to be by Council resolution, however, the Mayor may choose to invoke their power under section 19(1)(a) of the Act and make the appointment without a Council resolution.
- 52.4. If the Councillor appointed by the Council or the Mayor to chair meetings of the delegated committee is not present at the meeting, a Councillor who is present at the meeting is to chair the meeting.



## 4.2 Draft Governance Rules

### 53. Quorum

- 53.1. A quorum is an absolute majority, and must include one Councillor chairing the meeting.
- 53.2. If a quorum is not present within 30 minutes of the time appointed for the commencement of a Committee meeting:
  - 53.2.1. The meeting shall be deemed to have lapsed;
  - 53.2.2. The Chair must convene another committee meeting and ensure that the agenda for the meeting which is deemed to have lapsed is addressed; and
  - 53.2.3. Notice of the new meeting convened by the Chair must be provided to committee members as soon as is practicable.
- 53.3. If a quorum cannot be maintained after a meeting has begun the meeting lapses.
- 53.4. If the meeting lapses, the undisposed business must be included in the agenda for the next committee meeting.
- 53.5. If a quorum cannot be maintained because of the number of committee members who have a conflict of interest in a matter, the committee must seek for the Council to make the decision at next practicable Council meeting.

### 54. Recording of Minutes

The Committee Chair or a delegate is responsible for the keeping of Minutes on behalf of the committee. Those Minutes must record:

- the date, place, time and nature of the meeting;
- the names of committee members and whether they are present, or an apology;
- members of Council staff present who were involved in the meeting;
- the disclosure of a conflict of interest made by a committee member or Council officer in accordance with the Act;
- the arrivals and departures of committee members, during the course of the meeting (including any temporary departures such as for a conflict of interest);
- every Motion and amendment moved (including procedural Motions),
- the outcome of every Motion moved;
- where a division is called, the names of every committee member and the way their vote was cast (and if they abstained);
- when requested by a committee member, a record of their support of, opposition to, or abstention from voting on any Motion, noting that those who do not vote are taken to have voted against the question;
- details of any failure to achieve or maintain a quorum;
- any other matter, which the committee chair or delegate thinks should be recorded to clarify the intention of the meeting or assist in the reading of the Minutes; and
- the time the meeting was commenced and concluded.

### 55. Voting

- 55.1. Voting at meetings of a delegated committee is to be in accordance with rule 40 of these Governance Rules, and section 61 of the Act.

### 56. Meeting closure to the public

- 56.1. A delegated committee meeting must be open to the public unless it meets the specified circumstances set out in section 66(2) of the Act.
- 56.2. The Chief Executive Officer must ensure that any delegated committee meeting report containing confidential information as defined by section 3(1) of the Act and which is expected to be the subject of a resolution under section 66(2)(a) of the Act to close the committee meeting to the public, includes the ground(s) as specified in section 3(1) of the Act under which the report is deemed to contain confidential information and an explanation of why the specified grounds apply.
- 56.3. The Chair must call for a motion to close the meeting to the public and this motion must be carried prior to commencing any business pertaining to reports containing confidential information.



## 4.2 Draft Governance Rules

- 56.4. If a meeting will be closed the public due to security reasons (section 66(2)(b)) and this is known prior to the meeting, the meeting closure must be posted on the Council website as soon as is practicable to notify the public of the closure. This meeting must be livestreamed on the Council website, and the minutes of the meeting must detail the meeting closure to the public under section 66.
- 56.5. If during meeting proceedings the Chair believes that the meeting must be closed to the public for either security reasons (section 66(2)(b)) or to enable the meeting to proceed in an orderly manner (section 66(2)(c)), the Chair must ensure that live streaming is occurring and available for the public to view the meeting, before calling for a motion to close the meeting to the public.
- 56.6. A motion to close the meeting due to confidential information under section 66(2)(a) must contain the grounds for determining to close the meeting to the public by reference to the grounds specified in section 3(1) of the Act, and an explanation of why the specified grounds apply.
- 56.7. The time of any resolution to close a meeting to the public must be recorded in the minutes of the meeting.
- 56.8. Upon a resolution to close a meeting to the public being passed the Chair must advise those present in the public gallery that they must vacate the meeting while the meeting remains closed.
- 56.9. The Chair must call for a motion to re-open the meeting to the public. This motion must be carried and the time recorded in the minutes of the meeting.
- 56.10. All items that are considered confidential pursuant to Section 3(1) of the Act remain confidential, inclusive of report content, recommendations, motions, and resolutions until Council has passed a resolution that specifying that all or part of the information is no longer confidential.
- 56.11. If an agenda item or resolution deemed to include confidential information is to be moved out of the closed part of the meeting:
  - 56.11.1. committee must, by resolution, determine to move all or a specified part of the item or items into the open committee meeting; and/or
  - 56.11.2. Committee must, by resolution, determine that report or section be included in the minutes of the meeting showing the Committee decision that was made in the closed section of the meeting.

### **JOINT DELEGATED MEETINGS**

A joint delegated committee is formed by resolution of two or more Councils and consists of a delegated committee from each Council, including at least one Councillor from each Council present at the meeting. This is not, in effect, a different committee as it is established by existing delegated committees.

The resolution forming the joint delegated committee will stipulate which Council's governance rules are to be followed for conduct of the joint delegated committee meeting. Where Council's Governance Rules apply, all applicable rules within these Governance Rules apply.



## 4.2 Draft Governance Rules

### PART 3 – Community Asset Committees

*Pursuant to Section 65 of Act*

A Community Asset Committee is a committee with powers of the Council, established by and with members appointed by Council, with powers delegated by the Chief Executive Officer (CEO) and subject to any terms and conditions specified by the CEO, for the purpose of managing a community asset such as community hall.

#### **65 Community Asset Committee**

- 1) *A Council may establish a Community Asset Committee and appoint as many members to the Community Asset Committee as the Council considers necessary to enable the Community Asset Committee to achieve the purpose specified in subsection (2).*
- 2) *A Council may only establish a Community Asset Committee for the purpose of managing a community asset in the municipal district.*

#### **57. Establishment**

- 57.1. A Community Asset Committee can only be established by resolution of Council.
- 57.2. Council may resolve, in establishing a Community Asset Committee, which sections of these Governance Rules apply.

#### **58. Membership**

- 58.1. Appointment to a Community Asset Committee is to be by resolution of Council.
- 58.2. Delegations from the CEO will be made directly to members of the Community Asset Committee and members must each act in accordance with the delegations.

#### **59. Recording of Minutes**

The committee Chair or a delegate is responsible for the keeping of Minutes on behalf of the committee. Those Minutes must record:

- the date, place, time and nature of the meeting;
- the names of committee members and whether they are present, or an apology;
- members of Council staff present who were involved in the meeting;
- the disclosure of a conflict of interest made by a committee member or Council officer in accordance with the Act;
- the arrivals and departures of committee members, during the course of the meeting (including any temporary departures such as for a conflict of interest);
- every Motion and amendment moved (including procedural Motions),
- the outcome of every Motion moved;
- where a division is called, the names of every committee member and the way their vote was cast (and if they abstained);
- when requested by a committee member, a record of their support of, opposition to, or abstention from voting on any Motion, noting that those who do not vote are taken to have voted against the question;
- details of any failure to achieve or maintain a quorum;
- any other matter, which the committee chair or delegate thinks should be recorded to clarify the intention of the meeting or assist in the reading of the Minutes; and
- the time the meeting was commenced and concluded.



## 4.2 Draft Governance Rules

### Chapter 3 CONFLICTS OF INTEREST

The two types of conflicts of interest applicable to Councillors, committee members and Council officers for the purposes of this section are (as extracted from the Act):

#### **127 General conflict of interest**

- (1) Subject to section 129, a relevant person has a **general conflict of interest** in a matter 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.
- (2) For the purposes of subsection (1)—  
**private interests** means any direct or indirect interest of a relevant person that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief;  
**public duty** means the responsibilities and obligations that a relevant person has to members of the public in their role as a relevant person.

#### **128 Material conflict of interest**

- (1) Subject to section 129, a relevant person has a **material conflict of interest** in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.
- (2) The benefit may arise or the loss incurred—
  - (a) directly or indirectly; or
  - (b) in a pecuniary or non-pecuniary form.
- (3) For the purposes of this section, any of the following is an **affected person**—
  - (a) the relevant person;
  - (b) a family member of the relevant person;
  - (c) a body corporate of which the relevant person or their spouse or domestic partner is a Director or a member of the governing body;
  - (d) an employer of the relevant person, unless the employer is a public body;
  - (e) a business partner of the relevant person;
  - (f) a person for whom the relevant person is a consultant, contractor or agent;
  - (g) a beneficiary under a trust or an object of a discretionary trust of which the relevant person is a trustee;
  - (h) a person from whom the relevant person has received a disclosable gift.
- (4) For the purposes of subsection (3)(h), **disclosable gift** means one or more gifts with a total value of, or more than, \$500 or if an amount is prescribed for the purposes of this subsection, the prescribed amount, received from a person in the 5 years preceding the decision on the matter—
  - (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; or
  - (b) if the gift was, or gifts were, or will be, required to be disclosed as an election campaign donation—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.



## 4.2 Draft Governance Rules

### **60. Councillor, committee member and Council officer obligations**

- 60.1. Councillors, committee members and Council officers are required to:
- 60.1.1. Avoid all situations which may give rise to conflicts of interest;
  - 60.1.2. Identify any conflict of interest; and
  - 60.1.3. Disclose any conflict of interest.

### **61. Procedures for the Disclosure of Conflict of Interest by a Councillor or a member of a Delegated Committee at a meeting of the Council or a Delegated Committee**

- 61.1. If a Councillor or member of a delegated committee has a conflict of interest in a matter which is to be considered or discussed at a meeting of the Council or the delegated committee, the Councillor or member must, if they are attending the meeting, disclose the conflict of interest in accordance with rule 61.2, and if applicable, rule 61.3.
- 61.2. A Councillor or member of a delegated committee who has a conflict of interest and is attending the meeting of the Council or delegated committee must make a full disclosure of that interest by either advising:
- 61.2.1. the Council or delegated committee at the commencement of the meeting, and again immediately before the matter is considered at the meeting; or
  - 61.2.2. the Chief Executive Officer in writing before the meeting (subject to rule 61.3.1)-
- whether the interest is a general conflict of interest or a material conflict of interest, and the nature of the interest.
- 61.3. If the Councillor or member advised the Chief Executive Officer of the details under rule 61.2.2, the Councillor or member must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.
- 61.3.1. A Councillor may only disclose a conflict under rule 61.2.2 in circumstances where the disclosure of the nature of the interest would be reasonably likely to place the personal safety of any person at risk, or unreasonably expose a business, commercial or financial undertaking to disadvantage.
- 61.4. The Chief Executive Officer must:
- 61.4.1. keep written disclosures received under this section in a secure place for 3 years after the date the Councillor or member of a delegated committee who made the disclosure ceases to be a Councillor or member of a committee; and
  - 61.4.2. destroy the written disclosure when the 3 year period referred to in 61.4.1 has expired.
- 61.5. While the matter is being considered or any vote is taken in relation to the matter, the Councillor or member of a delegated committee must:
- 61.5.1. leave the meeting and notify the Mayor or the Chairperson of the delegated committee of their departure; and
  - 61.5.2. remain outside the room and any gallery or other area in view or hearing of the meeting.
- 61.6. The Mayor or the Chairperson of the delegated committee must cause the Councillor or member of a delegated committee to be notified that they may return to the meeting after:
- 61.6.1. consideration of the matter; and
  - 61.6.2. all votes have been cast on the matter.
- 61.7. If a Councillor or member of a delegated committee discloses a conflict of interest, the Chief Executive Officer or the Chairperson must record in the minutes of the meeting:
- 61.7.1. the declaration of the conflict of interest; and
  - 61.7.2. the classification of the interest that has given rise to the conflict, and if the Councillor or member has disclosed the nature of the interest to the meeting, the nature of the interest.



## 4.2 Draft Governance Rules

### **62. Procedure for the disclosure of a conflict of interest by a Councillor at a meeting under the auspices of Council that is not a meeting of the Council or a Delegated Committee**

- 62.1. 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—
- the names of all Councillors and members of Council staff attending;
  - the matters considered;
  - any conflict of interest disclosures made by a Councillor attending under rule 61.3;
  - whether a Councillor who has disclosed a conflict of interest as required by rule 61.3 leaves the meeting.
- 62.2. The Chief Executive Officer must ensure that the written record of a meeting held under this section is, as soon as practicable:
- 62.2.1. reported at a meeting of the Council; and
  - 62.2.2. incorporated in the minutes of that Council meeting.
- 62.3. If a Councillor attending a meeting held under this section knows, or would reasonably be expected to know, that a matter being considered by the meeting is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest, the Councillor must, at the time set out in rule 61.2, disclose to the meeting that they have a conflict of interest and leave the meeting whilst the matter is being considered by the meeting.
- 62.4. A Councillor must disclose the conflict of interest either:
- 62.4.1. immediately before the matter in relation to which the Councillor has a conflict of interest is considered; or
  - 62.4.2. if the Councillor realises that they have a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware that they have a conflict of interest.

### **63. Disclosure of a conflict of interest by a member of Council staff (including under Council's Financial Delegations)**

- 63.1. A member of Council staff who has a conflict of interests in relation to:
- a) information to be provided as described in rule 63.3 of this section; or
  - b) a power, duty or function to be exercised in accordance with 63.5 of this section
- should, wherever possible, declare the conflict and avoid involvement in the matter.
- 63.2. Where the action described in rule 63.1 is not possible, the measures described in rules 63.3-63.6 must be applied.
- 63.3. A member of Council staff who is providing information to:
- a) a meeting of the Council, a delegated committee or a community asset committee; or
  - b) another member of Council staff exercising a power of delegation or performing a statutory function –
- and who has a conflict of interest in a matter to which the information relates, must disclose the conflict of interest when providing the information, and before the information is considered by the applicable meeting referred to in paragraph (a) or another member of staff referred to in paragraph (b).
- 63.4. A disclosure made by a person under rule 63.3 must be recorded:
- a) in the minutes of the applicable meeting referred to in paragraph (a) of rule 63.3; or
  - b) in a conflict of interest disclosure register maintained by the Chief Executive Officer if the information is provided to another member of Council staff referred to in paragraph (b).
- 63.5. A member of Council staff who has a conflict of interest in a matter in which they also have a statutory or delegated power, duty or function must—
- a) not exercise the power or discharge the duty or function; and
  - b) in the case of the Chief Executive Officer, disclose the type of interest and the nature of the interest to—



## 4.2 Draft Governance Rules

- (i) the Mayor, in writing, as soon as they become aware of the conflict of interest in the matter; and
    - (ii) the Council by no later than the next meeting of the Council; and
  - c) in the case of any other member of staff, disclose the type of interest and the nature of the interest to the Chief Executive Officer, in writing, as soon as they become aware of the conflict of interest in the matter.
- 63.6 The Chief Executive Officer does not have a conflict of interest in a matter if the matter only relates to—
  - a) the adoption or amendment of a policy relating to Council staff generally;
  - b) the adoption of a code of conduct for Council staff; or
  - c) a decision to delegate a power, duty or function to a member of Council staff.



## 4.2 Draft Governance Rules

# Chapter 4

## ELECTION PERIOD POLICY

### Purpose

The purpose of this policy is to provide clear procedures and practices that explain how Council business will be conducted in the period leading up to a Council election i.e. during the election period. This is to ensure that Council elections are not compromised by inappropriate electioneering by existing Councillors and to safeguard the authority of the incoming Council.

### Scope

During the election period, the business of Council still needs to continue and ordinary matters of administration still need to be addressed. This policy establishes a series of practices applicable during the election period.

### Application

This policy applies to Council, Councillors, delegated committees, Council officers and contracted service providers.

### Election Period

The election period means the period that:

- (a) starts at the time that nominations close on nomination day; and
- (b) ends at 6 p.m. on election day.

As soon as possible, and no later than 30 days prior to the commencement of the Election Period, the Chief Executive Officer will ensure that:

- (a) all Councillors and members of Council staff are informed of the requirements of this policy, and
- (b) a copy of this policy is given to all Councillors.

### Policy

Council will ensure that, during the election period, its business is conducted in a way which does not compromise the election process and which safeguards the authority of the incoming Council. It will ensure that candidates are treated equally, fairly and transparently, with no advantage being provided to sitting Councillor candidates.

This policy is compliant with the legislative requirement under section 69 of the *Local Government Act 2020*.

The policy should be reviewed and, if required, amended not later than 12 months before the commencement of each subsequent election period.

### Prohibited decisions

Council is prohibited from making any Council decision:

- (a) during the election period for a general election that:
  - (i) relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or
  - (ii) commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
  - (iii) the Council considers could be reasonably deferred until the next Council is in place; or
  - (iv) the Council considers should not be made during an election period; or
- (b) during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.



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### What is a Council decision?

For the purposes of this policy, **Council decision** means the following:

- a) a resolution made at a Council meeting;
- b) a resolution made at a meeting of a delegated committee; or
- c) the exercise of a power or the performance of a duty or function of Council by a member of Council staff (which includes the Chief Executive Officer) or a Community Asset Committee under delegation.

### Required consideration

Careful consideration should be given regarding decisions that are being made at Council or delegated committee meetings in the election period, to ensure that the authority of the incoming Council is not unreasonably compromised. Council will make every effort to either reschedule most decisions until after the new Council commences its term, or if that is not appropriate, bring decisions forward so they are determined before the election period starts.

Examples of decisions that will be avoided during the election period include allocating community grants or other direct funding to community organisations, major planning scheme amendments and changes to strategic objectives and strategies in the Council Plan. During the election period, any other decision will be considered by Council or delegated committees only if absolutely necessary for Council operational purposes or pursuant to a statutory requirement.

Papers prepared for Council or delegated committee meetings during the election period will be carefully vetted to ensure that no agenda matter is included that could potentially influence voters' intentions at the forthcoming election or could encourage Councillor candidates to use the matter as part of their campaign platform.

Councillors will refrain from moving motions on or raising matters at a meeting that could potentially influence voting at the election.

### Council Publications

Council is to limit publications during the election period. This is to ensure that Council does not publish material with public funds that may influence, or be seen to influence, people's voting decisions.

Council publications refers to documents that are produced for the purpose of communicating with people in the community including:

- Council newsletters
- Advertisements and notices
- Media release
- Leaflets and brochures
- Mail outs to multiple addressees
- Council's social media accounts
- Council's website

This section provides that the restriction on publication of a document does not include any document published before the election period and any document required to be published under the Act, such as rate notices, food premises registrations and parking fines, which may continue to be disseminated during the election period without limitation.

The Annual Report that is compiled during the election period will not contain any material that could be regarded as electioneering or that inappropriately promotes individual Councillors. Information about Councillors will be restricted to names, contact details, titles, membership of delegated committees and other bodies to which they have been appointed by the Council.



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Council staff will check existing publications and online information before the election period commences and, where appropriate, temporarily withdraw any material that might reasonably influence the election.

### **Certification Process**

Relevant Council publications must be certified by the CEO before they may be printed, published or distributed during the election period, whether by the Council or by anyone acting for the Council. This may require certification before the election period for some material to be issued in the election period.

The CEO must not certify a publication that contains electoral matter, unless that material is about the election process only.

The CEO's certification must be in writing and cannot be delegated to anyone.

### **Council Communications**

Council communications are a legitimate way to promote Council activities and services. It is important that all Councillors have access to the Council's communication resources to enable them to fulfill their elected roles. However, they will not be developed or used in support of a candidate's election campaign.

During the election period:

- A Council employee must not make any public statement that could be construed as influencing the election. Statements of clarification may be required from time to time and these are to be made in consultation with the Community Relations department.
- In the event that a spokesperson is required for any publication or communication, the Mayor or the Chief Executive Officer shall fulfill that role.
- No media advice or assistance will be provided to Councillors in relation to election campaign matters.
- Councillors will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention specifically in support of an election campaign.
- Councillor profiles on the Council website will be limited to a photograph and contact details. All other communication from a Councillor via the Council website will be removed.

### **Council Resources**

It is essential that due propriety is observed in the use of all Council resources. It is also important that all Councillors have access to the resources necessary to fulfill their elected roles. In order to ensure the proper use of Council resources during the election period the following will apply:

- Council resources, including offices, staff, hospitality, equipment, email, mobile phone and stationery will be used exclusively for normal Council business and will not be used in connection with election campaigning.
- Reimbursements of Councillors' out-of-pocket expenses in the election period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign, in accordance with Councillors Entitlements, Expenses and Facilities Policy (SCS-001).
- Council logos, letterheads, or other Council branding should not be used for, or linked in any way to, a candidate's election campaign.
- Council staff will not be asked to undertake any tasks connected with a candidate's election campaign.

### **Information**

Access to information held by Council will be made equally available and accessible to all candidates during the election period. Council recognises that all election candidates have the right to receive information from the Council administration, subject to the *Privacy and Data Protection Act 2014* which may prevent the disclosure of certain information. However, it is important that Councillors continue to



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## 4.2 Draft Governance Rules

receive the information that is necessary to fulfill their elected roles. Councillors shall not request or receive information or advice from Council staff to support election campaigns, and there shall be complete transparency in the provision of all information and advice during the election period.

A process will be instigated whereby information requested by any candidate will be made available to all candidates in a timely manner, having regard to the reasonableness of the request. This will be achieved via a dedicated candidate information page on Council's website or a group email, as appropriate.

Requests for clarification relating to provision of information should be directed to the Governance and Risk Department who may refer the request to the Chief Executive Officer or appropriate senior management.

### **Functions, Public Consultation and Events**

Public consultation and Council events will not take place during the election period unless the CEO can justify to the community the special circumstances making it necessary to conduct these activities and how risks related to influencing the election will be mitigated or prevented. Any event, public consultation or function that is held during the election period shall relate only to legitimate Council business and shall not be used, or be able to be construed to be used, in connection with any election activity.

All speeches prepared for use at events or functions shall be reviewed by the Manager Governance and Risk in conjunction with the Coordinator Communications and Community Engagement to ensure the content does not breach this Policy or the Act.

Where deemed appropriate Councillors may make speeches during events or functions however the speech must not have any political reference which may be construed as giving a sitting Councillor any advantage during the election period.

### **Travel and Accommodation**

During the election period Councillors shall not undertake any interstate or overseas travel in their capacity as a Councillor. In circumstances where it is imperative that the Mayor (or nominee) represents Council on a delegation or forum, Council may by resolution approve such attendance. If consideration by Council is impractical, the Chief Executive Officer may determine the issue.

### **Advice to Candidates about the election process**

All candidates for the Council election will be treated equally. Towards this outcome:

- Any advice to be provided to candidates as part of the conduct of the Council election should be provided equally to all candidates.
- All election related enquiries from candidates, whether sitting Councillors or not, will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the Chief Executive Officer (or appropriate senior management).

### **Monitoring the Policy**

The Chief Executive Officer is responsible for determining the outcome of any issues that arise in relation to the implementation of this policy.



## **4.2 Draft Governance Rules**

# **Appendix**

Schedule A – Public Question Time Form

Schedule B – Notice of Motion

Schedule C – Notice of Motion to Rescind or Amend

Schedule D – Procedural Motions Table



## 4.2 Draft Governance Rules

### Schedule A

#### SCHEDULE A – PUBLIC QUESTION TIME FORM



Public questions will be considered by Council at an ordinary Council meeting subject to receipt by 3:00pm on the day before the meeting. Questions can be submitted using the online form on Council's website, or emailed to [info@surfcoast.vic.gov.au](mailto:info@surfcoast.vic.gov.au), faxed to 5261 0525 or hand delivered to Council's Offices, 1 Merrijig Drive, Torquay.

All questions must be as brief as possible and no greater than 200 words in length, inclusive of any supporting or contextual information.

Public question time runs for up to 30 minutes prior to consideration of the formal Agenda by Council. Questions will be considered in the following order:

1. Questions with Notice that relate to items on the agenda coming before Council on the night.
2. Questions with Notice that relate to other matters not relating to the agenda.

Questions received without notice (i.e. received after 3:00pm on the day before the meeting) will be addressed in accordance with rule 22 of the Governance Rules.

#### Personal Information

Date:

Surname:

First Name:

Postal address:

Suburb:

Post Code:

Phone:

Mobile:

Email:

Suburb to be disclosed:      Yes      No

**IMPORTANT INFORMATION:** Please note that as required by Council's Governance Rules, your name and locale will be read out in a public meeting and form part of the minutes of the Council meeting. If you desire that only your name, and not your locale, is to be called, please indicate this above.

#### Questions

Date of Council meeting:

Subject:

Question(s)      (Please note: There is a limit of two questions per person, per meeting)

Surf Coast Shire Council considers that the responsible handling of personal information is a key aspect of democratic governance, and is strongly committed to protecting an individual's right to privacy. Council will comply with the Information Privacy Principles as set out in the Privacy and Data Protection Act 2014. The information will be used for the primary purpose it was collected or any related purpose for which the individual would reasonably expect Council to use or disclose the information. The information will not be disclosed to any other party unless Council is required to do so by law.



## 4.2 Draft Governance Rules

### Schedule B

#### SCHEDULE B - NOTICE OF MOTION



*This form lodges a notice of intention to move a motion in accordance with rule 35 of the Governance Rules.*

*Note – Proposed motion and rationale not to exceed 500 words*

I, Councillor \_\_\_\_\_ give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on \_\_\_\_\_, namely:  
(Insert wording of motion)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### Rationale

(To be signed by Councillor lodging this notice  
and one other Surf Coast Shire Councillor)

\_\_\_\_\_  
COUNCILLOR

\_\_\_\_\_  
COUNCILLOR

*Chief Executive Officer to complete*

This notice was received by me at \_\_\_\_\_ am/pm on \_\_\_\_\_

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER



## 4.2 Draft Governance Rules

### Schedule C

#### SCHEDULE C – NOTICE OF MOTION TO RESCIND OR AMEND



*This form lodges a notice of intention to move that a resolution passed by Council be rescinded or amended in accordance with rule 36 of the Governance Rules.*

I, Councillor \_\_\_\_\_ give notice of my intention to move at the Ordinary Meeting of Council to be held on \_\_\_\_ / \_\_\_\_ / \_\_\_\_ that the resolution of Council passed on \_\_\_\_ / \_\_\_\_ / \_\_\_\_ , namely:

*(Wording of resolution proposed to be amended/rescinded)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ be rescinded ☐ OR ☐ amended ☐ *(Please tick one box)*

and subject to that motion being carried, in its place, Cr \_\_\_\_\_ proposes to move that Council:

*(Wording of proposed motion to replace/amend above)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(To be signed by Councillor lodging this notice and two other Surf Coast Shire Councillors)*

<div><div></div><div></div></div> COUNCILLOR	COUNCILLOR	COUNCILLOR
---	------------	------------

*Chief Executive Officer to complete*

This notice was received by me at \_\_\_\_\_ am/pm on \_\_\_\_\_

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER



## 4.2 Draft Governance Rules

### Schedule D

#### Procedural Motions

Motion	When prohibited	If Carried	Debate
'That a report/document be tabled'		The item is tabled, can be considered as part of debate as will be included in the minutes of the meeting	No
'That the item listed at xx on the agenda be moved forward'	(a) At a Meeting to elect the Mayor; or (b) During any debate	Alters the order of business for the meeting	No
'That the motion be put'	During nominations for a <i>Chair</i>	Motion or amendment is put to the vote immediately without further debate, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion	No
'That the substantive motion be voted on in separate parts'	When the motion cannot be separated into parts which can feasibly be implemented without reliance on the rest of the motion.	The motion is separated into parts at the chairs discretion. The motion will be debated as a whole, but will be voted on in the separated parts.	
'That the matter be laid on the table'	During the election of the Mayor/Deputy Mayor	Motion not further discussed or voted on until Council resolves to take the item from the table at the same meeting	No
'That the matter be taken from the table'	When no motion is on the table	Debate of the item resumes	No
'That the meeting be adjourned'		The meeting adjourns until a designated time for recommencement	No
'That Standing Orders be suspended to ...' (reason must be provided)		The rules of the meeting are temporarily suspended in accordance with rule 41 for the specific reason given in the motion	No
'That Standing Orders be resumed'	When Standing Orders have not been suspended	The temporary suspension of the rules of the meeting is removed	No
That, in accordance with section 66 of the Act, the meeting be closed to members of the public	During the election of the Mayor/Deputy Mayor	The meeting is closed to members of the public	Yes
'That the meeting be reopened to members of the public'		The Meeting is reopened to the public	No
'That the Chair's ruling be dissented from'	Anytime where the Chair has not just made a ruling on a point of order	The point of order decision made by the Chair is overturned and the meeting must proceed accordingly. The Chair should have the opportunity to speak to their ruling.	Yes



## 4.2 Draft Governance Rules

Motion	When prohibited	If Carried	Debate
'That the debate on this matter be deferred until (insert meeting/date) to allow (purpose of deferral) ...'	(a) During the election of the Mayor/Deputy Mayor; (b) During the election of a Chair; or (c) When another Councillor is speaking	Consideration/debate on the motion and/or amendment is postponed to the stated date and the item is re-listed for consideration at the resolved future meeting.	Yes



## **4.2 Draft Governance Rules**

### **APPENDIX 2 DRAFT GOVERNANCE RULES WITH TRACKED CHANGES**





# GOVERNANCE RULES

| This document was created in accordance with section 60 of the Local Government Act 2020

Adopted by Council (date to be inserted) ~~2020~~2021



## 4.2 Draft Governance Rules

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## 4.2 Draft Governance Rules

### Introduction

These are the Governance Rules of Surf Coast Shire Council, made in accordance with section 60 of the Act.

### Purpose of the Governance Rules

The purpose of these Governance Rules is to facilitate good governance and assist in delivering the overarching governance principles as set out in section 9 of the Act.

### Commencement

The Governance Rules come into operation on ~~25 August 2020~~ the day following the date of adoption by Council.

### Definitions

Unless the contrary intention appears in these Governance Rules, the following words and phrases are defined to mean:

**'absolute majority'** means the number of Councillors which is greater than half the total number of the Councillors of a Council (s.61(7)).

**'Act'** means the *Local Government Act 2020*;

**'Acting Mayor'** means the Councillor appointed to represent the Mayor in the event of the Mayor and Deputy Mayor's absence or where there is a need to fill the role;

**'agenda'** means the notice of a meeting setting out the business to be transacted at the meeting;

**'amendment'** means a proposed alteration to the wording of a motion ~~without being contradictory in accordance with the rule 33~~;

**'authorised officer'** means a person appointed as such by Council under section 224 of the Local Government Act 1989;

**'Chair'** means the Chair of the meeting and includes acting, temporary and a substitute Chairperson;

**'Chief Executive Officer'** means the Chief Executive Officer of Council, and includes a person acting as Chief Executive Officer;

~~**'clause'** means a clause of these Governance Rules;~~

**'Council'** means the Surf Coast Shire Council;

**'Councillor'** means a Councillor of Council who has taken the oath or affirmation of office in accordance with section 30 of the Act;

**'Council meeting'** is a meeting of the Council;

**'day'** means a Council business day;

**'delegated committee'** means a committee established by Council under section 63 of the Act;

**'deliver'** means to hand over or mail to a recipient and includes transmission by electronic means, electronic mail or published on Council's internet site;

**'Deputy Mayor'** means the Councillor elected to represent the Mayor and act in the Mayor's role in the event of the Mayor's absence.;

**'gallery'** means the area set aside in the Council chamber or meeting room for the public;



## 4.2 Draft Governance Rules

**'Joint Letter'** means a formal application to Council in the form of a letter which has been signed by at least ten people or executive/committee representatives from ten separate entities whose names and physical addresses also appear on the letter. A letter from a single entity or organisation that is signed by multiple parties from that organisation or entity will not be classed as a joint letter;

**'leave of absence'** means a period, approved through Council resolution, where a Councillor will not perform the duties or functions of a Councillor during ~~the~~ period of four consecutive months, that may be inclusive of any ~~Ordinary~~ meeting of Council;

**'Mayor'** means the Mayor of Council and/or any person acting as Mayor;

**'minutes'** mean the collective record of proceedings of Council or a delegated committee (meeting records);

**'Municipal district'** means the municipal district of Council;

**'notice of motion'** means a notice in writing conforming with ~~Chapter 2, clause 30~~ Rule 35.

**'petition'** means a formal written application addressed to Council, submitted in printed or electronic format without erasure, signed or electronically endorsed by at least ten people whose names and physical addresses also appear, and on which each page of the petition bears the wording of the whole of the petition.

**'procedural motion'** means a motion that relates to a procedural matter only and which is not designed to produce any substantive decision but used merely as a formal procedural measure.

**'public notice'** means notice provided on either the Council's website and/or social media channels and/or in local newspapers or other means deemed suitable to provide notice to the community of a related information.

**'resident'** means a person who has a place of residence within the Municipal District;

**'resolution'** means a formal determination by a meeting of Council or delegated committee, or by a member of Council staff acting under delegation;

**'rule'** means a rule within these Governance Rules.

**'visitor'** means any person (other than a Councillor, or member of Council staff) who is in attendance at a meeting of the Council or a delegated committee; ~~and~~.

**'written'** includes duplicated, photocopied, photographed, emailed, faxed, printed and typed.



## 4.2 Draft Governance Rules

### Chapter 1

## **GOVERNANCE FRAMEWORK INTRODUCTION**

### **Part 1 – Governance Structure**

The Surf Coast Shire Council is governed by the Act.

According to the Act, the role of a Council is to provide good governance in its municipal district for the benefit and wellbeing of the ~~eat~~ community.

Section 8 of the Act defines 'good governance' as the Council performing its role in accordance with the overarching governance principles, and the Councillors of the Council performing their role by participating in the decision making of Council, representing the interests of the municipal community whilst participating in that decision making, and contributing to the strategic direction of the Council through the development and review of key strategic documents, including the Council Plan.

As set out in section 9 of the Act:

*The overarching governance principles are:-*

- (a) Council decisions are made and actions taken in accordance with relevant law;*
- (b) Priority is to be given to achieving the best outcomes for the municipal community, including future generations;*
- (c) The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;*
- (d) The municipal community is to be engaged in strategic planning and strategic decision making;*
- (e) Innovation and continuous improvement is to be pursued;*
- (f) Collaboration with other Councils and Governments and statutory bodies is to be sought;*
- (g) The ongoing financial viability of the Council is to be ensured;*
- (h) Regional, state and national plans and policies are to be taken into account in strategic planning and decision making;*
- (i) The transparency of Council decisions, action and information is to be ensured.*

A local government consists of two separate but connected components. The Council, which for Surf Coast Shire is made up of ~~9-nine~~ Councillors, who make decisions ~~through-at~~ Council ~~meetings including setting and provide~~ the strategic direction, ~~policy guidance and resources-~~ through a suite of strategic documents such-asincluding the Council Plan, Financial Plan and Asset Plan; and the organisation which carries out the day to day operations, consisting of employees led by the Chief Executive Officer (CEO) that implements the strategy and policy, provides professional advice to Councillors and reporting to Council on activities and outcomes.

The CEO will ensure the effective and efficient management of the day to day operations of the organisation-Council, and support the Mayor and Councillors in performing their roles. The CEO is delegated certain powers and responsibilities either directly under the Act or by Council.

Council may establish delegated committees to make decisions on Council's behalf under delegated power.

The procedures and processes set out in these Governance Rules underpin this governance structure or framework which supports the delivery of good governance by Surf Coast Shire Council.



## 4.2 Draft Governance Rules

### Part 2 – Decision Making

#### 1. Council decision making

Council must consider, and make decisions on, any matter being considered by Council fairly and on ~~the- its~~ merits.

Any person whose rights will be directly affected by a decision of the Council is entitled to:

- a) communicate their views by written submission;
- b) subsequently speak to their submission to Council or a delegated member of Council staff, or to have a person speak on their behalf; and
- c) have their interests considered.

For the purposes of this ~~clause~~rule, a decision of Council means the following—

- a) a resolution made at a Council meeting;
- b) a resolution made at a meeting of a Delegated Committee; or
- c) the exercise of a power or the performance of a duty or function of Council by a member of Council staff or a Community Asset Committee under delegation.

#### 2. Role of the Chair

The way in which Council and Delegated Committee meetings are conducted makes a significant contribution to good governance.

The Chair plays a crucial role in facilitating an orderly, respectful, transparent and constructive meeting by ensuring all Councillors and members of delegated committees have the opportunity to be heard, matters are adequately discussed, meeting procedures are followed appropriately, and statutory requirements are adhered to.

The Chair is an independent leader of meetings and ~~generally~~ does not participate in debate or move or second motions.

The Act provides for the Mayor to appoint a Councillor as the Chair of a Delegated Committee and any such appointment prevails over any appointment made by Council. While there are no limitations on exercising that power, the Mayor must always act in a way that is consistent with the adopted Councillor Code of Conduct and transparency commitments of the Council.

Specific duties and discretions of the role of the Chair are outlined throughout these Governance Rules.

#### 3. Responsibilities of Chair, Councillors, Committee Members and Council Officers

In addition to the Chair, each member of the meeting has an obligation to participate in good decision-making.

The Chair, Councillors, members of delegated committees and Council officers will ensure good Council decision-making by endeavouring to ensure:

- Decision making is transparent to members and observers;
- Meeting members have sufficient information to make good decisions;
- Every member is supported to contribute to decisions;
- Any person whose rights are affected has their interests considered;
- Debate and discussion is focussed on the issues at hand;
- Meetings are conducted in an orderly manner.
- Decisions should be made on the merits of the matter.



## 4.2 Draft Governance Rules

### 4. Community

Council meetings form a significant part of the organisation's decision making, and are therefore open for the community to attend in person or view proceedings via Council's website.

Community members may participate in Council meeting through public question time in accordance with ~~clause-rule 22 17 in Chapter 2~~ of these Governance Rules, allowing the community to communicate their views and have their interests considered.

Community members are encouraged to participate in Council's community engagement processes which are conducted in accordance with Council's Community Engagement Policy.

Community members may seek to inform individual Councillors of their views by contacting them directly in advance of meetings.



## 4.2 Draft Governance Rules

# Chapter 2

## MEETINGS AND MEETING PROCEDURE

### **PART 1—Council Meetings**

Council meetings are held regularly to conduct the ongoing business of the Council ~~and unscheduled meetings may be held from time to time.~~

The community will be made aware of the times, dates and locations of Council and delegated committee meetings and the matters Council will consider.

An agenda for each Council meeting will be provided to Councillors in advance so that they can prepare adequately for the Council meeting. The Agenda contains the order of business and the professional advice of the organisation, with a recommendation for Council to consider.

The agenda must also be placed on Council's website except for confidential items of the agenda.

*(Pursuant to section 61 of the ~~LG Act~~)*

*A Council meeting is a meeting of the Council at which—*

- a. all the Councillors are, subject to this Act, entitled to attend and vote; or*
- b. no other person is entitled to vote; and*
- c. a decision to do an act, matter or thing is made by a resolution of the Council.*

*2. ~~Except as provided in this Act and subject to the Governance Rules, the conduct of Council meetings is at the Council's discretion.~~*

*~~Except as provided in the Act, the conduct of Council meetings are subject to these Governance Rules.~~*

*2.3. A Council meeting must be chaired by—*

- a. the Mayor; or*
- b. if the Mayor is not present at the Council meeting, the Deputy Mayor; or*
- c. if the Mayor and the Deputy Mayor are not present at the meeting, a Councillor who is present at the Council meeting and is appointed by a resolution of the Council to chair the meeting.*

*3.4. A quorum at a Council meeting is an absolute majority.*

### **SECTION 1—ELECTION OF THE MAYOR & DEPUTY MAYOR**

#### **5. Procedure for Election of Mayor**

*(Pursuant to Section 25 of the Act – Election of Mayor)*

~~4.15.1~~ The meeting to elect the Mayor shall be held in accordance with the Act.

~~4.25.2~~ Subject to section 167 of the Act, any Councillor is eligible for election or re-election to the office of Mayor

~~4.35.3~~ The election of the Mayor must be chaired by the Chief Executive Officer at a Council meeting that is open to the public, however the Chief Executive Officer will have no voting rights.

~~4.45.4~~ The Chief Executive Officer shall be responsible for the counting of votes.

~~4.55.5~~ The Councillor who receives an absolute majority of votes cast must be declared elected.

~~4.65.6~~ For the purposes of this ~~clause-rule~~ the following will apply:

~~4.6.15.6.1~~ Nominations must be moved and seconded;

~~4.6.25.6.2~~ Where only one nomination is received, that Councillor must be declared elected; or

~~4.6.35.6.3~~ Where there are more than two nominations received:

~~4.6.3.15.6.3.1~~ the Councillor who receives an absolute majority at the first round of votes cast must be declared elected; or



## 4.2 Draft Governance Rules

~~1.6.3.25~~ 6.3.2 if no candidate receives an absolute majority of votes, the candidate with the least number of votes must be eliminated as a candidate and a further vote conducted between the remaining candidates.

~~1.6.3.35~~ 6.3.3 If there are several candidates, this procedure must be repeated until a candidate receives an absolute majority of votes and that candidate shall be declared elected.

~~1.6.3.45~~ 6.3.4 If for the purpose of eliminating the candidate with the least number of votes, two or more candidates have the same least number of votes, the candidate to be eliminated shall be determined by simple majority vote.

~~1.6.3.5~~ ~~If there is an equality of votes with respect to the candidate to be eliminated, the candidate to be eliminated shall then be determined by lot conducted by the Chief Executive Officer in presence of the meeting.~~

~~1.6.3.65~~ 6.3.5 ~~Or, if~~ an absolute majority of the Councillors cannot be obtained at the meeting, the Council may resolve to conduct a new election at a later specified time and date.

~~1.75.7~~ After the election of the Mayor is determined, the Mayor must take the Chair.

### **26 Procedure for Election of Deputy Mayor**

~~2.16.1~~ Where the Council has resolved to elect a Deputy Mayor the provisions contained in ~~clause 4~~ rule 5 for the election of the Mayor will apply to the election of the Deputy Mayor save that the Mayor shall preside over the election.

### **37 Procedure for Appointment of an Acting Mayor**

~~3.1~~ ~~If the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting, and the Deputy Mayor cannot take over for the Mayor, Council must, by resolution of Council, appoint a Councillor to be the Acting Mayor.~~

~~3.27.1~~ If the Mayor for any reason is incapable of performing the duties of the office of the Mayor, ~~including attending a Council meeting or part of a Council meeting,~~ and the Deputy Mayor cannot take on the responsibility of the office of the Mayor, Council must, by resolution of Council, appoint a Councillor to be the Acting Mayor.

~~3.37.2~~ If the office of the Mayor is vacant for any reason, ~~and the Deputy Mayor cannot take on the responsibility of the office of the Mayor,~~ Council must, by resolution of Council, appoint a Councillor to be the Acting Mayor.

~~3.47.3~~ Any resolution to appoint an Acting Mayor, must include the period for which that Councillor will be Acting Mayor.



## 4.2 Draft Governance Rules

### **SECTION 2—GENERAL PROVISIONS**

*The purpose of this Part is to regulate proceedings at all meetings of the Council.*

#### **48 Council Meeting Chair**

- ~~4-18.1~~ The Mayor must take the chair at all Council meetings at which they are present unless precluded from doing so because of a conflict of interest, or in accordance with rule 42.1.
- ~~4-28.2~~ In the absence of the Mayor, the Deputy Mayor shall take the chair.
- ~~4-38.3~~ In the absence of the Mayor and the Deputy Mayor, an Acting Mayor shall be appointed in accordance with ~~clause 3~~ rule 7.
- ~~4.4~~ If a Mayor and the Deputy Mayor are temporarily unable to Chair the meeting, a Councillor shall be elected to take the chair by resolution of Council, or in accordance with the election process in clause 1 if a decision cannot be immediately reached.

#### **59 Chair's Duties & Responsibilities**

The Chair's duties and responsibilities are to:

- ~~5-49.1~~ Formally declare the meeting open, after ascertaining that a quorum is present and to welcome; ~~and visitors;~~
- ~~5-29.2~~ At the start of each Council meeting, to recite the Pledge or allocate this role to another Councillor;
- ~~5-39.3~~ Preside over the meeting, conducting it impartially and according to these Governance Rules;
- 5.4 Sign minutes of meetings as correct when they have been confirmed;
- ~~5-59.4~~ Present any reports for which they are responsible;
- ~~5-69.5~~ Ensure that debate is conducted in the correct manner;
- ~~5-79.6~~ Declare the results of all votes;
- ~~5-89.7~~ Give rulings on points of order and other questions of procedure;
- ~~5-99.8~~ Preserve order; and
- ~~5-109.9~~ Adjourn (when so resolved) or formally declare the meeting closed when all business has been concluded.

#### **610 Quorum**

- ~~6-410.1~~ A quorum is an absolute majority.
- ~~6-210.2~~ If a quorum is not present within 30 minutes of the time appointed for the commencement of a Council meeting:
- ~~6-2-410.2.1~~ The meeting shall be deemed to have lapsed;
- ~~6-2-210.2.2~~ The Mayor must convene another Council meeting and ensure that the agenda for the meeting which is deemed to have lapsed is addressed; and
- ~~6-2-310.2.3~~ The Chief Executive Officer must give all Councillors notice of the meeting convened by the Mayor.
- ~~6-310.3~~ If a quorum cannot be maintained after a Council meeting has begun due to Councillors having to leave the meeting, the meeting lapses.
- ~~6-410.4~~ If the meeting lapses, the undisposed business must be included in the agenda for the next Council meeting.
- ~~6-510.5~~ If a quorum cannot be maintained because of the number of Councillors who have a conflict of interest in a matter, the Council must consider whether the decision can be made by an alternative manner including:
- ~~6-5-410.5.1~~ Resolving to split the matter into two or more separate parts so that a quorum can be maintained; or
- ~~6-5-210.5.2~~ making prior decisions on component parts of the matter at a meeting for which a quorum can be maintained before deciding the overall matter at a meeting for which a quorum can be maintained.
- ~~6-610.6~~ If unable to establish a quorum using an alternative manner, the Council must, in accordance with section 67(4) of the Act, establish a delegated committee to make the decision in regard to the matter. The delegated committee must consist of:
- ~~6-6-410.6.1~~ All the Councillors who have not disclosed a conflict of interest in regard to the matter; and
- ~~6-6-210.6.2~~ Any other person or persons the Council considers suitable.



## 4.2 Draft Governance Rules

### ~~7~~11 Attendance & Notice of Meetings

~~7-411.1~~ The Chief Executive Officer must give notice to the public of any meeting of the Council by public notice at least seven days prior to the meeting and via Council's website.

~~7-211.2~~ The dates, time and place for all Council meetings shall be fixed by Council resolution from time to time, with the exception of ~~unscheduled~~ Council meetings not scheduled by Council resolution in accordance with ~~clause 10~~ rule 14.

~~7-311.3~~ An electronic agenda will be delivered to Councillors at least 48 hours before a Council meeting.

~~7-411.4~~ Despite ~~subclause 7~~ rule 11.3, the Chief Executive Officer may deliver an agenda for a Council meeting to Councillors less than 48 hours prior to the meeting, if the Chief Executive Officer considers that in view of the urgency of the matter(s) this should occur.

~~7-511.5~~ Members of the public will be requested to sign in before entering the meeting area.

### ~~8~~12 Time Limit for Meetings

~~8-412.1~~ Council meetings must conclude no later than 10pm unless a resolution is carried to extend the meeting.

~~8-212.2~~ Any resolution to extend a meeting will be for no longer than 30 minutes. Once the meeting reaches the conclusion of the 30 minute extension, a further resolution to extend the meeting must be carried.

~~8-312.3~~ In the absence of such continuance, the meeting must stand adjourned to a time, date and place to be announced by the Chair.

~~8-412.4~~ No meeting is to exceed 11pm. If a meeting reaches 11pm, the Chair must adjourn the meeting.

~~8-512.5~~ The Chief Executive Officer must give notice to each Councillor of the date, time and venue to which the meeting stands adjourned and of the business remaining to be considered, and this information must be published on Council's website.

### ~~9~~13 Recording of Minutes

~~9-413.1~~ The Chief Executive Officer is responsible for the keeping of Minutes on behalf of Council. Those Minutes must record:

- the date, place, time and nature of the Council ~~M~~meeting;
- the names of Councillors and whether they are present, an apology, or on leave;
- the titles of the members of Council staff present who are not part of the gallery;
- the disclosure of a conflict of interest made by a Councillor in accordance with the Act;
- the arrivals and departures of Councillors, during the course of the Meeting (including any temporary departures or arrivals);
- every Motion and amendment moved (including procedural Motions),
- the outcome of every Motion moved;
- ~~where a division is called, the names of every Councillor and the way their vote was cast (and if they abstained);~~
- when requested by a Councillor, a record of their support of, opposition to, or abstention from voting on any Motion. The names of each Councillor and the way their vote was cast on each item, noting that under section 61(5) of the Act that a Councillor present at the meeting who does not vote is taken to have voted against the question for the purposes of determining the result of the vote;
- details of any failure to achieve or maintain a quorum;
- details of any petitions made to Council;
- the time and reason for any adjournment of the Meeting or suspension of standing orders;
- any other matter, which the Chief Executive Officer thinks should be recorded to clarify the intention of the Meeting or assist in the reading of the Minutes; and
- the time the Council ~~M~~meeting was opened and closed, including any part of the Council ~~M~~meeting that was closed to members of the public.

### ~~10~~14 ~~Unscheduled~~ Council Meetings not scheduled by Council resolution



## 4.2 Draft Governance Rules

14.1 Where a Council meeting is required urgently, or to deal with a specific matter in a timely manner that cannot wait for a Council meeting scheduled by Council resolution, the Mayor, or at least three Councillors may by written notice call an ~~an-unscheduled~~ Council meeting.

14.2 ~~Where it is not possible for the procedure in rule 14.1 to occur, such as during caretaker period, the Chief Executive Officer may call a Council Meeting at their discretion if it is considered that the matter cannot wait for the meeting to be called in accordance with rule 14.1.~~

~~40.4~~14.3 The notice must specify the date and time of the proposed meeting and the business to be transacted.

~~40.2~~14.4 The notice must be presented to the Chief Executive Officer at least seven days prior to the meeting date. ~~If the meeting is called under rule 14.1, the Chief Executive Officer must sign all sections of the notice.~~

~~40.3~~14.5 The Chief Executive Officer must call the ~~unscheduled~~ Council meeting as specified in the notice.

~~40.4~~14.6 Unless all the Councillors are present at the ~~unscheduled~~ Council meeting and unanimously agree by resolution to deal with a matter that is not specified on the ~~unscheduled~~ Council meeting notice, only the business specified is to be transacted.

~~40.5~~14.7 The Chief Executive Officer must give notice to the public of any ~~unscheduled~~ Council meeting via Council's website at least five days prior to the meeting and by public notice, where possible, as soon as is practicable.

### 1415 Special Council Meetings for Hearing Submissions

~~44.4~~15.1 Where a Council meeting is required to hear submissions, ~~the Chief Executive Officer must call a Special Council Meeting for Hearing Submissions as in accordance with section 223(b) of the 1989 Act and the Planning and Environment Act 1987, Council may schedule a Special Council Meeting for Hearing Submissions by Council resolution, or by written notice from the Mayor, or at least three Councillors, by submitting preparing a~~ written notice requesting advising of a Special Council Meeting for Hearing Submissions.

15.2 ~~Prior to preparing the notice, the Chief Executive Officer must consult with the Mayor as required under section 46(2)(d) of the Act.~~

~~44.2~~15.3 The ~~resolution or~~ notice must specify the date and time of the proposed meeting and the matter(s) to be heard.

~~44.3~~ The notice must be presented to the Chief Executive Officer at least seven days prior to the meeting date.

~~44.4~~ The Chief Executive Officer must call the Special Council Meeting as specified in the notice.

~~44.5~~15.4 Unless all the Councillors are present at the Special Council Meeting and unanimously agree by resolution to hear a matter that is not specified on the Special Council Meeting ~~resolution or~~ notice, only the matters specified can be heard.

~~44.6~~15.5 The Chief Executive Officer must give notice to the public of any Special Council Meeting via Council's website at least five days prior to the meeting and by public notice, where possible, as soon as is practicable.

### 12 Procedures at Special Council Meetings for Hearing Submissions

~~42.4~~15.6 ~~Where Council has scheduled a Special Council Meeting for Hearing Submissions, the following procedures apply at Special Council Meetings for Hearing Submissions:~~

~~42.4.1~~15.6.1 Written submissions must be provided by the deadline specified in the public notice/advertisement and relate to the matter/s listed in the resolution or notice scheduling the meeting, and the submission must indicate whether the submitters desires to speak at the Special Council Meeting for Hearing Submissions.

~~42.4.2~~15.6.2 Submitters will be allocated a maximum of 5 minutes to speak to their submission, ~~and, where a planning matter, with the exception of planning matters where~~ the applicant will be allocated a maximum of 10 minutes.

15.7 ~~Joint submitters~~ Speakers who have submitted a joint written submission who wish to speak must nominate a representative who will be allocated a maximum of 5 minutes to speak to the joint submission.

15.7.1 If three or more submitters who made separate written submissions wish to speak to their submissions together, the speaking time will be capped at 15 minutes.



## 4.2 Draft Governance Rules

~~15.8~~ A submitter may nominate a representative to speak to their submission on their behalf, however Councillors cannot be nominated to speak on behalf of a submitter.

~~12.215.9~~ Requests for variations to the process outlined above shall be at the discretion of the Chair.

### ~~13.16~~ Joint Council Meetings

~~13.16.1~~ Council may resolve to participate in a Joint Council meeting to consider:

~~13.1.16.1.1~~ Matters subject to discussion of the G21 Alliance

~~13.1.216.1.2~~ Collaborative projects

~~13.1.316.1.3~~ Collaborative procurement

~~13.1.416.1.4~~ Emergency Response.

~~13.216.2~~ If Council has resolved to participate in a Joint Council meeting, the Chief Executive Officer will agree on Governance Rules with the participating Councils.

~~13.316.3~~ Where Surf Coast Shire Council is the lead Council on a matter to be brought for consideration at a Joint Council meeting, the Mayor will be nominated to Chair the Joint Council meeting.

~~13.416.4~~ At least three Councillors will be appointed to represent Council at a Joint Council meeting.

~~13.516.5~~ Consistent information will be provided to Councillors prior to any Joint Council Meeting and every endeavour will be made by the Chief Executive Officer to facilitate a joint briefing.

~~13.616.6~~ A joint briefing arranged in accordance with ~~subclause 11.5~~ rule 16 may be held electronically.

### ~~14.17~~ Form and Availability of Meeting Records

~~14.17.1~~ Draft Minutes of the Council meeting shall be displayed on Council's website no later than 5 business days after the Council meeting.

~~14.217.2~~ Any recording of the meeting will also be made available via Council's website no later than 5 business days after the Council meeting, however the recording must be in accordance with Council's Live Streaming Policy, and Council reserves the right to choose to record and/or share any recording made.

~~14.317.3~~ At the request of a member of the public, a printed copy or an electronic version of the minutes may be made available.



## 4.2 Draft Governance Rules

### **~~SECTION 3—ORDER OF BUSINESS (Including Description & Procedure of Each Business Item)~~**

#### **~~1618~~ Conduct of Business**

- ~~15-118.1~~ The order of business will be determined by the Chief Executive Officer.
- ~~15-218.2~~ Once an agenda has been sent to Councillors the order of business for that meeting may only be altered by resolution of the Council.
- ~~15-318.3~~ The Chief Executive Officer is responsible for setting the agenda for a Council meeting, after consulting with the Mayor.

#### **~~1619~~ Apologies**

- ~~16-119.1~~ Where a Councillor is aware they are unable to attend a Council meeting, they are to notify the Mayor, or the office of the Mayor as soon as is practicable.
- ~~16-219.2~~ Apologies will be accepted by resolution of Council at the beginning of the meeting.

#### **~~1720~~ Confirmation of Minutes**

At every meeting of Council the minutes of the preceding meeting(s) must be dealt with as set out below:

- ~~17-120.1~~ If the minutes have been delivered to each Councillor at least 48 hours before the meeting, a ~~m~~Motion must be put for the confirmation of the minutes.
- ~~17.2~~ If the minutes have not been delivered, Council may defer to the next Council meeting if considered appropriate, or where the Chair considers the minutes must be confirmed with urgency, they must be read and a mMotion must be put for the confirmation of the minutes.:
- ~~17.3~~ The minutes must be signed by the Chair of the meeting at which they have been confirmed.
- ~~17.4~~ The minutes shall record the business of the meeting and in particular:
- ~~17.4.1~~ The date, place, time and nature of the meeting;
  - ~~17.4.2~~ The names of the Councillors present and those who have submitted apologies or are on granted leave;
  - ~~17.4.3~~ The disclosure of conflicts of interest made by a Councillor and the type and nature of such interest;
  - ~~17.4.4~~ Arrivals and departures of Councillors during the course of the meeting;
  - ~~17.4.5~~ Each motion and amendment moved and seconded;
  - ~~17.4.6~~ The vote cast by each Councillor upon a division;
  - ~~17.4.7~~ The total numbers of Councillors voting for, against and abstaining
  - ~~17.4.8~~ The failure of a quorum;
  - ~~17.4.9~~ When requested by a Councillor, a record of their support or opposition to any motion; and
  - ~~17.4.10~~ Closure of the meeting to members of the public and the reasons for such closure.
- ~~17-520.2~~ No discussion or debate on the confirmation of minutes is permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned. Any changes to the draft minutes must be updated on Council's website as soon as practicable.
- ~~17-620.3~~ Council may defer the confirmation of minutes until later in the Council meeting or until the next Council meeting if considered appropriate.
- ~~17-720.4~~ Council meeting minutes from meetings that are open to the public will be confirmed in the open section of the agenda.
- ~~17-820.5~~ Council Meeting mMinutes from closed sections of Council meetings will be confirmed in the closed section of the meeting.
- ~~17.9~~ Confirmed minutes must be displayed on Council's website except for minutes confirmed in the closed section of a meeting.

#### **~~1821~~ Councillors Seeking Leave**

*(Pursuant to section 35(4) of the Act)*



## 4.2 Draft Governance Rules

~~48-421.1~~ Any Councillor seeking or requiring leave for a period of 4 consecutive months or greater from Council duties must ~~do so and~~ provide the reason for the leave at a Council meeting as soon as practicable, or, if this is not practicable, the Councillor must give the Chief Executive Officer written notice of their intention to ~~do so seek leave~~ and the stated reason prior to the next available Council meeting.

~~48-221.2~~ A request for leave will be determined by resolution of Council granting or refusing the leave.

~~48-321.3~~ A Councillor who will be absent from a Council meeting but who does not intend to seek leave, should convey their apology to the Mayor's office beforehand to enable the apology to be disclosed to the meeting.

~~48-421.4~~ In the event that a Councillor is incapacitated or unable to provide written notice of their intention to seek leave from Council, the Mayor shall provide this written notice to the Chief Executive Officer including the stated reason, prior to the Council meeting.

### ~~4922~~ Public Question Time

**TBC**

### ~~2023~~ Petitions and Joint Letters

~~20-423.1~~ A petition or joint letter must be presented to the next available meeting of Council where the petition or joint letter is received at least ~~seven-10~~ business days before the meeting of Council.

~~20-223.2~~ A petition or joint letter shall not be presented at a meeting of Council or received by Council unless it meets the definition under these Governance Rules, unless it is specifically resolved by Council to receive the petition or joint letter in a non-conforming format.

~~20-323.3~~ When a petition or joint letter presented to a meeting of the Council relates to a planning application, it will be received by Council at the next available Council meeting and subsequently considered as a formal submission to the planning application whether the application is determined by Council or under delegation.

~~20-423.4~~ When a petition or joint letter presented to a meeting of the Council relates to an item of business on the agenda, the submission is to be considered by Council as part of its deliberations on such item.

~~20-523.5~~ Unless Council determines to consider it as an item of urgent business, no motion (other than a motion to receive the same) may be made on any petition or joint letter, until the next meeting of Council after that at which the petition or joint letter has been presented, unless it is addressed under ~~subclauses 48 rules 23.3 or 4823.4~~.

~~20-623.6~~ The Chair may disallow any petition or joint letter which is considered to:

~~20-6-423.6.1~~ Relate to a matter beyond the power or duties of Council;

~~20-6-223.6.2~~ Be defamatory, indecent, offensive, abusive, irrelevant, trivial or objectionable in language or nature;

~~20-6-323.6.3~~ Be confidential in nature or of legal significance;

~~20-6-423.6.4~~ Be repetitive of a question already answered (whether at the same or any earlier meeting);

~~20-6-523.6.5~~ Be aimed to embarrass a Councillor, ~~or a~~ member of Council staff, ~~or other individuals, parties or government agencies~~;

~~20-6-623.6.6~~ Relate to personnel matters;

~~20-6-723.6.7~~ Relate to the personal hardship of any resident or ratepayer;

~~20-6-823.6.8~~ Relate to proposed developments or legal advice;

~~20-6-923.6.9~~ Relate to matters affecting the security of Council property;

~~20-6-1023.6.10~~ Relate to a matter which has already been acted on;

~~20-6-1423.6.11~~ Relate to any other matter which Council considers would prejudice the Council or any person; or

~~20-6-1223.6.12~~ Relate to a matter for which there is already a primary avenue of redress such as planning permits or amendments which will be addressed through the planning submissions process.

~~20-723.7~~ An officer report pertaining to any petition or joint letter may be required at ~~the next~~ Meeting of Council ~~within three months of the date the petition was received~~ (if the petition has



## 4.2 Draft Governance Rules

not been dealt with in accordance with the provisions of ~~subclauses 18~~rule 23.3, ~~18~~23.4 or ~~18~~23.5).

### 21.24 Reports from Officers

~~21.1.24.1~~ Any report(s) by Officers to a Council meeting must contain a recommendation except for a report responding to a notice of motion, and be in the appropriate report style format.

~~21.2 When Officer reports are before a Council meeting the Chair must ask a Councillor to move an appropriate motion.~~

### 22.25 Urgent Business

~~22.1.25.1~~ Business must not be admitted as ~~u~~Urgent ~~b~~Business unless:

~~22.1.1.25.1.1~~ It relates to or arises out of a matter which has arisen since distribution of the agenda; and

~~22.1.225.1.2~~ It cannot safely or conveniently be deferred until the next Council meeting; and

~~22.1.325.1.3~~ The Council resolves to admit an item considered to be ~~U~~urgent ~~B~~Business.

~~22.225.2~~ Items of Urgent Business are to be supported by an officer's report.

~~22.325.3~~ Notices of Motion will not be admitted into ~~U~~urgent ~~B~~business and will be dealt with in accordance with ~~rule 35 clause 30~~.

~~22.4 Unless a majority of Councillors present resolve to deal with another matter as Urgent Business, no business can be transacted at a Council meeting unless it appears on the agenda.~~

### 23.26 Meeting Closure to the Public

*Pursuant to Section 66 of the Act.*

~~23.1.26.1~~ A Council meeting must be open to the public unless it meets the specified circumstances set out in section 66(2) of the Act.

~~23.2.26.2 If a meeting report contains confidential information as defined by section 3(1) of the Act, the meeting will be closed to the public in accordance with section 66(2)(a) of the Act while that agenda item is considered. The Chief Executive Officer must ensure that the report includes the grounds under section 3(1) of the Act under which the report is deemed to contain confidential information, and an explanation of why the specified grounds apply. The Chief Executive Officer must ensure that any Council meeting report containing confidential information as defined by section 3(1) of the Act and which is expected to be the subject of a resolution under section 66(2)(a) of the Act to close the Council meeting to the public, includes the ground(s) as specified in section 3(1) of the Act under which the report is deemed to contain confidential information and an explanation of why the specified grounds apply.~~

~~23.3.26.3~~ The Chair must call for a motion to close the meeting to the public and this motion must be carried prior to commencing any business pertaining to reports containing confidential information.

~~23.4.26.4~~ If a meeting will be closed the public due to security reasons (section 66(2)(b)) and this is known prior to the meeting, the meeting closure must be posted on the Council website as soon as is practicable to notify the public of the closure. This meeting must be livestreamed on the Council website, and the minutes of the meeting must detail the meeting closure to the public under section 66.

~~23.5.26.5~~ If during meeting proceedings the Chair believes that the meeting must be closed to the public for either security reasons (section 66(2)(b)) or to enable the meeting to proceed in an orderly manner (section 66(2)(c)), the Chair must ensure that livestreaming is occurring and available for the public to view the meeting, before calling for a motion to close the meeting to the public.

~~23.6.26.6~~ A motion to close the meeting due to confidential information under section 66(2)(a) must contain the grounds for determining to close the meeting to the public by reference to the grounds specified in section 3(1) of the Act, and an explanation of why the specified grounds apply.

~~23.7 The time of any resolution to close a meeting to the public must be recorded in the minutes of the meeting.~~



## 4.2 Draft Governance Rules

~~23-8~~26.7 Upon a resolution to close a meeting to the public being passed, the Chair must advise those present in the public gallery that they must vacate the meeting while the meeting remains closed.

~~23-9~~26.8 The Chair must call for a motion to re-open the meeting to the public. This motion must be carried and the time recorded in the minutes of the meeting.

~~23-10~~26.9 All items that are considered confidential pursuant to section 3(1) of the Act remain confidential, inclusive of report content, recommendations, motions, and resolutions until Council has passed a resolution ~~that~~ specifying that all or part of the information is no longer confidential.

~~23-11~~26.10 If an agenda item or resolution deemed to include confidential information is to be moved out of the closed part of the meeting:

~~23-11-1~~26.10.1 Council must, by Council resolution, determine to move all or a specified part of the item or items into the open Council meeting; and/or

~~23-11-2~~26.10.2 Council must, by Council resolution, determine that ~~the~~ report or section ~~of the report~~ be included in the minutes of the meeting showing the Council decision that was made in the closed section of the meeting.



## 4.2 Draft Governance Rules

### **SECTION 4 – CONDUCT OF DEBATE AND RULES OF SPEAKING**

#### **2427 Addressing the Council Meeting**

~~24.1.27.1~~ Councillors and any other person addressing the Chair must refer to them as:

- ~~24.1.27.1.1~~ 'Mayor'; or
  - ~~24.1.27.1.2~~ 'Mayor (Cr Surname)'; or
  - ~~24.1.327.1.3~~ 'Chair', or
  - ~~24.1.427.1.4~~ 'Chair (Cr Surname)'; -
- as the case may be.

~~24.2.27.2~~ All Councillors other than the Mayor must be addressed as Councillor (surname).

~~24.3.27.3~~ All members of Council staff must be addressed as their position title followed by their surname as appropriate or simply by their official title.

#### **2528 Priority of Address**

~~25.1.28.1~~ In the case of competition for the right to speak, the Chair must decide the order in which the Councillors concerned will be heard.

#### **2629 Time Limits**

~~26.1.29.1~~ A Councillor must not speak longer than the time set out below, unless granted an extension by the Chair:

- ~~26.1.429.1.1~~ The mover of a motion or an amendment: 5 minutes;
- ~~26.1.229.1.2~~ Any other Councillor: 3 minutes; and
- ~~26.1.329.1.3~~ The mover of a motion making a closing statement-exercising a right of reply: 2 minutes.

#### **2730 Motions and Amendments**

~~27.1.30.1~~ A motion ~~or an amendment to a motion~~ must:

- ~~27.1.1~~ Not be defamatory;
- ~~27.1.2~~ Not be objectionable in language or nature;
- ~~27.1.3~~ Relate to the powers or functions of Council;
- ~~30.1.1~~ Be within Council's power;
- ~~30.1.2~~ Identify clear action/s required to be taken by Council if the motion is carried. This action may include that Council acts upon, refrains from acting upon, or notes a certain matter;
- ~~27.1.430.1.3~~ Be in writing, if requested by the Chairperson;
- ~~27.1.530.1.4~~ Except in the case of urgent business, be relevant to an item of business on the agenda; and
- ~~27.1.630.1.5~~ Be moved and seconded, otherwise it lapses.

~~30.2~~ The Chair may refuse to accept any motion or amendment which A Motion must not contravenes subclause 25 rule 30.1 or be which:

~~30.3~~ Defamatory; or

~~27.2.30.4~~ Objectionable in language or nature.

~~Is not relevant to the item of business on the Agenda and has not been admitted as urgent business; or;~~

~~27.2.130.4.1~~ Purports to be an amendment but is not consistent with clause 28 and relevant subclauses.

~~27.3~~ A substantive motion may be altered if the mover and the seconder of the motion both agree to the change. This change cannot be significant or contradictory to the motion's intent.

~~27.4~~ If a mover of a motion is agreeable to significant changes to the substantive motion, the mover may withdraw the motion, and a new motion be moved to recommence debate on the new motion.

~~27.530.5~~ A motion ~~or amendment~~ can only be withdrawn by the mover.

#### **2831 Debate**



## 4.2 Draft Governance Rules

- ~~28-431.1~~ The Chair will summarise the applicable report upon reaching that agenda item during the meeting proceedings.
- ~~28-231.2~~ The Chair will call for a motion to be moved on ~~that the~~ agenda item.
- ~~28-331.3~~ If there is no motion moved the item lapses.
- ~~28-431.4~~ If there is no seconder the motion lapses due to want of a seconder.
- ~~28-531.5~~ Debate can only commence once a motion has been moved and seconded.
- ~~28-631.6~~ The mover of the motion, followed by the seconder then has the right to speak to the motion, commencing debate, or the mover can reserve their right to speak until a time later in the debate.
- ~~28-731.7~~ The Chair shall ask immediately after the mover and seconder have spoken to the motion (or deferred speaking), whether the motion is opposed. If no Councillor wishes to speak against the motion the Chair may then ~~put it to the vote without debate- invite other Councillors to speak to the motion without requiring Councillors to identify their support for, or opposition to the motion.~~
- ~~28-8~~ If a Councillor has spoken against the motion, the Chair will then ask if any Councillor wishes to speak for the motion. If no Councillor wishes to speak in support of the motion, the motion is to be put to the vote.
- ~~28-9~~ The Chair will continue to alternately call for Councillors wishing to speak either for or against a motion until debate ceases upon which the motion will be put to a vote.
- ~~28-1031.8~~ If the mover reserved their right to speak at the beginning of debate, they are to be provided with an opportunity to speak to the motion to conclude the debate prior to the motion being put to a vote.
- ~~31.9~~ Each Councillor can only speak once to each motion, ~~with the exception of the mover who has the right of reply except for the mover who may make a closing statement~~ immediately before the vote is taken.
- ~~28-1131.10~~ ~~Once the each Councillor has been given the opportunity to speak, and the mover has been given an opportunity to make a closing statement, the motion must be put to a vote.~~
- ~~28-1231.11~~ The mover of a motion's right ~~of reply to make a closing statement~~ is lost if an amendment to the motion is carried.
- ~~28-1331.12~~ The mover of a motion must not introduce new material when ~~making a closing statement-exercising any right of reply.~~
- ~~28-1431.13~~ If a substantive motion ~~on a matter which has a statutory requirement for an outcome to be reached~~ is lost, and there is no outcome on ~~a the~~ matter, the Chair ~~must~~~~should~~ call for another motion.
- ~~28-1531.14~~ If Council is unable to achieve a resolution on an agenda item, ~~and the matter requires a resolution by law,~~ a motion ~~of deferral should be sought by the Chair, requesting- and that motion should state~~ what Councillors will need in order to be able to achieve an outcome, ~~or a motion for this item to come back to the Chamber at a later meeting, should be put.~~
- ~~28-1631.15~~ The Councillor acknowledged by the Chair to speak must not be interrupted unless:
- ~~28-16-431.15.1~~ they are called to order; or
- ~~28-16-231.15.2~~ their speaking time has expired; or
- ~~28-16-331.15.3~~ a point of order is raised; or
- ~~28-16-431.15.4~~ a formal motion is moved.
- ~~28-1731.16~~ If a Councillor is interrupted by the Chair or upon a point of order they must remain silent until the Chair has ceased speaking, ~~and~~~~or~~ the point of order has been determined.
- ~~28-1831.17~~ A Councillor must not digress from the subject matter of the motion or business under discussion.
- ~~28-1931.18~~ Councillors must designate each other by their official titles during debate and throughout the meeting.

### ~~2932~~ Seeking Clarification or Asking Questions of Officers

- ~~29-432.1~~ Officers will support the meeting process through provision of reports for the agenda and Councillors should make every effort to seek clarification from officers in advance of the meeting.
- ~~29-232.2~~ Where Councillors need to seek clarification by asking questions of officers during the meeting, that were not able to be asked prior to the meeting, such questions ~~need to must~~ be:
- ~~29-2-432.2.1~~ Directed through the Chair;
- ~~29-2-232.2.2~~ Relevant to an item on the agenda;



## 4.2 Draft Governance Rules

- ~~29-2-332.2.3~~ Seeking genuine clarification of a matter that is not already addressed in the officer's report;
- ~~29-2-432.2.4~~ Not objectionable in language, nature or tone;
- ~~29-2-532.2.5~~ Not intended to draw officers into debating a matter or justifying a recommendation; and
- ~~29-2-632.2.6~~ Not seeking re-iteration of an answer that was provided prior to the meeting;
- ~~29-2-732.2.7~~ Not designed to canvass matters or disseminate information to the public.
- ~~29-332.3~~ Questions are not to be asked between moving and seconding a motion except to seek clarification on the motion received.

### ~~3033~~ Amendments

**TBC**

### ~~3134~~ Foreshadowed Motions

- ~~34.1~~ ~~During debate on a motion, a~~ A Councillor may foreshadow a motion that the Councillor intends to move after the motion under consideration has been dealt with.
- ~~34.2~~ ~~A Councillor may foreshadow a motion when they are speaking to the substantive motion before Council, or advise the Chair that they wish to foreshadow a motion at another time during the debate between other Councillors speaking to the Motion.~~
- ~~34.3~~ ~~When foreshadowing a motion, a Councillor should briefly state the nature of the foreshadowed motion but not speak to the foreshadowed motion.~~
- ~~34.1~~ ~~If a proposed amendment effectively negates the substance of the substantive motion before the Chair, it is to be ruled a foreshadowed motion and shall only be considered in the event that the motion is lost.~~
- ~~34-234.4~~ If the substantive motion during which a Councillor foreshadowed a motion is lost, the Chair shall call on that Councillor to move their foreshadowed motion. If seconded, the motion shall then be the substantive motion and is subject to the debate rules outlined in ~~clause-rule 2627~~.
- ~~34-334.5~~ Unless a foreshadowed motion becomes a substantive motion, it will not be recorded in the meeting minutes.

### ~~3235~~ Notice of Motion

**TBC**

### ~~3336~~ Rescission or Amendment Notice of Motion

- ~~33-436.1~~ A Councillor may propose a motion to amend or rescind a previous resolution of Council provided the notice of motion is signed by three Councillors and delivered to the Chief Executive Officer no later than 72 hours following the meeting of Council at which the resolution proposed to be rescinded or amended was adopted.
- ~~33-236.2~~ Notices of Motion to rescind or amend a previous resolution of Council are to be lodged in the format provided for this purpose as appearing in Schedule C.
- ~~33-336.3~~ No action will be taken to implement a resolution on which a notice to rescind or amend the resolution has been given pursuant to ~~clause-34-4rule 36.1~~.
- ~~33-436.4~~ A notice of motion to rescind or amend a previous resolution of Council shall be deemed to have been withdrawn if not moved at the next meeting at which such business may be transacted.
- ~~33-536.5~~ A Councillor may not propose a motion to rescind or amend a resolution of the Council which has been acted upon.
- ~~33-636.6~~ A resolution will be considered as having been acted upon once its details have been formally communicated to persons affected by or reliant on the resolution or where a statutory procedure has commenced or been carried out.
- ~~33-736.7~~ A second or subsequent notice to rescind or amend an earlier resolution must not be accepted by the Chief Executive Officer until a period of three months has elapsed since the date of the meeting at which the previous motion of rescission or amendment was dealt with.



## 4.2 Draft Governance Rules

### 3437 Points of Order

TBC

### 3538 Procedural Motions

- 35-138.1 A procedural motion may be moved at any time during a meeting and must be immediately dealt with.
- 35-238.2 A procedural motion may be refused by the Chair.
- 35-338.3 A procedural motion requires a seconder.
- 35-438.4 Debate on a procedural motion is not permitted with the exception of a meeting closure under section 66(2)(a) of the Act, or that debate on a matter be deferred until a later meeting.
- 35-538.5 A Councillor may move a procedural motion that:
- 35-5-138.5.1 'a report/document be tabled';
  - 35-5-238.5.2 'the Agenda item/s be moved forward';
  - 38.5.3 'the motion be put';
  - 35-5-338.5.4 'that a substantive motion be voted on in separate parts';
  - 35-5-438.5.5 'the matter be laid on the table';
  - 35-5-538.5.6 'the matter be taken from the table';
  - 35-5-638.5.7 'the meeting be adjourned';
  - 35-5-738.5.8 'standing orders be suspended';
  - 35-5-838.5.9 'standing orders be resumed';
  - 35-5-938.5.10 'the meeting be closed to the public';
  - 35-5-1038.5.11 'the meeting be reopened to the public';
  - 35-5-1138.5.12 'the Chair's ruling be dissented from';
  - 35-5-1238.5.13 'the debate on the matter be deferred'-
- which are outlined further in Schedule D.

### 3639 Repeating Motion or Amendment

- 36-139.1 Before any matter is put to the vote, a Councillor may request that the motion or amendment be read again.
- 36-239.2 The Chair without being so requested may direct the Councillor moving the motion or amendment, or the Chief Executive Officer (or other person authorised by the Chief Executive Officer) to read the motion or amendment to the meeting before the vote is taken.

### 3740 Voting

*(Pursuant to Section 90 of the Act.)*

- 37-140.1 Each Councillor present at a Council meeting who is entitled to vote is entitled to one vote.
- 37-240.2 Voting at a meeting must not be in secret, but if the meeting is closed to the public, a Councillor is not required to divulge their vote to the public.
- 37-340.3 The question is determined in the affirmative by a majority of the Councillors present at a meeting at the time the vote is taken voting in favour of the question.
- 37-440.4 If the number of votes in favour of the question is half the number of Councillors present at the meeting at the time the vote is taken, the chairperson has a second vote, with the exception of the election of a Mayor or a Deputy Mayor, and a vote to declare the office of Mayor or Deputy Mayor vacant.
- 37-540.5 For the purpose of determining the result of a vote, a Councillor present at the meeting who does not vote is to be taken to have voted against the question.
- 37-640.6 Voting must be by a show of hands, unless otherwise determined by Council.
- 37-740.7 ~~Except where a Councillor may call for a division,~~ Councillors must remain seated in silence while a vote is being taken.
- 40.8 The Chair may direct that the vote be recounted as often as may be necessary to satisfy themselves of the result.
- 37-840.9 On motions containing multiple items which can feasibly be implemented separately, these items may be voted upon separately after having been debated as a whole.



## 4.2 Draft Governance Rules

~~37.9 Any Councillor may request that their opposition to, or support for, a resolution be recorded in the minutes of the meeting.~~

### **38 Division**

~~38.1 Immediately after any motion or amendment is put to a meeting and before the next item of business has commenced, a Councillor may call for a division.~~

~~38.2 When a division is called, the Chair must:~~

~~38.2.1 First ask each Councillor wishing to vote for the motion to indicate their vote by raise of hand or a method as determined by the Chair. The Chair must then state, and the Chief Executive Officer (or person authorised by the Chief Executive Officer to take the minutes of the meeting) must record the names of those Councillors voting for the motion;~~

~~38.2.2 Then ask each Councillor wishing to vote against the motion to indicate their vote by raise of hand or a method as determined by the Chair. The Chair must then state, and the Chief Executive Officer (or person authorised by the Chief Executive Officer to take the minutes of the meeting) must record the names of those Councillors voting against the motion;~~

~~38.2.3 Then if not all Councillors have declared either for or against the motion, ask each Councillor wishing to abstain to indicate their abstention by raise of hand or a method as determined by the Chair. The Chair must then state, and the Chief Executive Officer (or person authorised by the Chief Executive Officer to take the minutes of the meeting) must record the names of those Councillors abstaining from voting;~~

~~38.3 The Chair must declare the result of the vote or division as soon as it is taken.~~

### **39.41 Suspension of Standing Orders**

~~39.41.1 The provisions of these meeting procedures, except the quorum requirements applying under clause 6 Rule 10, may be suspended for any part of a meeting at the Chair's discretion. The Chair can accept a motion to suspend standing orders where they believe it is necessary to do so, such as to seek technical advice. Such suspension would normally be for five minutes or less.~~

~~39.41.2 During a suspension of standing orders, Councillors are not to discuss the issue or seek to reach agreement outside a formal debate.~~

~~39.41.3 No motion, except one which proposes the resumption of standing orders, may be accepted by the Chair or be lawfully dealt with during any suspension of standing orders.~~

~~39.41.4 Resumption of standing orders should occur as soon as possible.~~

### **40.42 The Chair's Right to Speak**

~~42.1 If the Chair wishes to address a meeting upon any matter under discussion, the Chair must leave the Chair and speak in their capacity as Councillor.~~

~~40.1 The Chair may address a meeting upon any matter under discussion, following presentations by all Councillors, and is not deemed to have left the Chair on such occasions.~~

~~40.2 If the Chair chooses to vacate the Chair for any reason, the Deputy Mayor will assume the Chair, or if the Deputy Mayor is not available, another Councillor elected by the meeting through resolution shall take the Chair until such time as the Mayor can resume the Chair at the conclusion of the item currently under debate.~~

### **41.43 Clarification by Chief Executive Officer or another member of Council staff**

~~41.43.1 With the consent of, or at the request of the Chair, the Chief Executive Officer or a member of Council staff may address any item to clarify a statement made by a Councillor during the course of debate.~~

### **42.44 Ordering Withdrawal of Remark**

~~42.44.1 The Chair may require a Councillor to withdraw any remark which is defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature.~~



## 4.2 Draft Governance Rules

~~42-244.2~~ A Councillor required to withdraw a remark must do so immediately without qualification or explanation.

### **4345 Adjournment & Resumption of Adjourned Debate**

~~43-145.1~~ The Council may by resolution adjourn a meeting to a later time on the day for which the meeting was called or for a period not exceeding 7 days.

~~43-245.2~~ When a motion to adjourn a meeting is before the Council, the Chair must not allow discussion on the motion to adjourn. If the Council fails to pass the motion to adjourn, the Chair must resume the meeting at the item of business under consideration.

~~43-345.3~~ The Chief Executive Officer must deliver written notice of an adjourned meeting to all Councillors, except when the meeting is adjourned to a later time on the same day, in which case any form of notice may be given to all Councillors.

~~45.4~~ If a debate is adjourned by motion, the Councillor moving the adjournment has the right to be the first speaker upon the resumption of debate unless they have already spoken to the motion or amendment.

~~43-445.5~~ Except for meetings adjourned to a later time on the same day, the day and time for which the meeting is to resume should be published on Council's website.

### **4446 Suspensions**

~~44-146.1~~ Council may by resolution, suspend from a meeting, and for the balance of the meeting, any Councillor whose actions have disrupted the business of Council, and have impeded its orderly conduct, provided the Councillor in question has received an initial warning from the Chair that their conduct is, in the Chair's opinion, impeding the orderly conduct of the meeting.

~~44-246.2~~ Subject to ~~subclause 42-1~~rule 46.1, where seeking a Council resolution is not feasible, the ~~Mayor, and only the Mayor (not another Councillor who has taken the Chair)~~Chair, can direct a Councillor to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business.

### **4547 The Chair may Adjourn Disorderly Meeting**

~~45-147.1~~ If the Chair is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the meeting, they may adjourn the meeting to a later time on the same day or to some later day as they think proper.

### **4648 Public Behaviour**

~~46-148.1~~ Any member of the public addressing Council must extend courtesy and respect to the Council and the processes under which it operates and must take direction from the Chair whenever called on to do so.

### **4749 Removal from Chamber or Meeting Room**

~~47-149.1~~ The Chair, may ask any member of the Police Force or person appointed by Council to maintain security, to remove from the Chamber or meeting room any person who acts in breach of these Governance Rules.

### **4850 Recording of Proceedings**

~~48-150.1~~ Council will record the proceedings at each Council meeting, unless there is a specific resolution not to do so, and may livestream ~~recordings of~~ open Council meetings. This will take whatever form the Council has decided.

~~48-250.2~~ Except where Council conducts the recording, no video or audio recording of proceedings of Council meetings shall be permitted without specific approval by resolution of the meeting.



## 4.2 Draft Governance Rules

~~48-350.3~~ Council will make the recordings of open Council meetings subsequently available to the public.



## 4.2 Draft Governance Rules

### PART 2 – Delegated Committees

*Pursuant to section 63 of the Act*

A delegated committee is formed by a Council and which Council delegates “any power, duty or function of a Council under this Act or any other Act...” (s 11(1)). In effect, a delegated committee may exercise a power or undertake a duty or function as if it is the Council. Under the Act, the formation of, appointment to, and administration of delegated committees is to be strongly controlled given a delegated committee’s ability to exercise statutory functions and powers on behalf of the Council.

#### **63 Delegated Committees**

- (1) A delegated committee established by a Council—*  
*(a) must include at least 2 Councillors; and*  
*(b) may include any other persons appointed to the delegated committee by the Council who are entitled to vote.*  
*(2) A meeting of a delegated committee established by a Council must be chaired by—*  
*(a) a Councillor appointed by the Council or the Mayor to chair meetings of the delegated committee; or*  
*(b) if the Councillor appointed by the Council or the Mayor to chair meetings of the delegated committee is not present at the meeting, a Councillor who is present at the meeting and is appointed by the members of the delegated committee who are present at the meeting.*  
*(3) Section 61 applies to a meeting of a delegated committee as if the members were Councillors.*

#### **63 Delegated Committees**

- (1) A delegated committee established by a Council—*  
*(a) must include at least 2 Councillors; and*  
*(b) may include any other persons appointed to the delegated committee by the Council who are entitled to vote.*  
*(2) A meeting of a delegated committee established by a Council must be chaired by—*  
*(a) a Councillor appointed by the Council or the Mayor to chair meetings of the delegated committee; or*  
*(b) if the Councillor appointed by the Council or the Mayor to chair meetings of the delegated committee is not present at the meeting, a Councillor who is present at the meeting and is appointed by the members of the delegated committee who are present at the meeting.*  
*(3) Section 61 applies to a meeting of a delegated committee as if the members were Councillors.*

### **SECTION 1 – DELEGATED COMMITTEES**

#### **51. Establishment**

- 4.4.51.1. A delegated committee can only be established by resolution of Council.  
4.2.51.2. The resolution must include the date from which the committee will be enacted, and the date it is to be disbanded.  
4.3.51.3. Any extension to the term of a delegated committee must be by resolution of Council.  
4.4.51.4. A delegated committee’s instrument of delegation must be approved by resolution of Council, and it must specifically outline the powers and functions of the committee.



## 4.2 Draft Governance Rules

4-5-51.5. A delegated committee must report the minutes of all Committee meetings to the next practicable Council meeting.

4-6-51.6. A delegated committee must act in accordance with its Instrument of Delegation and any Terms of Reference adopted by Council.

### 2.52. Membership

2-1-52.1. Appointment to a delegated committee is to be by resolution of Council.

2-2-52.2. A Councillor must be appointed the position of Chair of a delegated committee.

2-3-52.3. Appointment of the Chair of a delegated committee is to be by Council resolution, however, the Mayor may choose to invoke their power under section 19(1)(a) of the Act and make the appointment without a Council resolution.

2-4-52.4. If the Councillor appointed by the Council or the Mayor to chair meetings of the delegated committee is not present at the meeting, a Councillor who is present at the meeting is to chair the meeting.

### 3.53. Quorum

3-1-53.1. A quorum is an absolute majority, and must include one Councillor chairing the meeting.

3-2-53.2. If a quorum is not present within 30 minutes of the time appointed for the commencement of a Committee meeting:

3-2-1-53.2.1. The meeting shall be deemed to have lapsed;

3-2-2-53.2.2. The Chair must convene another committee meeting and ensure that the agenda for the meeting which is deemed to have lapsed is addressed; and

3-2-3-53.2.3. Notice of the new meeting convened by the Chair must be provided to committee members as soon as is practicable.

3-3-53.3. If a quorum cannot be maintained after a meeting has begun the meeting lapses.

3-4-53.4. If the meeting lapses, the undisposed business must be included in the agenda for the next committee meeting.

3-5-53.5. If a quorum cannot be maintained because of the number of committee members who have a conflict of interest in a matter, the committee must seek for the Council to make the decision at next practicable Council meeting.

### 4.54. Recording of Minutes

The Committee Chair or a delegate is responsible for the keeping of Minutes on behalf of the committee. Those Minutes must record:

- the date, place, time and nature of the meeting;
- the names of committee members and whether they are present, or an apology;
- members of Council staff present who were involved in the meeting;
- the disclosure of a conflict of interest made by a committee member or Council officer in accordance with the Act;
- the arrivals and departures of committee members, during the course of the meeting (including any temporary departures such as for a conflict of interest);
- every Motion and amendment moved (including procedural Motions),
- the outcome of every Motion moved;
- where a division is called, the names of every committee member and the way their vote was cast (and if they abstained);
- when requested by a committee member, a record of their support of, opposition to, or abstention from voting on any Motion, noting that those who do not vote are taken to have voted against the question;
- details of any failure to achieve or maintain a quorum;
- any other matter, which the committee chair or delegate thinks should be recorded to clarify the intention of the meeting or assist in the reading of the Minutes; and
- the time the meeting was commenced and concluded.



## 4.2 Draft Governance Rules

### 5-55. Voting

5-4-55.1. Voting at meetings of a delegated committee is to be in accordance with ~~clause 35 (Voting) of Chapter 2, Part 1 – Council Meetings, rule 40~~ of these Governance Rules, and section 61 of the Act.

### 6-56. Meeting closure to the public

6-4-56.1. A delegated committee meeting must be open to the public unless it meets the specified circumstances set out in section 66(2) of the Act.

6-2-56.2. The Chief Executive Officer must ensure that any delegated committee meeting report containing confidential information as defined by section 3(1) of the Act and which is expected to be the subject of a resolution under section 66(2)(a) of the Act to close the committee meeting to the public, includes the ground(s) as specified in section 3(1) of the Act under which the report is deemed to contain confidential information and an explanation of why the specified grounds apply.

6-3-56.3. The Chair must call for a motion to close the meeting to the public and this motion must be carried prior to commencing any business pertaining to reports containing confidential information.

6-4-56.4. If a meeting will be closed the public due to security reasons (section 66(2)(b)) and this is known prior to the meeting, the meeting closure must be posted on the Council website as soon as is practicable to notify the public of the closure. This meeting must be livestreamed on the Council website, and the minutes of the meeting must detail the meeting closure to the public under section 66.

6-5-56.5. If during meeting proceedings the Chair believes that the meeting must be closed to the public for either security reasons (section 66(2)(b)) or to enable the meeting to proceed in an orderly manner (section 66(2)(c)), the Chair must ensure that live streaming is occurring and available for the public to view the meeting, before calling for a motion to close the meeting to the public.

6-6-56.6. A motion to close the meeting due to confidential information under section 66(2)(a) must contain the grounds for determining to close the meeting to the public by reference to the grounds specified in section 3(1) of the Act, and an explanation of why the specified grounds apply.

6-7-56.7. The time of any resolution to close a meeting to the public must be recorded in the minutes of the meeting.

6-8-56.8. Upon a resolution to close a meeting to the public being passed the Chair must advise those present in the public gallery that they must vacate the meeting while the meeting remains closed.

6-9-56.9. The Chair must call for a motion to re-open the meeting to the public. This motion must be carried and the time recorded in the minutes of the meeting.

6-10-56.10. All items that are considered confidential pursuant to Section 3(1) of the Act remain confidential, inclusive of report content, recommendations, motions, and resolutions until Council has passed a resolution that specifying that all or part of the information is no longer confidential.

6-11-56.11. If an agenda item or resolution deemed to include confidential information is to be moved out of the closed part of the meeting:

6-11-4-56.11.1. committee must, by resolution, determine to move all or a specified part of the item or items into the open committee meeting; and/or

6-11-2-56.11.2. Committee must, by resolution, determine that report or section be included in the minutes of the meeting showing the Committee decision that was made in the closed section of the meeting.

## **SECTION 2 – JOINT DELEGATED MEETINGS**

A joint delegated committee is formed by resolution of two or more Councils and consists of a delegated committee from each Council, including at least one Councillor from each Council present at the meeting. This is not, in effect, a different committee as it is established by existing delegated committees.

The resolution forming the joint delegated committee will stipulate which Council's governance rules are to be followed for conduct of the joint delegated committee meeting. Where Council's Governance



## **4.2 Draft Governance Rules**

| Rules apply, all ~~of section 2 and section 4, Part 2, Chapter 2 of~~ applicable rules within these Governance Rules apply.



## 4.2 Draft Governance Rules

### PART 3 – Community Asset Committees

*Pursuant to Section 65 of Act*

A Community Asset Committee is a committee with powers of the Council, established by and with members appointed by Council, with powers delegated by the Chief Executive Officer (CEO) and subject to any terms and conditions specified by the CEO, for the purpose of managing a community asset such as community hall.

#### **65 Community Asset Committee**

- ~~1) A Council may establish a Community Asset Committee and appoint as many members to the Community Asset Committee as the Council considers necessary to enable the Community Asset Committee to achieve the purpose specified in subsection (2).~~  
~~2) A Council may only establish a Community Asset Committee for the purpose of managing a community asset in the municipal district.~~

#### **65 Community Asset Committee**

- ~~1) A Council may establish a Community Asset Committee and appoint as many members to the Community Asset Committee as the Council considers necessary to enable the Community Asset Committee to achieve the purpose specified in subsection (2).~~  
~~2) A Council may only establish a Community Asset Committee for the purpose of managing a community asset in the municipal district.~~

#### **57. Establishment**

- ~~4-1-57.1.~~ A Community Asset Committee can only be established by resolution of Council.  
~~4-2-57.2.~~ Council may resolve, in establishing a Community Asset Committee, which ~~clauses~~ sections of these Governance Rules apply.

#### **58. Membership**

- ~~2-1-58.1.~~ Appointment to a Community Asset Committee is to be by resolution of Council.  
~~2-2-58.2.~~ Delegations from the CEO will be made directly to members of the Community Asset Committee and members must each act in accordance with the delegations.

#### **59. Recording of Minutes**

The committee Chair or a delegate is responsible for the keeping of Minutes on behalf of the committee. Those Minutes must record:

- the date, place, time and nature of the meeting;
- the names of committee members and whether they are present, or an apology;
- members of Council staff present who were involved in the meeting;
- the disclosure of a conflict of interest made by a committee member or Council officer in accordance with the Act;
- the arrivals and departures of committee members, during the course of the meeting (including any temporary departures such as for a conflict of interest);
- every Motion and amendment moved (including procedural Motions),
- the outcome of every Motion moved;
- where a division is called, the names of every committee member and the way their vote was cast (and if they abstained);
- when requested by a committee member, a record of their support of, opposition to, or abstention from voting on any Motion, noting that those who do not vote are taken to have voted against the question;



## 4.2 Draft Governance Rules

- details of any failure to achieve or maintain a quorum;
- any other matter, which the committee chair or delegate thinks should be recorded to clarify the intention of the meeting or assist in the reading of the Minutes; and
- the time the meeting was commenced and concluded.

### **PART 4—Audit & Risk Committee**

Council must establish an Audit and Risk Committee. This committee is **not** a delegated committee and cannot exercise statutory functions and powers of the Council. The roles and functions of the Audit and Risk Committee are set out under the Act, and are specific only to the Audit and Risk Committee (s 53-54). This section of the Governance Rules deals with the establishment, statutory requirements and meeting procedures of the Audit and Risk Committee. The role and functions of the Audit and Risk Committee are dealt with in the Audit and Risk Committee Charter.

#### **53 Council must establish an Audit and Risk Committee**

- ~~(1) A Council must establish an Audit and Risk Committee.~~
- ~~(2) An Audit and Risk Committee is not a delegated committee.~~
- ~~(3) An Audit and Risk Committee must—~~
  - ~~(a) include members who are Councillors of the Council; and~~
  - ~~(b) consist of a majority of members who are not Councillors of the Council and who collectively have—~~
    - ~~(i) expertise in financial management and risk; and~~
    - ~~(ii) experience in public sector management; and~~
  - ~~(c) not include any person who is a member of Council staff of the Council.~~
- ~~(4) The chairperson of an Audit and Risk Committee must not be a Councillor of the Council.~~
- ~~(5) Sections 123 and 125 and Division 2 of Part 6 apply to a member of the Audit and Risk Committee who is not a Councillor as if the member were a member of a delegated committee.~~
- ~~(6) A Council may pay a fee to a member of an Audit and Risk Committee who is not a Councillor of the Council.~~

#### **1.—Establishment**

- ~~1.1. The Audit & Risk Committee's Charter must be approved by resolution of Council, and it must specifically outline the functions and responsibilities of the committee. The Charter must be reviewed and approved annually.~~

#### **2.—Membership**

- ~~2.1. Appointment to the Audit and Risk Committee is to be by resolution of Council.~~
- ~~2.2. The resolution appointing a member of the Audit and Risk Committee is to include the term of that appointment.~~
- ~~2.3. An independent member must be appointed to the position of Chair of the Audit and Risk Committee.~~
- ~~2.4. The appointment of the Chair is to be by Council resolution.~~
- ~~2.5. Council, by Council resolution, can terminate a member's appointment to the committee at any time.~~

#### **3.—Meetings**

- ~~3.1. The Audit and Risk Committee is to meet at least 4 times in a financial year, unless determined otherwise by Council resolution.~~
- ~~3.2. All Audit and Risk Committee meetings are to be closed to the public.~~
- ~~3.3. Any recommendations agreed to be made by the committee (majority vote) are to be recorded in the minutes of the committee meeting.~~
- ~~3.4. All recommendations made by the committee under subclause 3.3 will be provided in a report to Council.~~



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## 4.2 Draft Governance Rules

~~3.5. Minutes of Audit and Risk Committee meetings will be provided to Councillors when they are provided to committee members.~~

### ~~4. Other~~

~~4.1. The Audit and Risk Committee Charter is to be reviewed and adopted by Council annually.~~

~~4.2. The Audit and Risk Committee must provide a report to a Council meeting at least bi-annually including a description of the activities of the committee, and any findings and recommendations reached under subsection 3.3.~~



## 4.2 Draft Governance Rules

# Chapter 3 CONFLICTS OF INTEREST

**~~This section of the Governance Rules comes into force on 24 October 2020.~~**

The two types of conflicts of interest applicable to Councillors, committee members and Council officers for the purposes of this section are (as extracted from the Act):

### **127 General conflict of interest**

- (1) Subject to section 129, a relevant person has a **general conflict of interest** in a matter 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.
- (2) For the purposes of subsection (1)—  
**private interests** means any direct or indirect interest of a relevant person that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief;  
**public duty** means the responsibilities and obligations that a relevant person has to members of the public in their role as a relevant person.

### **128 Material conflict of interest**

- (1) Subject to section 129, a relevant person has a **material conflict of interest** in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.
- (2) The benefit may arise or the loss incurred—  
(a) directly or indirectly; or  
(b) in a pecuniary or non-pecuniary form.
- (3) For the purposes of this section, any of the following is an **affected person**—  
(a) the relevant person;  
(b) a family member of the relevant person;  
(c) a body corporate of which the relevant person or their spouse or domestic partner is a Director or a member of the governing body;  
(d) an employer of the relevant person, unless the employer is a public body;  
(e) a business partner of the relevant person;  
(f) a person for whom the relevant person is a consultant, contractor or agent;  
(g) a beneficiary under a trust or an object of a discretionary trust of which the relevant person is a trustee;  
(h) a person from whom the relevant person has received a disclosable gift.
- (4) For the purposes of subsection (3)(h), **disclosable gift** means one or more gifts with a total value of, or more than, \$500 or if an amount is prescribed for the purposes of this subsection, the prescribed amount, received from a person in the 5 years preceding the decision on the matter—  
(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; or  
(b) if the gift was, or gifts were, or will be, required to be disclosed as an election campaign donation—  
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.

### **127 General conflict of interest**



## 4.2 Draft Governance Rules

- (1) ~~Subject to section 129, a relevant person has a **general conflict of interest** in a matter 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.~~
- (2) ~~For the purposes of subsection (1)—~~  
~~**private interests** means any direct or indirect interest of a relevant person that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief;~~  
~~**public duty** means the responsibilities and obligations that a relevant person has to members of the public in their role as a relevant person.~~

### 128 Material conflict of interest

- (1) ~~Subject to section 129, a relevant person has a **material conflict of interest** in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.~~
- (2) ~~The benefit may arise or the loss incurred—~~  
~~(a) directly or indirectly; or~~  
~~(b) in a pecuniary or non-pecuniary form.~~
- (3) ~~For the purposes of this section, any of the following is an **affected person**—~~  
~~(a) the relevant person;~~  
~~(b) a family member of the relevant person;~~  
~~(c) a body corporate of which the relevant person or their spouse or domestic partner is a Director or a member of the governing body;~~  
~~(d) an employer of the relevant person, unless the employer is a public body;~~  
~~(e) a business partner of the relevant person;~~  
~~(f) a person for whom the relevant person is a consultant, contractor or agent;~~  
~~(g) a beneficiary under a trust or an object of a discretionary trust of which the relevant person is a trustee;~~  
~~(h) a person from whom the relevant person has received a disclosable gift.~~
- (4) ~~For the purposes of subsection (3)(h), **disclosable gift** means one or more gifts with a total value of, or more than, \$500 or if an amount is prescribed for the purposes of this subsection, the prescribed amount, received from a person in the 5 years preceding the decision on the matter—~~  
~~(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; or~~  
~~(b) if the gift was, or gifts were, or will be, required to be disclosed as an election campaign donation—~~  
~~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.~~



## 4.2 Draft Governance Rules

### **60. Councillor, committee member and Council officer obligations**

- ~~4.1.60.1.~~ Councillors~~ss~~, committee members~~s~~ and Council officers are required to:
- ~~4.1.4.60.1.1.~~ Avoid all situations which may give rise to conflicts of interest;
  - ~~4.1.2.60.1.2.~~ Identify any conflict of interest; and
  - ~~4.1.3.60.1.3.~~ Disclose any conflict of interest.

### **2.61. Procedures for the Disclosure of Conflict of Interest by a Councillor or a member of a Delegated Committee at a meeting of the Council or a Delegated Committee**

- ~~2.1.61.1.~~ If a Councillor or member of a delegated committee has a conflict of interest in a matter which is to be considered or discussed at a meeting of the Council or the delegated committee, the Councillor or member must, if they are attending the meeting, disclose the conflict of interest in accordance with ~~subclause 2.2~~rule 61.2, and if applicable, ~~subclause 2~~rule 61.3.

- ~~2.2.~~61.2 A Councillor or member of a delegated committee who has a conflict of interest and is attending the meeting of the Council or delegated committee must make a full disclosure of that interest by either advising:

- a) ~~61.2.1~~the Council or delegated committee at the ~~commencement of the~~ meeting, ~~and again~~ immediately before the matter is considered at the meeting; or
- b) ~~61.2.2~~the Chief Executive Officer in writing before the meeting (~~subject to rule 61.3.1~~)-

whether the interest is a general conflict of interest or a material conflict of interest, and the nature of the interest.

- ~~61.3~~If the Councillor or member advised the Chief Executive Officer of the details under ~~paragraph (b) of subclause 2.2~~rule 61.2.2, the Councillor or member must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.

- ~~2.2.4.~~ ~~61.3.1~~ A Councillor may only disclose a conflict under 61.2.2 in circumstances where the disclosure of the nature of the interest would be reasonably likely to place the personal safety of any person at risk, or unreasonably expose a business, commercial or financial undertaking to disadvantage.

- ~~61.4.~~ The Chief Executive Officer must:

- ~~2.2.2.61.4.1.~~ keep written disclosures received under this ~~clause-section~~ in a secure place for 3 years after the date the Councillor or member of a delegated committee who made the disclosure ceases to be a Councillor or member of a committee; and

- a) ~~61.4.2~~ destroy the written disclosure when the 3 year period referred to in paragraph (a) has expired.

- ~~2.3.61.5.~~ While the matter is being considered or any vote is taken in relation to the matter, the Councillor or member of a delegated committee must:—

- a) ~~61.5.1~~ leave the meeting and notify the Mayor or the Chairperson of the delegated committee of their departure; and
- b) ~~61.5.2~~ remain outside the room and any gallery or other area in view or hearing of the meeting.

- ~~2.4.61.6.~~ The Mayor or the Chairperson of the delegated committee must cause the Councillor or member of a delegated committee to be notified that they may return to the meeting after:—

- a) ~~61.6.1~~ consideration of the matter; and
- b) ~~61.6.2~~ all votes have been cast on the matter.

- ~~2.5.61.7.~~ If a Councillor or member of a delegated committee discloses a conflict of interest, the Chief Executive Officer or the Chairperson must record in the minutes of the meeting—

- a) ~~61.7.1~~ the declaration of the conflict of interest; and



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- b) 61.7.2 the classification of the interest that has given rise to the conflict, and if the Councillor or member has disclosed the nature of the interest to the meeting, the nature of the interest.

### **3.62. Procedure for the disclosure of a conflict of interest by a Councillor at a meeting under the auspices of Council that is not a meeting of the Council or a Delegated Committee**

3.4.62.1. 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—

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

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

- a) 62.2.1 reported at a meeting of the Council; and
- b) 62.2.2 incorporated in the minutes of that Council meeting.

3.4.62.3. If a Councillor attending a meeting held under this clause knows, or would reasonably be expected to know, that a matter being considered by the meeting is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest, the Councillor must, at the time set out in ~~subclause 3.4~~rule 61.2, disclose to the meeting that they have a conflict of interest and leave the meeting whilst the matter is being considered by the meeting.

3.4.62.4. A Councillor must disclose the conflict of interest either:—

- a) 62.4.1 immediately before the matter in relation to which the Councillor has a conflict of interest is considered; or
- b) 62.4.2 if the Councillor realises that they have a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware that they have a conflict of interest.

### **4.63. Disclosure of a conflict of interest by a member of Council staff (including under Council's Financial Delegations)**

63.1. A member of Council staff who has a conflict of interests in relation to:

- a) information to be provided as described in rule 63.3 of this section; or
- b) a power, duty or function to be exercised in accordance with 63.5 of this section should, wherever possible, declare the conflict and avoid involvement in the matter.

63.2. Where the action described in rule 63.1 is not possible, the measures described in rules 63.3-63.6 must be applied.

4.4.63.3. A member of Council staff who is providing information to:

- a) a meeting of the Council, a delegated committee or a community asset committee; or
- b) another member of Council staff exercising a power of delegation or performing a statutory function –

and who has a conflict of interest in a matter to which the information relates, must disclose the conflict of interest when providing the information, and before the information is considered by the applicable meeting referred to in paragraph (a) or another member of staff referred to in paragraph (b).

4.2.63.4. A disclosure made by a person under ~~subclause 4~~rule 63.34 must be recorded:

- a) in the minutes of the applicable meeting referred to in paragraph (a) of rule 63.3; or
- b) in a conflict of interest disclosure register maintained by the Chief Executive Officer if the information is provided to another member of Council staff referred to in paragraph (b).



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4.53—A member of Council staff who has a conflict of interest in a matter in which they also have a statutory or delegated power, duty or function must—

- a) not exercise the power or discharge the duty or function; and
- b) in the case of the Chief Executive Officer, disclose the type of interest and the nature of the interest to—
  - (i) the Mayor, in writing, as soon as they become aware of the conflict of interest in the matter; and
  - (ii) the Council by no later than the next meeting of the Council; and
- c) in the case of any other member of staff, disclose the type of interest and the nature of the interest to the Chief Executive Officer, in writing, as soon as they become aware of the conflict of interest in the matter.

4.64 The Chief Executive Officer does not have a conflict of interest in a matter if the matter only relates to—

- a) the adoption or amendment of a policy relating to Council staff generally;
- b) the adoption of a code of conduct for Council staff; or
- c) a decision to delegate a power, duty or function to a member of Council staff.



## 4.2 Draft Governance Rules

# Chapter 4

## ELECTION PERIOD POLICY

### Purpose

The purpose of this policy is to provide clear procedures and practices that explain how Council business will be conducted in the period leading up to a Council election i.e. during the election period. This is to ensure that Council elections are not compromised by inappropriate electioneering by existing Councillors and to safeguard the authority of the incoming Council.

### Scope

During the election period, the business of Council still needs to continue and ordinary matters of administration still need to be addressed. This policy establishes a series of practices applicable during the election period.

### Application

This policy applies to Council, Councillors, delegated committees, Council officers and contracted service providers.

### Election Period

The election period means the period that:

- (a) starts at the time that nominations close on nomination day; and
- (b) ends at 6 p.m. on election day.

As soon as possible, and no later than 30 days prior to the commencement of the Election Period, the Chief Executive Officer will ensure that:

- (a) all Councillors and members of Council staff are informed of the requirements of this policy, and
- (b) a copy of this policy is given to all Councillors.

### Policy

Council will ensure that, during the election period, its business is conducted in a way which does not compromise the election process and which safeguards the authority of the incoming Council. It will ensure that candidates are treated equally, fairly and transparently, with no advantage being provided to sitting Councillor candidates.

This policy is compliant with the legislative requirement under section 69 of the *Local Government Act 2020*.

The policy should be reviewed and, if required, amended not later than 12 months before the commencement of each subsequent election period.

### Prohibited decisions

Council is prohibited from making any Council decision:

- (a) during the election period for a general election that:
  - (i) relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or
  - (ii) commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
  - (iii) the Council considers could be reasonably deferred until the next Council is in place; or
  - (iv) the Council considers should not be made during an election period; or
- (b) during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.



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### What is a Council decision?

For the purposes of this policy, **Council decision** means the following:

- a) a resolution made at a Council meeting;
- b) a resolution made at a meeting of a delegated committee; or
- c) the exercise of a power or the performance of a duty or function of Council by a member of Council staff (which includes the Chief Executive Officer) or a Community Asset Committee under delegation.

### Required consideration

Careful consideration should be given regarding decisions that are being made at Council or delegated committee meetings in the election period, to ensure that the authority of the incoming Council is not unreasonably compromised. Council will make every effort to either reschedule most decisions until after the new Council commences its term, or if that is not appropriate, bring decisions forward so they are determined before the election period starts.

Examples of decisions that will be avoided during the election period include allocating community grants or other direct funding to community organisations, major planning scheme amendments and changes to strategic objectives and strategies in the Council Plan. During the election period, any other decision will be considered by Council or delegated committees only if absolutely necessary for Council operational purposes or pursuant to a statutory requirement.

Papers prepared for Council or delegated committee meetings during the election period will be carefully vetted to ensure that no agenda matter is included that could potentially influence voters' intentions at the forthcoming election or could encourage Councillor candidates to use the matter as part of their campaign platform.

Councillors will refrain from moving motions on or raising matters at a meeting that could potentially influence voting at the election.

### Council Publications

Council is to limit publications during the election period. This is to ensure that Council does not publish material with public funds that may influence, or be seen to influence, people's voting decisions.

Council publications refers to documents that are produced for the purpose of communicating with people in the community including:

- Council newsletters
- Advertisements and notices
- Media release
- Leaflets and brochures
- Mail outs to multiple addressees
- Council's social media accounts
- Council's website

This section provides that the restriction on publication of a document does not include any document published before the election period and any document required to be published under the Act, such as rate notices, food premises registrations and parking fines, which may continue to be disseminated during the election period without limitation.

The Annual Report that is compiled during the election period will not contain any material that could be regarded as electioneering or that inappropriately promotes individual Councillors. Information about Councillors will be restricted to names, contact details, titles, membership of delegated committees and other bodies to which they have been appointed by the Council.



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Council staff will check existing publications and online information before the election period commences and, where appropriate, temporarily withdraw any material that might reasonably influence the election.

### **Certification Process**

Relevant Council publications must be certified by the CEO before they may be printed, published or distributed during the election period, whether by the Council or by anyone acting for the Council. This may require certification before the election period for some material to be issued in the election period.

The CEO must not certify a publication that contains electoral matter, unless that material is about the election process only.

The CEO's certification must be in writing and cannot be delegated to anyone.

### **Council Communications**

Council communications are a legitimate way to promote Council activities and services. It is important that all Councillors have access to the Council's communication resources to enable them to fulfill their elected roles. However, they will not be developed or used in support of a candidate's election campaign.

During the election period:

- A Council employee must not make any public statement that could be construed as influencing the election. Statements of clarification may be required from time to time and these are to be made in consultation with the Community Relations department.
- In the event that a spokesperson is required for any publication or communication, the Mayor or the Chief Executive Officer shall fulfill that role.
- No media advice or assistance will be provided to Councillors in relation to election campaign matters.
- Councillors will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention specifically in support of an election campaign.
- Councillor profiles on the Council website will be limited to a photograph and contact details. All other communication from a Councillor via the Council website will be removed.

### **Council Resources**

It is essential that due propriety is observed in the use of all Council resources. It is also important that all Councillors have access to the resources necessary to fulfill their elected roles. In order to ensure the proper use of Council resources during the election period the following will apply:

- Council resources, including offices, staff, hospitality, equipment, email, mobile phone and stationery will be used exclusively for normal Council business and will not be used in connection with election campaigning.
- Reimbursements of Councillors' out-of-pocket expenses in the election period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign, in accordance with Councillors Entitlements, Expenses and Facilities Policy (SCS-001).
- Council logos, letterheads, or other Council branding should not be used for, or linked in any way to, a candidate's election campaign.
- Council staff will not be asked to undertake any tasks connected with a candidate's election campaign.

### **Information**

Access to information held by Council will be made equally available and accessible to all candidates during the election period. Council recognises that all election candidates have the right to receive information from the Council administration, subject to the *Privacy and Data Protection Act 2014* which may prevent the disclosure of certain information. However, it is important that Councillors continue to



## 4.2 Draft Governance Rules

receive the information that is necessary to fulfill their elected roles. Councillors shall not request or receive information or advice from Council staff to support election campaigns, and there shall be complete transparency in the provision of all information and advice during the election period.

A process will be instigated whereby information requested by any candidate will be made available to all candidates in a timely manner, having regard to the reasonableness of the request. This will be achieved via a dedicated candidate information page on Council's website or a group email, as appropriate.

Requests for clarification relating to provision of information should be directed to the Governance and Risk Department who may refer the request to the Chief Executive Officer or appropriate senior management.

### **Functions, Public Consultation and Events**

Public consultation and Council events will not take place during the election period unless the CEO can justify to the community the special circumstances making it necessary to conduct these activities and how risks related to influencing the election will be mitigated or prevented. Any event, public consultation or function that is held during the election period shall relate only to legitimate Council business and shall not be used, or be able to be construed to be used, in connection with any election activity.

All speeches prepared for use at events or functions shall be reviewed by the Manager Governance and Risk in conjunction with the Coordinator Communications and Community Engagement to ensure the content does not breach this Policy or the Act.

Where deemed appropriate Councillors may make speeches during events or functions however the speech must not have any political reference which may be construed as giving a sitting Councillor any advantage during the election period.

### **Travel and Accommodation**

During the election period Councillors shall not undertake any interstate or overseas travel in their capacity as a Councillor. In circumstances where it is imperative that the Mayor (or nominee) represents Council on a delegation or forum, Council may by resolution approve such attendance. If consideration by Council is impractical, the Chief Executive Officer may determine the issue.

### **Advice to Candidates about the election process**

All candidates for the Council election will be treated equally. Towards this outcome:

- Any advice to be provided to candidates as part of the conduct of the Council election should be provided equally to all candidates.
- All election related enquiries from candidates, whether sitting Councillors or not, will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the Chief Executive Officer (or appropriate senior management).

### **Monitoring the Policy**

The Chief Executive Officer is responsible for determining the outcome of any issues that arise in relation to the implementation of this policy.



## 4.2 Draft Governance Rules

# Appendix

Schedule A – Public Question Time Form

Schedule B – Notice of Motion

Schedule C – Notice of Motion to Rescind or Amend

Schedule D – Procedural Motions Table



## 4.2 Draft Governance Rules

### Schedule A

#### SCHEDULE A – PUBLIC QUESTION TIME FORM



Public questions will be considered by Council at an ordinary Council meeting subject to receipt by ~~40am-3.00pm~~ on the day ~~of before~~ the meeting. Questions can be submitted using the online form on Council's website, or emailed to [info@surfcoast.vic.gov.au](mailto:info@surfcoast.vic.gov.au), faxed to 5261 0525 or hand delivered to Council's Offices, 1 Merrijig Drive, Torquay.

All questions must be as brief as possible and no greater than 200 words in length, inclusive of any supporting or contextual information.

Public question time runs for up to 30 minutes prior to consideration of the formal Agenda by Council. Questions will be considered in the following order:

1. Questions with Notice that relate to items on the agenda coming before Council on the night.
2. Questions with Notice that relate to other matters not relating to the agenda.

Questions received without notice (i.e. received after ~~40am-3.00pm~~ on the day ~~before~~ of the meeting) will be addressed in accordance with clause ~~18~~7.3 of the Governance Rules.

#### Personal Information

Date:

Surname:

First Name:

Postal address:

Suburb:

Post Code:

Phone:

Mobile:

Email:

Suburb to be disclosed:

Yes No

IMPORTANT INFORMATION: Please note that as required by Council's Governance Rules, your name and locale will be read out in a public meeting and form part of the minutes of the Council meeting. If you desire that only your name, and not your locale, is to be called, please indicate this above.

#### Questions

Date of Council Meeting:

Subject:

Question(s) (Please note: there is a limit of two questions per person, per meeting)



## 4.2 Draft Governance Rules

### Schedule B

#### SCHEDULE B - NOTICE OF MOTION



This form lodges a notice of intention to move a motion in accordance with ~~clause 32~~ rule 35 of the Governance Rules.

*Note – Proposed motion and rationale not to exceed 500 words*

I, Councillor \_\_\_\_\_ give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on \_\_\_\_\_, namely:  
(Insert wording of motion)

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#### Rationale

(To be signed by Councillor lodging this notice  
and one other Surf Coast Shire Councillor)

\_\_\_\_\_  
COUNCILLOR

\_\_\_\_\_  
COUNCILLOR

*Chief Executive Officer to complete*

This notice was received by me at \_\_\_\_\_ am/pm on \_\_\_\_\_

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER



## 4.2 Draft Governance Rules

### Schedule C

#### SCHEDULE C – NOTICE OF MOTION TO RESCIND OR AMEND



This form lodges a notice of intention to move that a resolution passed by Council be rescinded or amended in accordance with rule 36 clause 33 of the Governance Rules.

I, Councillor \_\_\_\_\_ give notice of my intention to move at the Ordinary Meeting of Council to be held on \_\_\_\_ / \_\_\_\_ / \_\_\_\_ that the resolution of Council passed on \_\_\_\_ / \_\_\_\_ / \_\_\_\_ , namely:

(Wording of resolution proposed to be amended/rescinded)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

be rescinded ☐ OR amended ☐ (Please tick one box)

and subject to that motion being carried, in its place, Cr \_\_\_\_\_ proposes to move that Council

(Wording of proposed motion to replace/amend above)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(To be signed by Councillor lodging this notice and two other Surf Coast Shire Councillors)

_____ COUNCILLOR	_____ COUNCILLOR	_____ COUNCILLOR
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Chief Executive Officer to complete

This notice was received by me at \_\_\_\_\_ am/pm on \_\_\_\_\_

CHIEF EXECUTIVE OFFICER



## 4.2 Draft Governance Rules

### Schedule D

#### Procedural Motions

Motion	When prohibited	If Carried	Debate
'That a report/document be tabled'		The item is tabled, can be considered as part of debate as will be included in the minutes of the meeting	No
'That the item listed at xx on the agenda be moved forward'	(a) At a Meeting to elect the Mayor; or (b) During any debate	Alters the order of business for the meeting	No
'That the motion be put'	During nominations for a <i>Chair</i>	Motion or amendment is put to the vote immediately without further debate, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion	No
'That the substantive motion be voted on in separate parts'	<u>When the motion cannot be separated into parts which can feasibly be implemented without reliance on the rest of the motion.</u>	<u>The motion is separated into parts at the chairs discretion. The motion will be debated as a whole, but will be voted on in the separated parts.</u>	
'That the matter be laid on the table'	During the election of the Mayor/Deputy Mayor	Motion not further discussed or voted on until Council resolves to take the item from the table at the same meeting	No
'That the matter be taken from the table'	When no motion is on the table	Debate of the item resumes	No
'That the meeting be adjourned'		The meeting adjourns until a designated time for recommencement	No
'That Standing Orders be suspended to ...' (reason must be provided)		The rules of the meeting are temporarily suspended in accordance with <del>clause 37</del> <u>rule 41</u> for the specific reason given in the motion	No
'That Standing Orders be resumed'	When Standing Orders have not been suspended	The temporary suspension of the rules of the meeting is removed	No
That, in accordance with section 66 of the Act, the meeting be closed to members of the public	During the election of the Mayor/Deputy Mayor	The meeting is closed to members of the public	Yes
'That the meeting be reopened to members of the public'		The Meeting is reopened to the public	No
'That the Chair's ruling be dissented from'	Anytime where the Chair has not just made a ruling on a point of order	The point of order decision made by the Chair is overturned and the meeting must proceed accordingly. The Chair should have the opportunity to speak to their ruling.	Yes



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Motion	When prohibited	If Carried	Debate
'That the debate on this matter be deferred until (insert meeting/date) to allow (purpose of deferral) ...'	(a) During the election of the Mayor/Deputy Mayor; (b) During the election of a Chair; or (c) When another Councillor is speaking	Consideration/debate on the motion and/or amendment is postponed to the stated date and the item is re-listed for consideration at the resolved future meeting; <b>where a fresh motion may be put and debated.</b>	Yes



## **4.2 Draft Governance Rules**

### **APPENDIX 3 PUBLIC QUESTION TIME OPTIONS**



## Public Question Time – Option 1 (existing Gov Rules)

### 22 Public Question Time

- 22.1 There shall be a public question time of up to 30 minutes, unless extended at the discretion of the Chair, at every Meeting of Council to enable members of the public to submit questions to Council.
- 22.2 Questions with notice must be submitted to Council in writing by 10am on the day of the meeting generally in accordance with Schedule A, or via the Public Question Time online form available on Council's website, stating the name, address, and telephone and email contact details of the person submitting the question.
- 22.3 Questions without notice may be asked at the meeting with a written copy of the question to be tabled in a form approved or permitted by Council (in accordance with Schedule A) stating the name and address of the person asking the question, however questions without notice being accepted is at the discretion of the Chair.
- 22.4 No person may submit more than two questions at any one meeting.
- 22.5 A question may be disallowed by the Chair if it is considered to:
- 22.5.1 Relate to a matter beyond the power or duties of Council;
  - 22.5.2 Be defamatory, indecent, offensive, abusive, irrelevant, trivial or objectionable in language or nature;
  - 22.5.3 Be confidential in nature or of legal significance;
  - 22.5.4 Be generally repetitive of a question already answered (whether at the same or any earlier meeting);
  - 22.5.5 Be aimed to embarrass a Councillor or member of Council staff;
  - 22.5.6 Relate to personnel matters;
  - 22.5.7 Relate to the personal hardship of any resident or ratepayer;
  - 22.5.8 Relate to proposed developments or legal advice;
  - 22.5.9 Relate to matters affecting the security of Council property;
  - 22.5.10 Relate to any other matter which Council considers would prejudice the Council or any person; or
  - 22.5.11 Be aimed to drawing opinions from Councillors about matters that will be considered at the meeting or a future meeting of Council.
- 22.6 All questions must be as brief as possible and no greater than 200 words in length, inclusive of any supporting or contextual information.
- 22.7 No discussion shall be entered into in asking or responding to questions, other than through a request from a Councillor, directed through the Chair, for the purposes of clarification.
- 22.8 All questions must be directed to Council as a whole and not to individual or specific Councillors.
- 22.9 The Chair may answer a question or nominate a member of Council staff to briefly answer a question. Councillors, other than the Chair, will not answer any question relating to an item on the agenda.
- 22.10 Every reasonable attempt will be made to substantively answer a question with notice at the meeting unless the person asking the question has been contacted beforehand and advised of the reason for the question not being answered at the meeting in which case the answer will be provided within five days.
- 22.11 If the nominated member of Council staff advises Council that it is their opinion that the reply to a question should be given in a meeting closed to the public, they must state briefly the reason why the reply should be given in a closed meeting and, unless Council resolves to the contrary, the reply to such question shall be so given.
- 22.12 The question and the name and suburb address of the person who asked the question shall be read out and recorded in the minutes.
- 22.13 The name of the member of Council staff who responded to the question received with notice and their response, if provided at the meeting, shall be recorded in the minutes.
- 22.14 A question shall not be read out unless the person asking the question, or their proxy, is in the gallery at the time it is due to be read.
- 22.15 If the question is not read at the meeting because the person submitting the question or their proxy is not present, it will not be recorded in the minutes of the meeting.
- 22.16 Where multiple questions requiring broadly similar responses have been received, the Chair may read out one statement that answers the matters raised, without the need for each question to be read out individually. The questions and statement shall be recorded in the minutes.
- 22.17 As an alternative to submitting a question with notice to Council under subclause 17.2, a person may lodge a submission not exceeding 200 words, on a matter listed on the agenda, by 10am on the day of the meeting provided that a prior opportunity to make a submission concerning the matter has not been afforded to the person at a Council meeting, Delegated Committee meeting or Assembly of Councillors.
- 22.18 Any submission received in accordance with subclause 17.16 shall be made available to Councillors prior to the meeting in electronic format. These submissions will not be incorporated into the meeting minutes.



## 4.2 Draft Governance Rules

### Public Question Time – Option 2 (exhibited draft Gov Rules)

#### 22 Public Question Time

- 26.1 There shall be a public question time of up to 30 minutes, unless extended at the discretion of the Chair, at every Meeting of Council scheduled by Council resolution to enable members of the public to submit questions to Council.
- 26.2 Questions with notice must be submitted to Council in writing by 3:00pm on the day before the meeting generally in accordance with Schedule A, or via the Public Question Time online form available on Council's website, stating the name, address, telephone and email contact details of the person submitting the question.
- 26.3 Questions without notice may be asked at the meeting with a written copy of the question to be tabled in a form approved or permitted by Council (in accordance with Schedule A) stating the name and address of the person asking the question, however questions without notice being accepted is at the discretion of the Chair.
- 26.4 No person may submit more than two questions at any one meeting.
- 26.5 A question may be disallowed by the Chair if it is considered to:
  - 26.5.1 Relate to a matter beyond the power or duties of Council;
  - 26.5.2 Be defamatory, indecent, offensive, abusive, irrelevant, trivial or objectionable in language or nature;
  - 26.5.3 Be confidential in nature or of legal significance;
  - 26.5.4 Relate to a Council compliance or enforcement matter, or other legal proceeding;
  - 26.5.5 Be generally repetitive of a question already answered (whether at the same or any earlier meeting);
  - 26.5.6 Be aimed to embarrass a Councillor, Council staff, or other individuals, parties or government agencies;
  - 26.5.7 Relate to personnel matters;
  - 26.5.8 Relate to the personal hardship of any resident or ratepayer;
  - 26.5.9 Relate to proposed developments or legal advice;
  - 26.5.10 Relate to matters affecting the security of Council property;
  - 26.5.11 Relate to any other matter which Council considers would prejudice the Council or any person; or
  - 26.5.12 Be aimed to drawing opinions from Councillors about matters that will be considered at the meeting or a future meeting of Council.
- 26.6 All questions must be as brief as possible and no greater than 200 words in length, inclusive of any supporting or contextual information.
- 26.7 No discussion shall be entered into in asking or responding to questions, other than through a request from a Councillor, directed through the Chair, for the purposes of clarification.
- 26.8 All questions must be directed to Council as a whole and not to individual or specific Councillors.
- 26.9 The Chair may answer a question or nominate a member of Council staff to briefly answer a question. Councillors, other than the Chair, will not answer any question relating to an item on the agenda.
- 26.10 Every reasonable attempt will be made to substantively answer a question with notice at the meeting unless the person asking the question has been contacted beforehand and advised of the reason for the question not being answered at the meeting in which case the answer will be provided within five business days.
- 26.11 If the nominated member of Council staff advises Council that it is their opinion that the reply to a question should be given in a meeting closed to the public, they must state briefly the reason why the reply should be given in a closed meeting and, unless Council resolves to the contrary, the reply to such question shall be so given.
- 26.12 The question and the name and suburb address of the person who asked the question shall be read out and recorded in the minutes.
- 26.13 The name of the member of Council staff who responded to the question received with notice and their response, if provided at the meeting, shall be recorded in the minutes.
- 26.14 A question shall not be read out unless the person asking the question, or their proxy, is in the gallery at the time it is due to be read.
- 26.15 If the question is not read at the meeting because the person submitting the question or their proxy is not present, it will not be recorded in the minutes of the meeting.
- 26.16 Where the meeting is required to be held electronically, the CEO is deemed to act as the proxy for the purpose of receiving questions.
- 26.17 Where multiple questions requiring broadly similar responses have been received, the Chair may read out one statement that answers the matters raised, without the need for each question to be read out individually. The questions and statement shall be recorded in the minutes.
- 26.18 As an alternative to submitting a question with notice to Council under subclause 18.2, a person may lodge a submission not exceeding 200 words, on a matter listed on the agenda, by 10am on the day of the meeting provided that a prior opportunity to make a submission concerning the matter has not been afforded to the person at a Council meeting, Delegated Committee meeting or other meeting held under the auspices of Council.
- 26.19 Any submission received in accordance with subclause 18.5 shall be made available to Councillors prior to the meeting in electronic format. These submissions will not be incorporated into the meeting minutes.



## 4.2 Draft Governance Rules

### Public Question Time – Option 3 (EngageVic draft Gov Rules)

#### Question of Council

#### 22. Community questions and submissions

##### Overview:

*As outlined in the purpose of these Governance Rules, Council Meetings are held for Council to make its decisions. Members of the public do not have a right to address Council, however provisions are made for Council to respond to questions from the community and for the public to make submissions to Council.*

*At each meeting there is an opportunity for members of the public to ask questions of the Council. Assistance will be available for any community member seeking or requiring support to write their question(s).*

- 22.1 Open Forum and Questions Of Council Time To Be Held
- 22.2 The Council will hold Open Forum and Questions of Council Time for up to 30 minutes duration at the beginning of each Ordinary Meeting to allow public submissions and questions of Council. Extension of time may be granted by resolution of Council.
- 22.3 Open Forum is an opportunity for the general public to present to Council on a matter listed on the Agenda or any other matter.
- 22.4 Questions of Council are an opportunity for the general public to submit a question prior to the Ordinary Meeting and receive a response from Council in the Questions of Council time.
- 22.5 Council meetings are recorded and broadcasted to the public, this includes community questions and submissions.

##### Open forum and questions of council guidelines

- 22.6 Questions of Council time and Open Forum will not apply during any period when the Council has resolved to close the meeting in respect of a matter under section 66 (1) of the Act.
- 22.7 Submissions as part of Open Forum and Questions of Council may be on any matter except if it:
  - 22.7.1 is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;
  - 22.7.2 relates to confidential information as defined under the Act;
  - 22.7.3 relates to the personal hardship of any resident or ratepayer; or
  - 22.7.4 relates to any other matter which the Council considers would prejudice the Council or any person.
- 22.8 No more than two questions will be accepted from any person at any one meeting.
- 22.9 Where the Chief Executive Officer does not accept a question, the submitter is to be informed of the reason or reasons for which their question was not accepted.
- 22.10 The Mayor reserves the right to cease a submission as part of Open Forum if he or she deems the submission inappropriate.
- 22.11 Copies of all questions allowed by the Chief Executive Officer will be provided in writing to all Councillors.
- 22.12 A submission or question submitted in writing by a member of the public, which has been disallowed by the Chief Executive Officer will be provided to any Councillor on request.

##### Open forum

- 22.13 Prior Notice Preferable
- 22.14 It is preferable for any member of the public who wishes to be heard at Open Forum to give prior notice:
  - 22.14.1 in written form;
  - 22.14.2 contain the name, address and email or contact telephone number of the person to be heard;
  - 22.14.3 by online request on Council's website;
  - 22.14.4 in a letter to the Chief Executive Office; or
  - 22.14.5 in an email to [info@surfcoast.vic.gov.au](mailto:info@surfcoast.vic.gov.au); or
  - 22.14.6 hand delivery to the Council's Office at 1 Merrijig Drive Torquay.
- 22.15 It is preferable for any group or association that wishes to be heard at Open Forum to nominate a spokesperson for an issue upon which the group or association may wish to be heard.



## 4.2 Draft Governance Rules

### Public Question Time – Option 3 continued (EngageVic draft Gov Rules)

#### Open Forum Procedure

##### 22.16 Public addressing the Meeting

22.16.1 Any member of the public addressing Council must extend due courtesy and respect to Council and the processes under which it operates and must take direction from the Chairperson whenever called on to do so.

22.16.2 Council may suspend standing orders to hear from a community member or representative of an organisation, on matters of significance to the Council, only if prior arrangements have been made by written request to the Mayor or Chief Executive Officer.

22.17 The Chair will allocate a maximum of 5 minutes to each person who wishes to address Council.

22.18 The Chair or Chief Executive Officer will first invite any person who has given prior notice to present to Council.

22.19 The Chair or Chief Executive Officer will then invite members of the gallery who would like to present to Council.

22.20 The Chair or Chief Executive Officer have the discretion to alter the order of persons to be heard.

22.21 The person in addressing the Council:

22.21.1 must confine their address to the 5-minute allocation of time; and

22.21.2 shall extend due courtesy and respect to the Council and the processes under which it operates; and

22.21.3 shall take direction from the Chair whenever called upon to do.

22.22 There will be no discussion or debate with the attendees to Open Forum however Councillors may ask questions of clarification of the attendee

22.23.1 Standing Orders do not need to be suspended to allow discussion for the purposes of clarification.

#### Questions of council

##### Prior notice of Questions of Council

22.23 Council must receive prior notice of Questions to be heard as part of Questions of Council time.

22.24 Questions must be received exactly as intended to be read.

22.25 Questions submitted to the Council must be:

22.25.1 in written form;

22.25.2 contain the name, address and email or contact telephone number of the person submitting the question;

22.25.3 in a form approved or permitted by the Council;

22.25.4 addressed to the Chief Executive Officer; and

22.25.5 submitted no later than 4:00pm on the day prior to the next Meeting by:

- o letter to the Chief Executive Office, PO Box 350 Torquay VIC 3228 (letter must be with Council by 4:00pm on the day prior to the Council meeting); or
- o email to [info@surfcoast.vic.gov.au](mailto:info@surfcoast.vic.gov.au); or
- o hand delivery to the Council's Office at 1 Merrijig Drive Torquay.

#### Response

22.26 Response to a submission or question raised during the submission in Open Forum may be provided immediately as part of the Open Forum time at the discretion of the Council.

22.27 The matter will be referred to the relevant Officer for investigation and response if required.

22.28 Council officers will respond acknowledging the question and providing procedural advice and/or the response within 10 working days of the Ordinary Meeting of Council.



## 4.2 Draft Governance Rules

### Public Question Time Option 4 (Drafted based on Councillor and Community Feedback)

#### 22 Public Question Time

- 22.1 There shall be a public question time of up to 30 minutes, unless extended at the discretion of the Chair, at every Meeting of Council scheduled by Council resolution to enable members of the public to submit questions to Council.
- 22.2 Questions with notice must be submitted to Council in writing by 3:00pm on the day before the meeting generally in accordance with Schedule A, or via the Public Question Time online form available on Council's website, stating the name, address, telephone and email contact details of the person submitting the question.
- 22.3 Questions without notice may be asked at the meeting with a written copy of the question to be tabled in a form approved or permitted by Council (in accordance with Schedule A) stating the name and address of the person asking the question, however questions without notice being accepted is at the discretion of the Chair.
- 22.4 *Subject to rule 22.4.1, no person may submit more than two questions at any one meeting.*
- 22.4.1 *At the discretion of the Chair, a person may ask an additional follow-up question to each Public Question to seek clarification on information provided in response to a Public Question with notice.*
- 22.4.2 *At the discretion of the Chair, a Councillor may ask a question through the Chair, for the purpose of clarification.*
- 22.5 A question may be disallowed by the Chair if it is considered to:
- 22.5.1 Relate to a matter beyond the power or duties of Council;
  - 22.5.2 Be defamatory, indecent, offensive, abusive, irrelevant, trivial or objectionable in language or nature;
  - 22.5.3 Be confidential in nature or of legal significance;
  - 22.5.4 Relate to a Council compliance or enforcement matter, or other legal proceeding;
  - 22.5.5 Be generally repetitive of a question already answered (whether at the same or any earlier meeting);
  - 22.5.6 Be aimed to embarrass a Councillor, Council staff, or other individuals, parties or government agencies;
  - 22.5.7 Relate to personnel matters;
  - 22.5.8 Relate to the personal hardship of any resident or ratepayer;
  - 22.5.9 Relate to proposed developments or legal advice;
  - 22.5.10 Relate to matters affecting the security of Council property;
  - 22.5.11 Relate to any other matter which Council considers would prejudice the Council or any person; or
  - 22.5.12 Be aimed to drawing opinions from Councillors about matters that will be considered at the meeting or a future meeting of Council.
- 22.6 All questions must be no greater than 200 words in length, inclusive of any supporting or contextual information.
- 22.7 All questions must be directed to Council as a whole and not to individual or specific Councillors, *except at the discretion of the Chair where a question is related to a Councillor's area of representation (i.e if a question is related to Council involvement in a committee or organization where an individual Councillor acts as Council's representative).*
- 22.8 The Chair may answer a question or nominate a member of Council staff to briefly answer a question. Subject to clause 19.7, Councillors, other than the Chair, will not answer any question relating to an item on the agenda.
- 22.9 Every reasonable attempt will be made to substantively answer a question with notice at the meeting unless the person asking the question has been contacted beforehand and advised of the reason for the question not being answered at the meeting in which case the answer will be provided within five business days.
- 22.10 If the nominated member of Council staff advises Council that it is their opinion that the reply to a question should be given in a meeting closed to the public, they must state briefly the reason why the reply should be given in a closed meeting and, unless Council resolves to the contrary, the reply to such question shall be so given.
- 22.11 The question and the name and suburb of the person who asked the question shall be read out and recorded in the minutes.
- 22.12 The name of the member of Council staff who responded to the question received with notice and their response, if provided at the meeting, shall be recorded in the minutes.
- 22.13 *Questions where the person asking the question, or their proxy, is in the gallery at the time it is due to be read will be heard first. If time permits, questions received with notice where the person or their proxy is not present may also be read out by the Chief Executive Officer or another member of Council staff and responded to in accordance with these Rules.*
- 22.14 If the question is not read at the meeting because ~~the person submitting the question or their proxy is not present~~, it will not be recorded in the minutes of the meeting.
- 22.15 Where multiple questions requiring broadly similar responses have been received, the Chair may read out one statement that answers the matters raised, without the need for each question to be read out individually. The questions and statement shall be recorded in the minutes.
- 22.16 As an alternative to submitting a question with notice to Council under rule 22.2, a person may lodge a submission not exceeding 200 words, on a matter listed on the agenda, by 10am on the day of the meeting provided that a prior opportunity to make a submission concerning the matter has not been afforded to the person at a Council meeting, Delegated Committee meeting or other meeting held under the auspices of Council.
- 22.17 Any submission received in accordance with rule 22.5 shall be made available to Councillors prior to the meeting in electronic format. These submissions will not be incorporated into the meeting minutes.



## **4.2 Draft Governance Rules**

### **APPENDIX 4 AMENDMENTS TO MOTIONS OPTIONS**



### **Amendment to Motions Option 1 - (existing Gov Rules)**

**\*\* Adjusted to fit within 1 section (currently there is a section for motions and amendments, and a separate section addressing amendments)**

#### **33 Amendments**

- 46.1 An amendment to a motion must:
  - 46.1.1 Not be defamatory;
  - 46.1.2 Not be objectionable in language or nature;
  - 46.1.3 Relate to the powers or functions of Council;
  - 46.1.4 Be in writing, if requested by the Chairperson;
  - 46.1.5 Except in the case of urgent business, be relevant to an item of business on the agenda; and
  - 46.1.6 Be moved and seconded, otherwise it lapses.
- 46.2 The Chair may refuse to accept any amendment which contravenes rule 33.1 or which:
  - 46.2.1 Is not relevant to the item of business on the Agenda and has not been admitted as urgent business; or;
  - 46.2.2 Purports to be an amendment but is not consistent with these rules.
- 46.3 A substantive motion may be altered if the mover and the seconder of the motion both agree to the change. This change cannot be significant or contradictory to the motion's intent.
- 46.4 If a mover of a motion is agreeable to significant changes to the substantive motion, the mover may withdraw the motion, and a new motion be moved to recommence debate on the new motion.
- 46.5 An amendment can only be withdrawn by the mover.
- 46.6 Once a motion has been moved and seconded, a Councillor can move an amendment to that motion.
- 46.7 The mover or seconder of the substantive motion cannot move an amendment to it.
- 46.8 Debate on the substantive motion ceases when an amendment to the motion is moved.
- 46.9 The amendment motion must be seconded. If the amendment is not seconded, the amendment lapses due to want of a seconder and debate on the substantive motion is to resume from the point at which it ceased.
- 46.10 An amendment must be relevant to the motion upon which it is moved.
- 46.11 An amendment must not amount to a direct contradiction of the motion.
- 46.12 Amendments must be dealt with one at a time.
- 46.13 A second or subsequent amendment cannot be moved until the immediately preceding amendment is disposed of.
- 46.14 A Councillor proposing an amendment must first state briefly the nature of the amendment and then move it, without speaking to it.
- 46.15 The Chair is to ask for a seconder.
- 46.16 If the amendment is not seconded the amendment lapses for want of a seconder.
- 46.17 After the amendment has been seconded, the Chair must follow the debate rules set out in clause 26.
- 46.18 After debate has concluded, the Chair must put the amendment to the vote.
- 46.19 If an amendment is adopted it becomes part of the substantive motion.
- 46.20 It can then be subject to further amendment.
- 46.21 A Councillor cannot move more than 2 amendments on the same matter in succession.
- 46.22 A Councillor can only speak once on the amendment.



## 4.2 Draft Governance Rules

### Amendment to Motions Option 2 - (exhibited draft Gov Rules)

#### 33 Amendments

- 33.1 A Motion, which has been moved and seconded, may be amended by leaving out, replacing or inserting words, which must be relevant to the subject of the Motion.
- 33.2 An amendment to a Motion must:
  - 33.1.1 Propose a substantially similar outcome to the Motion upon which it is moved; and
  - 33.1.2 Be relevant to the Motion upon which it is moved; and
  - 33.1.3 Not amount to a direct contradiction of any part of the motion, including seeking to change or edit a document, report or policy that is subject to the Motion.
- 33.3 An amendment may be proposed or seconded by any Councillor, except the mover and seconder of the original Motion.
- 33.4 A Councillor proposing an amendment must first present the amendment by stating which words are proposed to be left out, replaced or added, and then move the amendment without speaking to it.
- 33.5 A Councillor that proposes an amendment to a Motion should present the amendment before they speak to the substantive Motion.
- 33.6 Debate on the substantive motion ceases when an amendment to the motion is moved.
- 33.7 If a Councillor proposes an amendment, and the original mover and seconder of the Motion both indicate their agreement with the amendment, the amended Motion becomes the substantive Motion without debate or vote. An agreement by the mover and seconder to amend a substantive Motion must occur before the mover, seconder or any Councillor speaks to the substantive Motion. The Councillor proposing the amendment cannot speak to the proposed amendment when seeking the agreement of the mover and seconder.
- 33.8 If a Councillor proposes an amendment to which either the mover or seconder of the substantive Motion does not agree, the following will apply:
  - 33.8.1 the amendment must be moved and seconded. If the amendment is not seconded, the amendment lapses due to want of a seconder and is not recorded in the minutes. If the amendment lapses then debate on the substantive motion is to resume from the point at which it ceased.
  - 33.8.2 debate on the amendment to the Motion must follow the rules set out in rule 31, with the exception that the mover of an amendment does not have right to make a closing statement.
  - 33.8.3 a Councillor may speak on any amendment once, whether or not he or she has spoken to the Motion, but debate must be confined to the terms of the amendment;
  - 33.8.4 Only one amendment to a Motion may be accepted by the Chairperson at any one time. No second or subsequent amendment to the Motion may be taken into consideration until the previous amendment has been dealt with and voted on.
  - 33.8.5 A single Councillor can't propose more than two amendments to a Motion about the one item in the Agenda;
  - 33.8.6 if the amendment is carried, the Motion as amended then becomes the Motion before the Meeting (known as the 'substantive Motion') and debate resumes on the substantive motion.



## 4.2 Draft Governance Rules

### **Amendment to Motions Option 3 - (EngageVic draft Gov Rules)**

#### **33 Moving an amendment**

- 33.1 A Motion, which has been moved and seconded, may be amended by leaving out, inserting or adding words, which must be relevant to the subject of the Motion.
- 33.2 An amendment may be proposed or seconded by any Councillor, except the mover and seconder of the original Motion.
- 33.3 If a Councillor proposes an amendment and the original mover and seconder of the Motion both indicate their agreement with the amendment, the amended Motion becomes the substantive Motion without debate or vote.
- 33.4 If a Councillor proposes an amendment to which either the mover or seconder does not agree, the following will apply:
  - 33.4.1 the amendment must be moved and seconded;
  - 33.4.2 a Councillor may speak on any amendment once, whether or not he or she has spoken to the Motion, but debate must be confined to the terms of the amendment;
  - 33.4.3 any number of amendments may be proposed to a Motion, but only one amendment may be accepted by the Chairperson at any one time. No second or subsequent amendment, whether to the Motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with and voted on;
  - 33.4.4 if the amendment is carried, the Motion as amended then becomes the Motion before the Meeting (known as the 'substantive Motion'); and
  - 33.4.5 the mover of an amendment does not have right of reply.

*If a proposed amendment is ruled to be the negative of, or substantially contrary to, the motion, it should be treated as an alternative motion to be considered only in the event that the motion before the Chair is lost – see Foreshadowing Motions.*



## 4.2 Draft Governance Rules

### Amendments to Motions Option 4 - (Drafted based Councillor and community feedback)

#### 33 Amendments

- 33.1 A Motion, which has been moved and seconded, may be amended by leaving out, replacing or inserting words, which must be relevant to the subject of the Motion.
- 33.2 An amendment to a Motion must:
  - 33.2.1 Propose a substantially similar outcome to the Motion upon which it is moved; and
  - 33.2.2 Be relevant to the Motion upon which it is moved; and
  - 33.2.3 Not amount to a direct contradiction of any part of the motion, ~~including seeking to change or edit a document, report or policy that is subject to the Motion.~~
- 33.3 An amendment may be proposed or seconded by any Councillor, except the mover and seconder of the original Motion.
- 33.4 A Councillor proposing an amendment must first present the amendment by stating which words are proposed to be left out, replaced or added, and then move the amendment without speaking to it.
- 33.5 A Councillor that proposes an amendment to a Motion should present the amendment before they speak to the substantive Motion.
- 33.6 Debate on the substantive motion ceases when an amendment to the motion is moved.
- 33.7 If a Councillor proposes an amendment, and the original mover and seconder of the Motion both indicate their agreement with the amendment, the amended Motion becomes the substantive Motion without debate or vote. An agreement by the mover and seconder to amend a substantive Motion must occur before the mover, seconder or any Councillor speaks to the substantive Motion. The Councillor proposing the amendment cannot speak to the proposed amendment when seeking the agreement of the mover and seconder.
- 33.8 If a Councillor proposes an amendment to which either the mover or seconder of the substantive Motion does not agree, the following will apply:
  - 33.8.1 the amendment must be moved and seconded. If the amendment is not seconded, the amendment lapses due to want of a seconder and is not recorded in the minutes. If the amendment lapses then debate on the substantive motion is to resume from the point at which it ceased.
  - 33.8.2 debate on the amendment to the Motion must follow the rules set out in clause 27, with the exception that the mover of an amendment does not have right to make a closing statement.
  - 33.8.3 a Councillor may speak on any amendment once, whether or not he or she has spoken to the Motion, but debate must be confined to the terms of the amendment;
  - 33.8.4 Only one amendment to a Motion may be accepted by the Chairperson at any one time. No second or subsequent amendment to the Motion may be taken into consideration until the previous amendment has been dealt with and voted on.
  - 33.8.5 A single Councillor can't propose more than two amendments to a Motion about the one item in the Agenda;
  - 33.8.6 if the amendment is carried, the Motion as amended then becomes the Motion before the Meeting (known as the 'substantive Motion') and debate resumes on the substantive motion.



## **4.2 Draft Governance Rules**

### **APPENDIX 5 NOTICES OF MOTION OPTIONS**



## Notices of Motion Option 1 - (existing Gov Rules)

### 35 Notice of Motion

- 48.1 A notice of motion must:
- 48.1.1 identify two supporting Councillors who are not obliged to move, second or vote in favour of the motion but are of the opinion that the proposed motion relates to a matter sufficiently important that it warrants formal consideration by Council;
  - 48.1.2 briefly explain the rationale for the proposed motion; and
  - 48.1.3 be lodged in the format provided for this purpose as appearing in Schedule B of these Governance Rules, either electronically or in writing, with the Chief Executive Officer by 5pm on the seventh working day prior to the date of the meeting to allow sufficient time for the notice of motion to be included in the Agenda for the next Council meeting.
- 48.2 Any supporting documentation must be attached to the notice of motion for inclusion in the agenda, but must not be more than 500 words inclusive of the proposed motion.
- 48.3 The Chief Executive Officer must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they were received.
- 48.4 Any notice of motion which in the opinion of the Chief Executive Officer or the Chair is:
- 48.4.1 defamatory; or
  - 48.4.2 objectionable in language or nature; or
  - 48.4.3 outside the powers of the Council,
- must not be accepted by the Chief Executive Officer or by the Chair.
- 48.5 Except by resolution of Council, notices of motion before any Council meeting must be considered in the order in which they were recorded in the notice of motion register.
- 48.6 To assist Councillors to make an informed decision regarding a notice of motion, the Chief Executive Officer must provide a written report prior to the meeting at which the notice of motion is to be considered, however the report is not to contain a recommendation.
- 48.7 If both Councillors who have given a notice of motion:
- 48.7.1 are absent from the Council meeting; or
  - 48.7.2 fail to move the motion when called upon by the Chair;
- any other Councillor may move the notice of motion.
- 48.8 If a notice of motion is not moved and seconded at the Council meeting for which it was included on the agenda, it lapses.
- Before the notice of motion is put to the vote, it may be withdrawn by the two supporting Councillors.



## 4.2 Draft Governance Rules

### Notices of Motion Option 2 - (exhibited draft Gov Rules)

#### 35 Notice of Motion

- 35.1 A Councillor can submit to the Chief Executive Officer a Notice of Motion for inclusion in the Agenda for a Meeting.
- 35.2 A Notice of Motion must:
- 35.2.1 be in writing (including by electronic means), signed by two Councillors who support the inclusion of the notice in the Council meeting agenda, and be lodged with the Chief Executive Officer no later than 12 noon 10 business days before the Meeting at which it is intended to be considered to ensure its inclusion in the Agenda.
  - 35.2.2 briefly explain the rationale for the proposed motion or attach supporting documentation for the motion, but must not be more than 500 words inclusive of the proposed motion; and
  - 35.2.3 be lodged in the format provided for this purpose as appearing in Schedule B of these Governance Rules
- 35.3 A Notice of Motion must relate to the objectives, role and functions of Council as outlined in the Act.
- 35.4 The Chief Executive Officer may suggest revised wording to the draft Notice of Motion to facilitate compliance with the requirements for Notices of Motion under these Governance Rules.
- 35.5 The Chief Executive Officer must reject any Notice of Motion which:
- 35.5.1 is too vague;
  - 35.5.2 is defamatory;
  - 35.5.3 may be prejudicial to any person or Council;
  - 35.5.4 is objectionable in language or nature;
  - 35.5.5 is outside the powers of Council;
  - 35.5.6 is submitted during Election Period.
- 35.6 The full text of any Notice of Motion accepted by the Chief Executive Officer must be included in the Agenda and outline the policy, financial and resourcing implications if the Notice of Motion is passed.
- 35.7 To assist Councillors to make an informed decision regarding the proposed motion, the Chief Executive Officer will include written assessment in the agenda for the meeting where the motion is to be considered. The written assessment will not include a recommendation, but will briefly identify:
- 35.7.1 impacts to the levels of Council service;
  - 35.7.2 expenditure where this is not already included in the adopted Council Budget;
  - 35.7.3 proposals to establish, amend or extend Council policy;
  - 35.7.4 proposals that impact the rights of any person who has not had the opportunity to contribute their views;
  - 35.7.5 proposals that commit Council to any contractual arrangement; or
  - 35.7.6 matters relating to any litigation or legal process in respect of which Council is a party.
- 35.8 The Chief Executive Officer may reject a proposed Notice of Motion that
- 35.8.1 relates to a matter that can be addressed through the operational service request process; or
  - 35.8.2 relates to a matter that has been previously resolved by Council or is acted upon.
- 35.9 If rejecting a Notice of Motion, the Chief Executive Officer must inform the Councillor who lodged it of that rejection and the reasons for the rejection no later than nine business days before the Meeting at which it is intended to be considered. The Councillor may submit a revised Motion within 24 hours.
- 35.10 The Chief Executive Officer may designate a Notice of Motion to be confidential in accordance with relevant grounds as contained in the Act, in which case, the Notice of Motion will be considered in the part of the relevant Council Meeting that is closed to members of the public.
- 35.11 The Chief Executive Officer may arrange for comments of members of Council staff to be provided to Councillors prior to the Notice of Motion being published in the Agenda for the relevant Council Meeting.
- 35.12 The Chief Executive Officer must cause all Notices of Motion to be sequentially numbered, dated and entered in a register.
- 35.13 Unless Council resolves otherwise, each Notice of Motion must be considered in the order in which they were received.
- 35.14 The Motion moved must not be different to the motion published in the Agenda, however, may be amended by resolution of the Council in accordance with rule 33.
- 35.15 If a Councillor who has lodged a Notice of Motion is absent from the Meeting or fails to move the Motion when called upon by the Chair to do so, any other Councillor may move the Motion.
- 35.16 If a Notice of Motion is not moved and seconded at the Council Meeting at which it is listed, it lapses.



## 4.2 Draft Governance Rules

### Notices of Motion Option 3 - (EngageVic draft Gov Rules)

#### 35 Notices of Motion

- 35.1 A Councillor can submit to the Chief Executive Officer a Notice of Motion for inclusion in the Agenda for a Meeting.
- 35.2 A Notice of Motion must be in writing, signed by the Councillor (including by electronic means), and be lodged with the Chief Executive Officer no later than 12 noon 10 business days before the Meeting at which it is intended to be considered to ensure its inclusion in the Agenda.
- 35.3 The Chief Executive Officer must inform Councillors about the legal and cost implications of any proposed Notice of Motion. The Chief Executive Officer may suggest revised wording to the draft Notice of Motion to facilitate compliance with the requirements for Notices of Motion under these Governance Rules.
- 35.4 A Notice of Motion must relate to the objectives, role and functions of Council as outlined in the Act.
- 35.5 A Notice of Motion must call for a Council report if the Notice of Motion proposes any action that:
- impacts the levels of Council service;
  - commits Council to expenditure greater than [insert council's upper limit] that is not included in the adopted Council Budget;
  - proposes to establish, amend or extend Council policy;
  - proposes to impact the rights of any person who has not had the opportunity to contribute their views;
  - commits Council to any contractual arrangement; or
  - concerns any litigation in respect of which Council is a party.
- 35.6 The Chief Executive Officer must reject any Notice of Motion which:
- 35.6.1 is too vague;
- 35.6.2 is defamatory;
- 35.6.3 may be prejudicial to any person or Council;
- 35.6.4 is objectionable in language or nature;
- 35.6.5 is outside the powers of Council
- 35.6.6 is submitted during Election Period.
- 35.7 The Chief Executive Officer may reject a proposed Notice of Motion that
- 35.7.1 relates to a matter that can be addressed through the operational service request process; or
- 35.7.2 Relates to a matter that has been previously resolved by Council or is acted upon.
- 35.8 If rejecting a Notice of Motion, the Chief Executive Officer must inform the Councillor who lodged it of that rejection and the reasons for the rejection no later than nine business days before the Meeting at which it is intended to be considered. The Councillor may submit a revised Motion within 24 hours.
- 35.9 The Chief Executive Officer may designate a Notice of Motion to be confidential in accordance with relevant grounds as contained in the Act, in which case, the Notice of Motion will be considered in the part of the relevant Council Meeting that is closed to members of the public.
- 35.10 The full text of any Notice of Motion accepted by the Chief Executive Officer must be included in the Agenda and outline the policy, financial and resourcing implications if the Notice of Motion is passed.
- 35.11 The Chief Executive Officer may arrange for comments of members of Council staff to be provided to Councillors prior to the Notice of Motion being published in the Agenda for the relevant Council Meeting.
- 35.12 The Chief Executive Officer must cause all Notices of Motion to be sequentially numbered, dated and entered in a register.
- 35.13 Unless Council resolves otherwise, each Notice of Motion must be considered in the order in which they were received.
- 35.14 The Motion moved must not be substantially different to the motion published in the Agenda, however, may be amended by resolution of the Council.
- 35.15 If a Councillor who has lodged a Notice of Motion is absent from the Meeting or fails to move the Motion when called upon by the Chairperson to do so, any other Councillor may move the Motion.
- 35.16 If a Notice of Motion is not moved at the Council Meeting at which it is listed, it lapses.



## 4.2 Draft Governance Rules

### Notices of Motion Option 4 - (Drafted based community submissions only)

#### 35 Notice of Motion

- 35.1 A Councillor can submit to the Chief Executive Officer a Notice of Motion for inclusion in the Agenda for a Meeting.
- 35.2 A Notice of Motion must:
- 35.2.1 be in writing (including by electronic means), ~~signed by two Councillors who support the inclusion of the notice in the Council meeting agenda~~, and be lodged with the Chief Executive Officer no later than 12 noon 10 business days before the Meeting at which it is intended to be considered to ensure its inclusion in the Agenda.
  - 35.2.2 briefly explain the rationale for the proposed motion or attach supporting documentation for the motion, but must not be more than 500 words inclusive of the proposed motion; and
  - 35.2.3 be lodged in the format provided for this purpose as appearing in Schedule B of these Governance Rules
- 35.3 A Notice of Motion must relate to the objectives, role and functions of Council as outlined in the Act.
- 35.4 The Chief Executive Officer may suggest revised wording to the draft Notice of Motion to facilitate compliance with the requirements for Notices of Motion under these Governance Rules.
- 35.5 The Chief Executive Officer must reject any Notice of Motion which:
- 35.5.1 is too vague;
  - 35.5.2 is defamatory;
  - 35.5.3 may be prejudicial to any person or Council;
  - 35.5.4 is objectionable in language or nature;
  - 35.5.5 is outside the powers of Council;
  - 35.5.6 is submitted during Election Period.
- 35.6 The full text of any Notice of Motion accepted by the Chief Executive Officer must be included in the Agenda and outline the policy, financial and resourcing implications if the Notice of Motion is passed.
- 35.7 To assist Councillors to make an informed decision regarding the proposed motion, the Chief Executive Officer will include written assessment in the agenda for the meeting where the motion is to be considered. The written assessment will not include a recommendation, but will briefly identify:
- 35.7.1 impacts to the levels of Council service;
  - 35.7.2 expenditure where this is not already included in the adopted Council Budget;
  - 35.7.3 proposals to establish, amend or extend Council policy;
  - 35.7.4 proposals that impact the rights of any person who has not had the opportunity to contribute their views;
  - 35.7.5 proposals that commit Council to any contractual arrangement; or
  - 35.7.6 matters relating to any litigation or legal process in respect of which Council is a party.
- 35.8 The Chief Executive Officer may reject a proposed Notice of Motion that
- 35.8.1 relates to a matter that can be addressed through the operational service request process; or
  - 35.8.2 relates to a matter that has been previously resolved by Council or is acted upon.
- 35.9 If rejecting a Notice of Motion, the Chief Executive Officer must inform the Councillor who lodged it of that rejection and the reasons for the rejection no later than nine business days before the Meeting at which it is intended to be considered. The Councillor may submit a revised Motion within 24 hours.
- 35.10 The Chief Executive Officer may designate a Notice of Motion to be confidential in accordance with relevant grounds as contained in the Act, in which case, the Notice of Motion will be considered in the part of the relevant Council Meeting that is closed to members of the public.
- 35.11 The Chief Executive Officer may arrange for comments of members of Council staff to be provided to Councillors prior to the Notice of Motion being published in the Agenda for the relevant Council Meeting.
- 35.12 The Chief Executive Officer must cause all Notices of Motion to be sequentially numbered, dated and entered in a register.
- 35.13 Unless Council resolves otherwise, each Notice of Motion must be considered in the order in which they were received.
- 35.14 The Motion moved must not be different to the motion published in the Agenda, however, may be amended by resolution of the Council in accordance with rule 33.
- 35.15 If a Councillor who has lodged a Notice of Motion is absent from the Meeting or fails to move the Motion when called upon by the Chair to do so, any other Councillor may move the Motion.
- 35.16 If a Notice of Motion is not moved and seconded at the Council Meeting at which it is listed, it lapses.



## **4.2 Draft Governance Rules**

### **APPENDIX 6 POINTS OF ORDER OPTIONS**



### **Points of Order Option 1 - (existing Gov Rules)**

#### **37 Points of Order**

- 40.1 A point of order is an objection that the motion, amendment or statement made is:
  - 40.1.1 Contrary to these Governance Rules;
  - 40.1.2 Defamatory;
  - 40.1.3 Irrelevant;
  - 40.1.4 Improper; or
  - 40.1.5 Outside Council's legal powers and may be made despite the fact that the Councillor or Chair is speaking at the time.
- 40.2 A point of order must be taken by stating:
  - 40.2.1 The matter complained of; and
  - 40.2.2 The reason constituting the point of order;
- 40.3 The Chair may raise a point of order without it having been made by a Councillor.
- 40.4 When called to order, a Councillor must remain silent until the point of order is decided unless they are requested by the Chair to provide an explanation.
- 40.5 The Chair may adjourn the meeting to consider a point of order but must otherwise rule upon it as soon as it is taken.
- 40.6 The Chair must, when ruling on a point of order, give reasons for the ruling.
- 40.7 The Chair's ruling shall be final unless the majority of Councillors present at the meeting vote in favour of a motion of dissent that is moved and seconded immediately after the Chair's ruling is given.
- 40.8 A motion of dissent must state the provision or practice in substitution for the Chair's ruling.
- 40.9 A motion of dissent that is carried must be acted upon by the Chair.
- 40.10 Only the mover of a motion of dissent and the Chair can speak to the motion before it is put. The mover of the motion does not have a right of reply.
- 40.11 The Chair is not required to vacate the chair.

### **Points of Order Option 2 - (exhibited draft Gov Rules)**

**\*\*\* No change to above**



## 4.2 Draft Governance Rules

### Points of Order Option 3 - (EngageVic draft Gov Rules)

#### 37. Points of Order

##### Overview:

*A point of order is taken when a Councillor draws the attention of the Chairperson to an alleged irregularity in the proceedings. Valid points of order, the process for raising and ruling on a point of order, and the procedure if there is dissent on the Chair's ruling are described in this section.*

37.1 A Councillor raising a Point of Order must state:

37.1.1 the Point of Order; and

37.1.2 any section, Clause, paragraph or provision relevant to the Point of Order.

37.2 The Chairperson must decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the Point of Order raised, without entering into any discussion or comment.

37.3 The Chairperson may adjourn the Meeting to consider a Point of Order; otherwise he or she must rule on it as soon as it is raised.

37.4 All other matters before Council are suspended until the Point of Order is decided.

37.5 Dissent in Chairperson's ruling

37.5.1 A Motion of dissent in the *Chairperson's* ruling must, if seconded, be given priority to all other items of business and a substitute *Chairperson* must be elected to preside while the *Motion* is being considered.

37.5.2 The substitute Chairperson must put questions relative to the ruling to the *Chairperson* first, and then to the mover of the Motion.

37.5.3 The substitute Chairperson must conduct a debate on the Chairperson's ruling, and the matter must be decided by a majority vote.

37.5.4 The Chairperson must then resume the Chair for the remainder of the Meeting.

37.6 Valid points of order

37.6.1 A Point of Order may be raised in relation to:

37.6.1.1 a Motion which has not been accepted by the Chairperson;

37.6.1.2 a question of procedure;

37.6.1.3 a Councillor who is not conducting themselves in accordance with the Councillor Code of Conduct;

37.6.1.4 debate that is irrelevant to the matter under consideration;

37.6.1.5 a matter that is outside the powers of Council; or

37.6.1.6 any act of Disorder.

37.7 Rising to express a mere difference of opinion or to contradict a speaker is not a Point of Order.

37.8 The conduct of Councillors and Members at meetings is governed by the Act, these Rules and the Councillor Code of Conduct.



## 4.2 Draft Governance Rules

### Points of Order Option 4 - (Drafted based on Councillor and community feedback)

#### 37 Points of Order

- 37.1 A point of order is an objection that the motion, amendment, statement made *or Chair's ruling* is:
- 37.1.1 Contrary to these Governance Rules;
  - 37.1.2 Defamatory;
  - 37.1.3 Irrelevant;
  - 37.1.4 Improper; or
  - 37.1.5 *Inconsistent with the Councillor Code of Conduct; or*
  - 37.1.6 Outside Council's legal powers and may be made despite the fact that the Councillor or Chair is speaking at the time.
- 37.2 A point of order must be taken by stating:
- 37.2.1 The matter complained of; and
  - 37.2.2 The reason constituting the point of order;
- 37.3 The Chair may raise a point of order without it having been made by a Councillor.
- 37.4 When called to order, a Councillor must remain silent until the point of order is decided unless they are requested by the Chair to provide an explanation.
- 37.5 The Chair may adjourn the meeting to consider a point of order but must otherwise rule upon it as soon as it is taken.
- 37.6 The Chair must, when ruling on a point of order, give reasons for the ruling.
- 37.7 The Chair's ruling shall be final unless the majority of Councillors present at the meeting vote in favour of a motion of dissent that is moved and seconded immediately after the Chair's ruling is given.
- 37.8 A motion of dissent must state the provision or practice in substitution for the Chair's ruling.
- 37.9 A motion of dissent that is carried must be acted upon by the Chair.
- 37.10 Only the mover of a motion of dissent and the Chair can speak to the motion before it is put. The mover of the motion does not have a right of reply.
- 37.11 The Chair is not required to vacate the chair.



### 4.3 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:** IC21/1369

**Appendix:**

1. s6 Instrument of Delegation - Council to staff (D16/100258)
2. List of updates - s6 Instrument of Delegation (D21/146324)

**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 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 Paul Barker, Seconded Cr Rose Hodge**

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 9:0



### 4.3 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 23 March 2021.

Prior to the implementation of the *Local Government Act 2020*, 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 are presented in Appendix 2, and are summarised as follows:

- *Planning and Environment Act 1987* – 3 new provisions added, 14 provisions changed.
- *Residential Tenancies Regulations 2021* – 1 new provision added.
- *Cemeteries and Crematoria Act 2003* – 1 provision deleted.
- *Environment Protection Act 1970* – 5 provisions deleted.

The delegates assigned to the new or changed provisions have been allocated as advised by the applicable managers 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

##### **Reporting and Compliance Statements:**

*Local Government Act 2020 – LGA 2020*

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



#### 4.3 S6 Instrument of Delegation

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 *Local Government Act 2020* 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.



### 4.3 S6 Instrument of Delegation

#### ***Options***

##### Option 1 – Adopt the Instrument of Delegation as attached at Appendix 1

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.



#### **4.3 S6 Instrument of Delegation**

##### **APPENDIX 1 S6 INSTRUMENT OF DELEGATION - COUNCIL TO STAFF**





Surf Coast Shire

## Instrument of Delegation

S6 Instrument of Delegation – Council to Members of Council Staff



## 4.3 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
CCO	Coordinator Civil Operations
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



### 4.3 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 24 August 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



#### 4.3 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 24 August 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.

Food Act 1984			
Section 58A states - <i>(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



#### 4.3 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
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
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



#### 4.3 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
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.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	CEH, EHO	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	CEH	Where Council is the registration authority
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	CEH	Where Council is the registration authority
	Power to register, renew or transfer registration	CEH, EHO	Where Council is the registration authority  refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see s 58A(2))
s 36A	Power to accept an application for registration or notification using online portal	CEH, EHO	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless



#### 4.3 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
			proclaimed earlier
s 36B	Duty to pay the charge for use of online portal	CEH	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	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



#### 4.3 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
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	CEH, EHO	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	CEH, EHO	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	CEH, EHO	Where Council is the registration authority not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	CEH, EHO	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	CEH, EHO	Where Council is the registration authority
s 38G(1)	Power to require notification of change to the food safety program type used for the food premises	CEH, EHO	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier
s 38G(2)	Power to require the proprietor of the food premises to comply with any requirement of the Act	CEH, EHO	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier
s 39A	Power to register, renew or transfer food premises despite minor defects	CEH, EHO	Where Council is the registration authority



#### 4.3 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
			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	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	CEH, EHO	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	CEH	Where Council is the registration authority
s 40F	Power to cancel registration of food premises	CEH, EHO	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	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 comSPnts 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	CEH, EHO	Where Council is the registration authority



### 4.3 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
	successfully defend a prosecution, without proceedings first being instituted against the person first charged		

Heritage Act 2017			
Section 116(3) states - A responsible authority to which a function, duty or power has been delegated under subsection (1) may sub-delegate that function, duty or power to an officer of the responsible authority if the instrument of delegation authorises its sub-delegation.			
NOTE: Responsible authority has the meaning given by section 13 of the Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 116	Power to sub-delegate Executive Director's functions, duties or powers	CEO, GMED	Must first obtain Executive Director's written consent  Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation

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



#### 4.3 S6 Instrument of Delegation



Local Government Act 1989			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations

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 in accordance with public availability requirements	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 in accordance with public availability requirements	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO,	



## 4.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b> <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
		PCSASO, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	CSLUP, CSP, GMED, MPD, PStrP, PStaP	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	CSLUP, CSP, GMED, MPD	
s 8A(5)	Function of receiving notice of the Minister's decision	CSLUP, CSP, GMED, MPD, PStrP, PStaP	
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	



#### 4.3 S6 Instrument of Delegation



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



#### 4.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b> <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 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 in accordance with public availability requirements	CSLUP, GMED, MPD, PO, VPTP, PSO, PStrP, PStaP, , AOPD, AOPLAN, PPAO, PAO, PCSASO, SPP, TLPPS	
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, , SPP, TLPPS	
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	



### 4.3 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 21(2)	Duty to make submissions available in accordance with public availability requirements	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)
			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	



#### 4.3 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	CSLUP, CSP, GMED, MPD, PStrP, PStaP	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	CSLUP, CSP, MPD, PO, VFTP, PSO, PStrP, PStaP, , SPP, TLPPS	
s 27(2)	Power to apply for exemption if panel's report not received	CSLUP, CSP, GMED, MPD	
s 28	Duty to notify the Minister if abandoning an amendment	CSLUP, CSP, GMED, MPD	Note: the power to make a decision to abandon an amendment cannot be delegated
s 28(2)	Duty to publish notice of the decision on Internet site	CSLUP, CSP, MPD, PO, PSO, PStaP, PStrP, SPP, TLPPS, VFTP	
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	CSLUP, CSP, MPD, PO, PSO, PStaP, PStrP, SPP, TLPPS, VFTP	
s 30(4)(a)	Duty to say if amendment has lapsed	CSLUP, CSP, MPD, PStrP, PStaP	



### 4.3 S6 Instrument of Delegation



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



### 4.3 S6 Instrument of Delegation



<p><b>Planning and Environment Act 1987</b></p> <p><i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i></p> <p><i>(a) a committee of the authority; or</i></p> <p><i>(b) an officer of the authority; or</i></p> <p><i>(c) the Victorian Planning Authority.</i></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 a copy of an approved amendment available in accordance with the public availability requirements during the inspection period	CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, SPP, TLPPS	
s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends	CSLUP, CSP, MPD, PO, PSO, PStaP, PStrP, SPP, TLPPS, VFTP	
s 42(2)	Duty to make copy of planning scheme available in accordance with public availability requirements	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



#### 4.3 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46AW	Function of being consulted by the Minister	CSLUP, CSP, GMED, MPD	Where Council is a responsible public entity
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy  Power to endorse the draft Statement of Planning Policy	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	



### 4.3 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	CSLUP, CSP, GMED, MPD, PStrP, PStaP	
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	



#### 4.3 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
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	



### 4.3 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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
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



#### 4.3 S6 Instrument of Delegation



<p><b>Planning and Environment Act 1987</b></p> <p><i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i></p> <p><i>(a) a committee of the authority; or</i></p> <p><i>(b) an officer of the authority; or</i></p> <p><i>(c) the Victorian Planning Authority.</i></p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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
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



### 4.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b> <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
			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  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



#### 4.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b> <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 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
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



#### 4.3 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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
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	GMED, GMGI, MF, MPD	Where Council is the development agency under an approved infrastructure contributions plan



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	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		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  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



#### 4.3 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			This provision does not apply where Council is also the development agency
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	GMED, GMGI, MF, MPD	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	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	



## 4.3 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	CSLUP, CSP, GMED, MPD, PStrP, PStaP	
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	



#### 4.3 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



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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,	



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 49(2)	Duty to make register available for inspection in accordance with public availability requirements	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, SPP, TLPPS	
s 50(4)	Duty to amend application	CSLUP, CSP, GMED, MPD, PSO, PO, VPTP, AOPD, AOPLAN, PPAO, PAO, PCSASO, PStrP, PStaP, , SPP, TLPPS	
s 50(5)	Power to refuse to amend application	CSLUP, CSP, MPD, PO, VPTP, PStrP, PStaP, SPP, TLPPS	
s 50(6)	Duty to make note of amendment to application in register	CSLUP, CSP, GMED, MPD, PSO, PO, VPTP, AOPD, AOPLAN, PPAO, PAO, PCSASO, PStrP, PStaP, , SPP, TLPPS	
s 50A(1)	Power to make amendment to application	CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, , SPP, TLPPS	



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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 in accordance with public availability requirements	CSLUP, CSP, GMED, MPD, PSO, PO, VPTP, AOPD, AOPLAN, PPAO, PAO, PCSASO, PStrP, PStaP, , SPP, TLPPS	
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	CSLUP, CSP, GMED, MPD, PSO, PO, VPTP, AOPD, AOPLAN, PPAO, PAO, PCSASO, PStrP, PStaP, , SPP, TLPPS	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	CSLUP, CSP, GMED, MPD, PSO, PO, VPTP, AOPD, AOPLAN, PPAO, PAO,	



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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,	



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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	



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



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



### 4.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b> <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 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	



### 4.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b> <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 60	Duty to consider certain matters	CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, , SPP, TLPPS	
s 60(1A)	Duty to consider certain matters	CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, , SPP, TLPPS	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, , SPP, TLPPS	
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, SPP, TLPPS	<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 &amp; Development, Manager Planning &amp; Development or Coordinator Statutory Planning or the Principal Statutory Planner.</p> <p>LIMITATIONS:</p>



### 4.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b> <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
			<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 &amp; Development, or General Manager Environment &amp; 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 &amp; Development, or General Manager Environment &amp; 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 &amp; Development and the General Manager Environment &amp; Development</p> <p>The authority to determine an application with two or more objections is limited to the Manager Planning &amp; Development and the General Manager Environment &amp; Development</p>



### 4.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b> <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
			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.



### 4.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b> <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 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.



### 4.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b> <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 62(2)	Power to include other conditions	CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, SPP, TLPPS	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment & Development, Manager Planning & Development or Coordinator Statutory Planning.
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, SPP, TLPPS	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment & Development, Manager Planning & Development or Coordinator Statutory Planning.
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, SPP, TLPPS	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment & Development, Manager Planning & Development or Coordinator Statutory Planning.
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, SPP, TLPPS	Delegation will be exercised after written support for the intended decision has been obtained from a more senior



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<b>Planning and Environment Act 1987</b> <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
			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.



### 4.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b> <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 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



### 4.3 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	the application, if a relevant recommending referral authority has objected to the grant of a permit	PCSASO, PO, VPTP, PSO, PStrP, PStaP, SPP, TLPPS	
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, SPP, TLPPS	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CSLUP, CSP, GMED, MPD, AOPD, AOPLAN, PPAO, PAO, PCSASO, PO, VPTP, PSO, PStrP, PStaP, , SPP, TLPPS	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit



### 4.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b> <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 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 in accordance with public availability requirements	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 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> <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 &amp; Development, Manager Planning &amp; 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>



#### 4.3 S6 Instrument of Delegation



<p><b>Planning and Environment Act 1987</b></p> <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
			<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 &amp; Development, or General Manager Environment &amp; 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 &amp; Development, or General Manager Environment &amp; 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 &amp; Development and the General Manager Environment &amp; Development</p> <p>The authority to determine an application with two or more objections is limited to the Manager Planning &amp; Development and the General Manager Environment &amp; Development</p>



### 4.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b> <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
			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



#### 4.3 S6 Instrument of Delegation



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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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<b>Planning and Environment Act 1987</b> <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 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	CSLUP, CSP, GMED, MPD	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment & Development, Manager Planning & Development or Coordinator Statutory Planning.
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	CSLUP, CSP, GMED, MPD, PStrP, PStaP	
s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	CSP, GMED, MPD, PStrP, PStaP, SPP, TLPPS	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	CSLUP, CSP, GMED, MPD, PStrP, PStaP	
s 84AB	Power to agree to confining a review by the Tribunal	CSLUP, CSP, GMED, MPD, PStrP, PStaP	
s 86	Duty to issue a permit at order of Tribunal within 3 working days	CSLUP, CSP, GMED, MPD, PStrP, PStaP, PO, VPTP	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	CPC, CSLUP, CSP, GMED, MPD	



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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,	



### 4.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b> <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
		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	



### 4.3 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements	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.



### 4.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b> <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 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	



#### 4.3 S6 Instrument of Delegation



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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	



### 4.3 S6 Instrument of Delegation



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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



#### 4.3 S6 Instrument of Delegation



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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.



#### 4.3 S6 Instrument of Delegation



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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,	



#### 4.3 S6 Instrument of Delegation



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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	



#### 4.3 S6 Instrument of Delegation



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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



## 4.3 S6 Instrument of Delegation



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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



#### 4.3 S6 Instrument of Delegation



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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 a copy of each agreements available in accordance with public availability requirements	CPC, CSLUP, CSP, GMED, MPD, PO, VPTP, , SPIO, SPP, TLPPS	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	, CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, , , SPP, TLPPS	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	, CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP,, SPP, TLPPS	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	, CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP,, , SPP, TLPPS	
s 182	Power to enforce an agreement	, CSLUP, CSP, GMED, MPD, , PO, VPTP, SPS, SPP, TLPPS	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	, CSLUP, CSP, GMED, MPD, , PO, VPTP, SPS , SPP, TLPPS	
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	GMED, MPD	



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	GMED, MPD	
s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	, CSLUP, CSP, GMED, MPD, , PO, VPTP, PStrP, PStaP , SPP, TLPPS	
s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	, CSLUP, CSP, GMED, MPD, , PO, VPTP, SPS , SPP, TLPPS	
s 184G(2)	Duty to comply with a direction of the Tribunal	CSLUP, CSP, GMED, MPD, PO, VPTP, SPS, SPP, TLPPS	
s 184G(3)	Duty to give notice as directed by the Tribunal	CSLUP, CSP, GMED, MPD, PO, VPTP, SPS, SPP, TLPPS	
s 198(1)	Function to receive application for planning certificate	CSLUP, CSP, GMED, MPD, PO, VPTP, SPS, SPP, TLPPS	
s 199(1)	Duty to give planning certificate to applicant	CSLUP, CSP, GMED, MPD, PO, VPTP, SPS, SPP, TLPPS	



#### 4.3 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 201(1)	Function of receiving application for declaration of underlying zoning	CSLUP, CSP, GMED, MPD, PO, VPTP, SPS, SPP, TLPPS	
s 201(3)	Duty to make declaration	CSLUP, CSP, MPD, PO, VPTPPStrP, PStaP, SPP, TLPPS	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment & Development, Manager Planning & Development, Coordinator Statutory Planning, Principal Statutory Planner.
	Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	CPC, CSLUP, CSP, MPD, PIO, PO, VPTP, PPIO, PStrP, PStaP, SPIO, SPP, TLPPS	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment & Development, Manager Planning & Development, Coordinator Statutory Planning, Coordinator Planning Compliance, Principal Statutory Planner
	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	CPC, CSLUP, CSP, GMED, MPD, PIO, PO, VPTP, PStrP, PStaP, SPIO, SPP, TLPPS	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment & Development, Manager Planning & Development, Coordinator Statutory Planning, Coordinator Strategic



#### 4.3 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			Land Use Planning, Principal Statutory Planner , Principal Strategic Planner
	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	CPC, CSLUP, CSP, GMED, MPD, PO, VPTP, PStrP, PStaP, SPP, TLPPS	<p><b>LIMITATIONS:</b></p> <p>Delegated power to approve development plans is limited to the Manager Planning &amp; 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 &amp; Development or Manager Planning &amp; 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 &amp; Development, or General Manager Environment &amp; Development.</p>



### 4.3 S6 Instrument of Delegation



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



#### 4.3 S6 Instrument of Delegation



<p style="text-align: center;"><b>Residential Tenancies Act 1997</b></p> <p style="text-align: center;">Section 3(1) states – <i>Council has the same meaning as in section 3(1) of the Local Government Act 2020.</i></p> <p style="text-align: center;">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 style="text-align: center;">Note: Part referenced is Part 14 (s.512 - s.527)</p>			
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 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 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 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 27 April 2021, unless proclaimed earlier
s 142D	Function of receiving notice regarding an unregistered rooming house	CEH, EHO	



#### 4.3 S6 Instrument of Delegation



<p style="text-align: center;"><b>Residential Tenancies Act 1997</b></p> <p style="text-align: center;">Section 3(1) states – <i>Council has the same meaning as in section 3(1) of the Local Government Act 2020.</i></p> <p style="text-align: center;">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 style="text-align: center;">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 27 April 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 27 April 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	



#### 4.3 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 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	CEO	
s 525(4)	Duty to issue identity card to authorised officers	CEO	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	BI, BS, CEH, EHO, MBS	
s 526A(3)	Function of receiving report of inspection	CEH, EHO	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	BI, BS, CEH, EHO, MBS	

Road Management Act 2004			
Section 118(1) states – <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>			
Note: road authority means a person or body specified in or under section 37 – including municipal council.			



#### 4.3 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 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



### 4.3 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



#### 4.3 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	



#### 4.3 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.	CCO, MES, SAM	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	CCO, MES, SAM	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	CCO, 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 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	



#### 4.3 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, CCO, 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	CCO, 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



#### 4.3 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	CCO, MES, SAM	
s 116	Power to cause or carry out inspection	CCO, 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	



#### 4.3 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)	CCO, 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



#### 4.3 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	CCO, 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, CCO, 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



#### 4.3 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



#### 4.3 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)



### 4.3 S6 Instrument of Delegation



<p style="text-align: center;"><b>Planning and Environment Regulations 2015</b></p> <p>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.</p>			
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.



#### 4.3 S6 Instrument of Delegation



<b>Planning and Environment (Fees) Regulations 2016</b>  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	

<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020</b>  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	



#### 4.3 S6 Instrument of Delegation



<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020</b> 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	



#### 4.3 S6 Instrument of Delegation



<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020</b> 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	



#### 4.3 S6 Instrument of Delegation



<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020</b> 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	



#### 4.3 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
sch 3 cl4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	BS, MBS	

Residential Tenancies Regulations 2021			
Sch 4 cl 3(a)(iii) provides direct reference systems approved by the local council.			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 4 cl 3(a)(iii)	Power to approve any other toilet system	ND	

Road Management (General) Regulations 2016			
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>			
Note: road authority means a person or body specified in or under section 37 – including municipal council.			



### 4.3 S6 Instrument of Delegation



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	
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	CCO, CWM, MES, SAM	Where Council is the responsible road authority



#### 4.3 S6 Instrument of Delegation



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	

<p align="center"><b>Road Management (Works and Infrastructure) Regulations 2015</b></p> <p align="center"><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></p> <p align="center">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 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	MES, SAM	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive whole or part of fee in certain circumstances	MES, SAM	Where Council is the coordinating road authority



#### **4.3 S6 Instrument of Delegation**

#### **APPENDIX 2 LIST OF UPDATES - S6 INSTRUMENT OF DELEGATION**



Surf Coast Shire Council

**NEW Provisions**

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
546458	Planning and Environment Act 1987	s 28(2)	Duty to publish notice of the decision on Internet site	<a href="#"><u>CSLUP</u></a> , <a href="#"><u>CSP</u></a> , <a href="#"><u>MPD</u></a> , <a href="#"><u>PO</u></a> , <a href="#"><u>PSO</u></a> , <a href="#"><u>PStaP</u></a> , <a href="#"><u>PStrP</u></a> , <a href="#"><u>SPP</u></a> , <a href="#"><u>TLPPS</u></a> , <a href="#"><u>VFTP</u></a>	
546459	Planning and Environment Act 1987	s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	<a href="#"><u>CSLUP</u></a> , <a href="#"><u>CSP</u></a> , <a href="#"><u>MPD</u></a> , <a href="#"><u>PO</u></a> , <a href="#"><u>PSO</u></a> , <a href="#"><u>PStaP</u></a> , <a href="#"><u>PStrP</u></a> , <a href="#"><u>SPP</u></a> , <a href="#"><u>TLPPS</u></a> , <a href="#"><u>VFTP</u></a>	
546460	Planning and Environment Act 1987	s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends	<a href="#"><u>CSLUP</u></a> , <a href="#"><u>CSP</u></a> , <a href="#"><u>MPD</u></a> , <a href="#"><u>PO</u></a> , <a href="#"><u>PSO</u></a>	



#### 4.3 S6 Instrument of Delegation

Surf Coast Shire Council

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				<u>PStaP</u> , <u>PStrP</u> , <u>SPP</u> , <u>TLPPS</u> , <u>VFTP</u>	
546461	Residential Tenancies Regulations 2021	sch 4 cl 3(a)(iii)	Power to approve any other toilet system	<u>ND</u>	



#### 4.3 S6 Instrument of Delegation

Surf Coast Shire Council

### CHANGED Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
254049	Planning and Environment Act 1987	s 4H	Duty to make amendment to Victoria Planning Provisions available <a href="#">in accordance with public availability requirements</a>	AOPD, AOPlan, CSLUP, CSP, GMED, MPD, PAO, PCSASO, PO, PPAO, PSO, PStaP, PStrP, SPP, TLPPS, VFTP	
254050	Planning and Environment Act 1987	s 4I	Duty to keep Victorian Planning Provisions and other documents available <a href="#">in accordance with public availability requirements</a>	AOPD, AOPlan, CSLUP, CSP, GMED, MPD, PAO, PCSASO,	



### 4.3 S6 Instrument of Delegation

Surf Coast Shire Council

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				PO, PPAO, PropO, PSO, PStaP, PStrP, SPP, TLPPS	
254065	Planning and Environment Act 1987	s 18	Duty to make amendment etc. available <a href="#">in accordance with public availability requirements</a>	AOPD, AOPlan, CSLUP, GMED, MPD, PAO, PCSASO, PO, PPAO, PStrP, SPP, TLPPS	
254069	Planning and Environment Act 1987	s 21(2)	Duty to make submissions available <a href="#">in accordance with public availability requirements</a> <a href="#">_____</a>	CSLUP, CSP, MPD, PO, PSO, PStaP, PStrP,	



### 4.3 S6 Instrument of Delegation

Surf Coast Shire Council

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				SPP, TLPPS	
254075	Planning and Environment Act 1987	s 26(1)	Power to make report available for inspection <a href="#">in accordance with the requirements set out in s 197B of the Act</a>	CSLUP, CSP, GMED, MPD, PStaP, PStrP	
254076	Planning and Environment Act 1987	s 26(2)	Duty to keep report of panel available <del>for inspection</del> <a href="#">in accordance with public availability requirements</a>	CSLUP, CSP, MPD, PO, PSO, PStaP, PStrP, SPP, TLPPS, VFTP	
254087	Planning and Environment Act 1987	s 41(1)	Duty to make <a href="#">a copy of an</a> approved amendment available <a href="#">in accordance with the public availability requirements during inspection period</a>	CSLUP, CSP, GMED, MPD, PO, PSO, PStaP, PStrP, SPP,	



#### 4.3 S6 Instrument of Delegation

Surf Coast Shire Council

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				TLPPS, VFTP	
254088	Planning and Environment Act 1987	s 42(2)	Duty to make copy of planning scheme available <a href="#">in accordance with the public availability requirements</a>	AOPD, AOPlan, CSLUP, CSP, GMED, MPD, PAO, PCSASO, PO, PPAO, PSO, PStaP, PStrP, SPP, TLPPS, VFTP	
254108	Planning and Environment Act 1987	s 49(2)	Duty to make register available for inspection <a href="#">in accordance with the public availability requirements</a>	AOPD, AOPlan, CSLUP, CSP, GMED, MPD, PAO, PCSASO,	



#### 4.3 S6 Instrument of Delegation

Surf Coast Shire Council

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				PO, PPAO, PSO, PStaP, PStrP, SPP, TLPPS, VFTP	
254114	Planning and Environment Act 1987	s 51	Duty to make copy of application available for inspection <a href="#">in accordance with the public availability requirements</a>	CSLUP, CSP, GMED, MPD, PO, PStrP, SP, TLPPS	
254133	Planning and Environment Act 1987	s 57(5)	Duty to make <a href="#">available for inspection</a> a copy of all objections <a href="#">available in accordance with the public availability requirements</a>	AOPD, AOPlan, CSLUP, CSP, GMED, MPD, PAO, PCSASO, PO, PPAO, PSO,	



#### 4.3 S6 Instrument of Delegation

Surf Coast Shire Council

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				PStaP, PStrP, SPP, TLPPS, VFTP	
254170	Planning and Environment Act 1987	s 70	Duty to make copy permit available for inspection <a href="#">in accordance with the public availability requirements</a>	AOPD, AOPlan, CSLUP, CSP, GMED, MPD, PAO, PCSASO, PO, PPAO, PSO, PStaP, PStrP, SPP, TLPPS, VFTP	
254208	Planning and Environment Act 1987	s 97G(6)	Duty to make a copy of permits issued under s 97F available <a href="#">in accordance with the public availability requirements</a>	AOPD, AOPlan, CSLUP, CSP, GMED,	



#### 4.3 S6 Instrument of Delegation

Surf Coast Shire Council

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				MPD, PAO, PCSASO, PO, PPAO, PSO, PStAP, PStrP, SPP, TLPPS, VFTP	
254261	Planning and Environment Act 1987	s 179(2)	Duty to make <a href="#">copy of each agreement</a> available for inspection in accordance with <a href="#">the public availability requirements</a>	CPC, CSLUP, CSP, GMED, MPD, PO, SPIO, SPP, TLPPS, VFTP	



#### 4.3 S6 Instrument of Delegation

Surf Coast Shire Council

### DELETED Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
253893	Cemeteries and Crematoria Act 2003	s 15(1) and (2)	Power to delegate powers or functions other than those listed		
254003	Environment Protection Act 1970	s 53M(3)	Power to require further information	CEH, EHO	
254004	Environment Protection Act 1970	s 53M(4)	Duty to advise applicant that application is not to be dealt with	CEH, EHO	
254005	Environment Protection Act 1970	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
254006	Environment Protection Act 1970	s 53M(6)	Power to refuse to issue septic tank permit	CEH, EHO	Refusal must be ratified by Council or



#### 4.3 S6 Instrument of Delegation

Surf Coast Shire Council

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					it is of no effect
254007	Environment Protection Act 1970	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



#### 4.4 Contract Extension - T17-011 Kerbside Garden Organics Receival and Processing

**Author's Title:** Coordinator Waste Management

**Department:** Engineering Services

**Division:** Governance & Infrastructure

**Appendix:**

Nil

**Officer Conflict of Interest:**

In accordance with Local Government Act 2020 –  
Section 130:

☐

Yes

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No

**Reason:** Nil

**General Manager:** John Bertoldi

**File No:** F16/1597

**Trim No:** IC21/1368

**Status:**

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

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Yes

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No

**Reason:** Nil

#### Purpose

The purpose of this report is to seek approval to extend contract T17-011 Kerbside Garden Organics Receival & Processing following Ministerial exemption from tendering under Section 186(5)(c) of the Local Government Act 1989.

#### Summary

Surf Coast Shire's contract for kerbside waste and organics receival and processing was due to expire on 31 July, 2021, with no further options available to extend.

Given the lack of suppliers in the sector to undertake kerbside organics receival and processing services, Surf Coast Shire in partnership with the Borough of Queenscliffe submitted a joint request to the Minister for Local Government to seek an extension to their existing contracts with Corio Waste Pty Ltd, using the Barwon South West Waste and Resource Recovery Group as their agent. On 5 July, Council was informed that the request had been successful and that both Surf Coast Shire and the Borough of Queenscliffe could enter into contract extensions with Corio Waste for a period up to 30 June 2024.

Given the window to seek Council approval for the contract extension in July had closed, a two month extension period, commencing from 1 August 2021, and ending on 30 September 2021 was authorised under delegation by the Chief Executive Officer.

Subject to Council endorsement, the extension for the full period to 30 June 2024 is to be made through signing of a Deed of Variation to the existing contract between Corio Waste Pty Ltd, and the Chief Executive Officer.

#### Recommendation

That Council:

1. Approves the extension of Contract T17-011 Kerbside Garden Organics Receival & Processing up to 30 June 2024 with Corio Waste Management Pty Ltd.
2. Authorises the Chief Executive Officer to execute a Deed of Variation for the contract extension.

#### Council Resolution

**MOVED Cr Kate Gazzard, Seconded Cr Paul Barker**

That Council:

1. Approves the extension of Contract T17-011 Kerbside Garden Organics Receival & Processing up to 30 June 2024 with Corio Waste Management Pty Ltd.
2. Authorises the Chief Executive Officer to execute a Deed of Variation for the contract extension.

CARRIED 9:0



#### **4.4 Contract Extension - T17-011 Kerbside Garden Organics Receival and Processing**

##### **Report**

##### ***Officer Direct or Indirect Interest***

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

##### ***Background***

Council awarded Contract T17-011 Kerbside Garden Organics Receival & Processing to Corio Waste Management Pty Ltd at the meeting of 27 June 2017 for a three year period with a 1 year extension option. The tender process was a collaborative process with the Borough of Queenscliffe.

Corio Waste Management Pty Ltd have performed the contract to a high standard and were a critical component enabling the shire wide roll out of the kerbside food organics and garden organics (FOGO) system.

##### ***Discussion***

Surf Coast Shire Council and the Borough of Queenscliffe had planned to collaboratively tender for organics processing in mid-2020. Councils had prepared documentation in readiness for the tender. The term of the contract was intended to be at minimum of three years.

In a teleconference held on 31 March 2020, the waste and recycling sector advised the Minister for Energy, Environment and Climate Change that they expected to have a limited capacity to respond to competitive tenders due to the impact of Covid-19.

The Minister for Energy, Environment and Climate Change subsequently requested that Waste and Resource Recovery Groups work with councils to delay waste and recycling procurement for a period of six months until October 2020.

Barwon South West Waste and Resource Recovery Group communicated this advice to Barwon South West councils, Surf Coast Shire Council and the Borough of Queenscliffe delayed tendering based on this advice.

At the end of the six-month period, the waste and resource recovery industry was still experiencing limited capacity due to Covid-19 impacts and restrictions. This prevented councils from tendering in October and November 2020.

Due to these disruptions, there was not sufficient time to complete a public tender process prior to the expiry of Council's existing contract with Corio Waste Management Pty Ltd (*T17-011 Kerbside Garden Organics Receival & Processing*). A tender process generally takes around three months plus a minimum six-month lead time is needed prior to the service commencement to establish the infrastructure and logistics required for the contract.

In terms of the retendering strategy generally, the s186 exemption application outlined that there are currently alternative FOGO processing facilities available within the state, however none of these service providers have an acceptance facility located near the Borough of Queenscliffe or Surf Coast Shire Council. Any alternative service providers would need to establish an acceptance facility close to the councils for the contract. There is significant investment required to establish an acceptance facility, including site purchase or lease, weighbridge, loading plant and trucks for transporting from the acceptance facility to the processing facility.

If an alternative service provider could not be secured through tendering, councils may have to send organics to landfill. This would have adverse impacts for councils, the Victorian Government and the community including loss of public trust in the household recycling system, similar to that experienced with the 2019 recycling disruptions. This may have long term impacts on the community's recycling behaviours; increased costs to councils and the community associated with paying higher gate fees and levy to send this material to landfill and the sending to landfill of organics would conflict with the delivery of the *Recycling Victoria; A new economy* policy, which aims to halve the volume of organic material going to landfill between 2020 to 2030, with an interim target of 20% reduction by 2025. It would undermine public faith in the state wide kerbside reforms which will provide all households with access to a FOGO service by 2030.

Following receipt of confirmation of the exemption from tendering, Council decision is required to extend the current contract to 30 June 2024. This will be by means of a Deed of Variation to the contract.



#### 4.4 Contract Extension - T17-011 Kerbside Garden Organics Reveal and Processing

##### **Council Plan**

Theme 2 Environmental Leadership  
Objective 2.2 Improve the re-use of resources  
Strategy 2.2.1 Develop and implement organic waste diversion pilot program

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

##### **Reporting and Compliance Statements:**

Local Government Act 2020 – LGA 2020

<b>Implications</b>	<b>Applicable to this Report</b>
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020 and Council's Community Engagement Policy SCS-017 )	No
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	No
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	Yes
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes
Risk Assessment	Yes
Communication	No
Human Rights Charter	No

##### **Governance Principles - Local Government Act 2020 (LGA 2020)**

Ongoing access to an organics reveal and processing facility ensures the kerbside FOGO waste collection service remains available for the community and providing the best environmental, social and financial outcome from the service.

Council officers have worked collaboratively with officers at the Borough of Queenscliffe both in establishing contract T17-011 and also the Ministerial exemption application.

Contract T17-011 with Corio Waste Management Pty Ltd has enabled council to be innovative and early movers with the adoption of a shire wide FOGO service. It has also enabled Council to meet the objectives within the Council Plan to improve the re-use of resources and divert waste from landfill.

##### **Policy/Relevant Law**

Until Council has developed and adopted a procurement policy that is compliant with the Local Government Act 2020, Section 186 of the Local Government Act 1989 must be complied with. Council sought and received an exemption from the Minister from complying with Section 186(5)(c) of the Local Government Act 1989 to extend contract T17-011 with Corio Waste Management Pty Ltd.

##### **Environmental/Sustainability Implications**



#### **4.4 Contract Extension - T17-011 Kerbside Garden Organics Receival and Processing**

Diversion of organic waste from landfill has been identified as a key priority by both Council and the state government. Removing organic matter from landfill reduces greenhouse gas emissions and also recovers a valuable resource, mulch; that can be used on farms to enhance food and crop production.

##### ***Strategies/Plans***

*Recycling Victoria; A new economy* policy, aims to halve the volume of organic material going to landfill between 2020 to 2030, and requires all households to have access to a FOGO service by 2030.

##### ***Financial Management***

Processing costs for materials collected from the kerbside waste system are factored into annual operating budgets. There are no proposed increases to contract rates other than annual CPI adjustments in accordance with current contract conditions. The contract value for the first 12 months is \$850,000.

##### ***Service Performance***

Council's waste management service is dependent on contractors to provide specialised components of the service to the community. Processing of organic waste is a specialised area requiring facilities to be authorised by the Environment Protection Authority to accept and process the waste. There are currently no facilities within the Geelong area authorised to accept and process the types of organic waste collected via council's kerbside FOGO collections.

Corio Waste Management Pty Ltd, via their Western Composting facility in Shepparton, have provided a reliable and consistent service to Council. Industry comparisons have shown the fees are competitive with other facilities throughout Victoria for the waste types received.

##### ***Risk Assessment***

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

Extending Contract T17-011 Kerbside Garden Organics Receival & Processing will ensure organics waste continues to be diverted from landfill. Failure to do so poses a risk to Council's reputation and trust from the community towards the whole waste and resource recovery system.

##### ***Options***

###### **Option 1 – Not extend contract T17-011 Kerbside Garden Organics Receival & Processing**

This option is not recommended by officers as organic waste will likely be deposited to landfill having a negative environmental, financial and community implications.

###### **Option 2 – extend contract T17-011 Kerbside Garden Organics Receival & Processing**

This option is recommended by officers as it will ensure the ongoing viability of council's kerbside FOGO waste service for the community.

##### ***Conclusion***

Council has been successful in receiving a Ministerial exemption from complying with Section 186(5)(c) of the Local Government Act 1989 to extend contract T17-011 with Corio Waste Management Pty Ltd until 30 June 2024. Continuing the contract with Corio Waste Management Pty Ltd is considered to provide Council and the community with the best outcome to ensure organic waste is diverted from landfill.



#### 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

**Author's Title:** Acting Manager Planning & Development

**General Manager:** John Bertoldi

**Department:** Planning & Development

**File No:** F16/1207

**Division:** Environment & Development

**Trim No:** IC21/1180

**Appendix:**

1. Torquay Jan Juc DCP Review Report (D19/149330)
2. Revised Torquay Jan Juc DCP (D21/128864)
3. Draft Explanatory Report (D21/129449)
4. Draft DCPO Schedule 2 (D21/129452)

**Officer Conflict of Interest:**

In accordance with Local Government Act 2020 – Section 130:

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Yes

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No

**Reason:** Nil

**Status:**

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

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Yes

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No

**Reason:** Nil

#### Purpose

The purpose of this report is to present to Council the revised development contributions plan for Torquay/Jan Juc and consider the planning scheme amendment to incorporate it into the Surf Coast Planning Scheme.

#### Summary

The development contribution system in Victoria enables new development to contribute to the cost of infrastructure required to service the new communities created; including off site traffic works, kindergartens, sporting fields and libraries. However, they are a contribution, not full cost recovery, with the remainder of costs covered by grants or Council funds. The system is heavily regulated.

A formal development contributions plan (DCP) is implemented through a development contributions plan overlay in the planning scheme. The existing Torquay/Jan Juc DCP forms part of DCP Overlay Schedule 2 of the Surf Coast Planning Scheme and has been receiving contributions since 2013. General infrastructure contributions are paid by developers at the time of subdivision or provided as 'works in kind'. The community infrastructure levy is paid at building permit stage.

A review of the existing Torquay/Jan Juc Development Contributions Plan (DCP) was completed in 2019. The objective of the review was to update the document to ensure that it remains an effective mechanism to deliver infrastructure for the growing community, and to meet Council's legislative requirements to regularly review DCPs. The existing DCP was adopted by Council in 2011 and is significantly out of date.

The review findings were endorsed by Council at its meeting on 10 December 2019 and has informed the Council's Long Term Financial Plan. Appendix 1 is a copy of the review report.

No new infrastructure items have been added to the DCP. The main changes to the DCP include:

- Updated scope and costings for infrastructure projects; with a minor increase in rates as a result.
- Revised timing for delivery of infrastructure to allow some flexibility rather than a set date
- Greater clarity regarding works in kind.

A revised DCP has been prepared in accordance with the review findings by expert consultants Urban Enterprise. To give effect to the new DCP a planning scheme amendment is required to replace the earlier version under the Development Contributions Plan Overlay Schedule 2 and include it as an incorporated document in the planning scheme. The draft planning scheme amendment is attached to this report (minor clerical changes may occur to the explanatory report prior to exhibition).



#### **4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment**

##### **Recommendation**

That Council:

1. Adopts the revised development contributions plan for Torquay Jan Juc as shown in Appendix 2.
2. Supports the planning scheme amendment to implement the revised development contributions plan (DCP) comprising a new Schedule 2 to the Development Contributions Plan Overlay and replacing the 2011 DCP with the revised DCP dated June 2021 as an incorporated document at Clause 72.04.
3. Requests authorisation from the Minister for Planning to prepare and exhibit the planning scheme amendment to implement the DCP.
4. Upon receipt of authorisation from the Minister for Planning, exhibits the amendment for a period of one month in accordance with the Planning and Environment Act 1987.

##### **Council Resolution**

**MOVED Cr Rose Hodge, Seconded Cr Paul Barker**

That Council:

1. Adopts the revised development contributions plan for Torquay Jan Juc as shown in Appendix 2.
2. Supports the planning scheme amendment to implement the revised development contributions plan (DCP) comprising a new Schedule 2 to the Development Contributions Plan Overlay and replacing the 2011 DCP with the revised DCP dated June 2021 as an incorporated document at Clause 72.04.
3. Requests authorisation from the Minister for Planning to prepare and exhibit the planning scheme amendment to implement the DCP.
4. Upon receipt of authorisation from the Minister for Planning, exhibits the amendment for a period of one month in accordance with the Planning and Environment Act 1987.

CARRIED 9:0



## 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

### **Report**

#### ***Officer Direct or Indirect Interest***

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

#### ***Background***

The Development Contributions Plan (DCP) system in Victoria is designed to ensure new development makes a contribution to the new infrastructure required to service the new community. The contributions cover off- site works or shared infrastructure such as traffic signals, kindergartens, libraries and sporting fields accessed by a wider catchment. Roads, traffic management devices and infrastructure required on the site (e.g. within a subdivision of land) are constructed by the developer. DCP contributions are designed to be contributions only and not full cost recovery. The remainder of the costs of the infrastructure are covered by State or Federal Grants or Council revenue.

The Torquay Jan Juc Development Contribution Plan was adopted by Council in 2011 and gazetted in August 2013. The DCP was designed to fund 45 infrastructure projects at a total cost of \$64M (2010 values) with development levies contributing approximately 26% of the total cost with the remaining cost to be borne by Surf Coast Shire and the Great Ocean Road Coastal Committee (now the Great Ocean Road Coast and Parks Authority) or other sources.

Council committed funds within its 2016/17 budget to undertake a review of the DCP with the purpose of:

- Ensuring the DCP remains an effective mechanism to plan and deliver nominated infrastructure projects that have multiple beneficiaries and contributors.
- Meeting Council's legislative requirements to regularly review DCP's.

Below is a table summarising the scope of the project and the findings in the review:

Scope Item	Findings
<u><i>Review of the existing projects</i></u> Reviews of existing projects was undertaken by internal staff in conjunction with consulting engineers including: <ul style="list-style-type: none"><li>• Confirmation the project was still valid</li><li>• Review scope, costs, projected timing</li></ul>	<ul style="list-style-type: none"><li>• Due to lack of details on a number of project scopes, revised scopes and estimates were required</li><li>• Triggers for project delivery were based on forecasted delivery years and not actual need for the project</li><li>• Although there are higher and lower project costs and estimates across the projects, the total cost for delivery of the overall DCP has not changed significantly (other than indexation)</li></ul>



#### 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

Scope Item	Findings
<u>Review of mechanisms, tools and reporting</u> <ul style="list-style-type: none"> <li>Engage with development industry, GORCC</li> <li>Review past VAGO report into DCP's</li> <li>Investigate opportunities to rationalise and simplify</li> <li>Review reporting mechanism</li> </ul>	<ul style="list-style-type: none"> <li>Scope of DCP projects was not clearly defined within the original DCP</li> <li>More flexibility is required in delivery timelines</li> <li>Slower rate of development than anticipated by the original DCP has resulted in slower receipt of income</li> <li>Management of data relating to DCP items, particularly revenue difficult to track/manage</li> <li>Process for Works in Kind delivered by developers has been unclear</li> <li>Developments subject to DCP levies have been captured through the planning permit process (except for a small number of 2-3 lots subdivisions of negligible value in overall DCP)</li> <li>Additional income has been received in some catchments where redevelopment was not initially expected</li> <li>The development of three schools within Torquay North has resulted in a loss of anticipated levies (due to State Government exemptions)</li> <li>The Net Present Value (NPV) financial modelling approach coupled with slower up-front development has resulted in additional demand on Council to cash-flow the delivery of projects</li> </ul>
<u>Spring Creek Catchment</u> <ul style="list-style-type: none"> <li>Investigate panel recommendation with regards to the Spring Creek PSP</li> <li>Review costing of Spring Creek PSP Projects</li> <li>Investigate whether to: <ul style="list-style-type: none"> <li>Incorporate the Spring Creek PSP projects into the existing DCP</li> <li>Manage the Spring Creek PSP through a separate mechanism</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>State Govt election changed direction of Spring Creek PSP.</li> <li>The future of Spring Creek will be determined by the Distinctive Areas and Landscapes project.</li> </ul>
<u>Implementation of Outcomes</u> <ul style="list-style-type: none"> <li>Determine the most appropriate approach to the Planning Scheme Amendment (PSA)</li> <li>Preparation and implementation of the PSA</li> <li>Update Long Term Financial Plan</li> </ul>	<ul style="list-style-type: none"> <li>Current stage – consideration of a planning scheme amendment to implement the revised DCP and replace the existing DCP in the planning scheme.</li> </ul>

The review of the DCP was completed and endorsed by Council at its meeting on 10 December 2019. A copy of the review report is attached at Appendix 1. A copy of the revised Torquay/Jan Juc DCP prepared by specialist consultants Urban Enterprise is attached at Appendix 2.

#### Discussion

In accordance with the recommendations in the DCP review report endorsed by Council in 2019, a revised DCP has been prepared for incorporation into the planning scheme. The plan has been prepared by consultants Urban Enterprise who are experts in development contributions and also prepared the review report for Council.



#### 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

The changes to the DCP include:

- Updated scope and costings for infrastructure projects; with a minor increase in rates as a result.
- Revised timing for delivery of infrastructure to allow some flexibility rather than a set date
- Greater clarity regarding 'works in kind' by developers.

The DCP has been reviewed and is considered satisfactory for adoption.

To enable the DCP to be implemented, a planning scheme amendment is required to replace the existing DCP in the planning scheme under the Development Contributions Plan Overlay Schedule 2 with the new version and include it as an incorporated document in the scheme at Clause 72.04. A planning scheme amendment has been drafted accordingly and the explanatory report and new Clause 45.05 Schedule 2 are attached at Appendix 3 and 4.

It is recommended that Council adopt the revised DCP and seek authorisation from the Minister for Planning to prepare and exhibit the amendment generally in the form of the attached draft. Minor changes may be made to the explanatory report prior to exhibition.

Any submissions received to the amendment will be reported to a future council meeting. If an independent panel is required to consider unresolved submissions, further funds may be necessary to cover panel costs and an expert witness required for the hearing. An expert witness specialising in DCPs will be required to support Council's revision of the DCP, if it is subject to challenge.

It is considered that a Hearing of Submissions will not be required to receive presentations to Councillors from submitters due to the highly technical nature of the subject matter. Any unresolved submissions can be referred to an independent panel for review, if required.

Stakeholders including members of the local development community were consulted on the review of the Torquay/Jan Juc DCP. The DCP has been operating since 2013 and is a well recognised method of cost sharing for new infrastructure. The planning scheme amendment will be exhibited in accordance with the Planning and Environment Act 1987 following authorisation by the Minister for Planning.

##### **Council Plan**

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

Theme 5 High Performing Council  
Objective 5.4 Ensure the community has access to the services they need

##### **Reporting and Compliance Statements:**

*Local Government Act 2020 – LGA 2020*

<b>Implications</b>	<b>Applicable to this Report</b>
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020 and Council's Community Engagement Policy SCS-017 )	Yes
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No



#### 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
<b>Service Performance</b> (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)**

Ensuring ongoing financial viability is a relevant governance principle in relation to development contributions. The DCP system facilitates a contribution from new developments to the cost of infrastructure required to service the new communities. The developers do not cover the entire cost of infrastructure but do make a contribution to supplement other revenue streams such as State and Federal grants and Council rate revenue. The system is heavily regulated and is considered fair and equitable. It has been operating successfully in the Shire since 2013 but requires updating.

##### **Policy/Relevant Law**

The review of the Torquay/Jan Juc DCP has been completed by specialist consultants, Urban Enterprise, and meets all relevant legislation. The revised DCP will bring the DCP into compliance and complete Council's obligation to regularly review the DCP.

##### **Community Engagement**

In the review of the DCP consultation occurred with members of the local development industry, the Great Ocean Road Coastal Committee (now the Great Ocean Road Coast and Parks Authority) and the Department of Environment, Land, Water and Planning. They were also advised of Council's endorsement of the DCP review report.

In accordance with the Planning and Environment Act 1987, the planning scheme amendment is proposed to be exhibited for a period of one month and submissions invited. All submissions will be reported to a future Council meeting for consideration. Any unresolved submissions can be referred to an independent panel for review.

##### **Public Transparency**

The review of the DCP and the reporting on the planning scheme amendment to be developed fulfils the requirements for transparency in Council's decision-making.

##### **Financial Management**

Refer to 'Governance Principles' above regarding the financial benefit of DCPs.

As part of the review of the Torquay/Jan Juc DCP, funds are available to undertake the giving of notice/exhibition for the amendment and the payment of statutory fees. However, should an independent planning panel be required to consider submissions, Council may need to consider a request for additional funds to pay the costs of the panel hearing and expert witnesses.

In addition, due to the number of planning scheme amendments on the current work plan for the Strategic Planning Unit, Council officers are proposing an application to the Department of Environment, Land, Water and Planning (DELWP) for assistance from the DELWP Regional Planning Hubs for management of the amendment.

##### **Risk Assessment**

If the recommendations in this report are not implemented, Council will be administering an out of date DCP and will not meet its requirements to regularly review DCPs or maintain an up to date planning scheme.

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



#### **4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment**

##### ***Communication***

The new DCP and the planning scheme amendment will be exhibited following authorisation by the Minister for Planning. All stakeholders and the community will have the opportunity to make submissions.

##### ***Options***

###### **Option 1 – Adopt the revised DCP and support preparation of a planning scheme amendment to implement the new DCP**

This option is recommended by officers as it follows a comprehensive review of the existing Torquay/Jan Juc DCP. The review and its recommendations were endorsed by Council in December 2019. The planning scheme amendment will enable the revised DCP to replace the existing DCP in the planning scheme and is required to give the document statutory weight.

The new DCP has been prepared by external consultants who are experts in DCPs who have independently reviewed the current DCP.

###### **Option 2 – Do not adopt the revised DCP or proceed with the planning scheme amendment**

This option is not recommended by officers as the existing DCP lacks clarity, is out of date, does not include up to date scope and costings for infrastructure and has no flexibility on timing for delivery of projects. The revised DCP will bring the document into compliance and ensure a well performing planning scheme.

##### ***Conclusion***

The review of the Torquay/Jan Juc DCP was completed in December 2019. The adoption of the revised DCP and preparation of a planning scheme amendment will fulfil the recommendations in the review report endorsed by Council in December 2019.

Submissions received during the exhibition process will be reported to a future council meeting, at which stage additional funds may be requested for an independent panel, if required, to review submissions if they cannot be resolved.



#### **4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment**

##### **APPENDIX 1 TORQUAY JAN JUC DCP REVIEW REPORT**





# TORQUAY JAN JUC DCP REVIEW

## FINDINGS AND RECOMMENDATIONS

OCTOBER 2019

SURF COAST SHIRE

Urban Enterprise Urban Planning / Land Economics / Tourism Planning / Industry Software

[www.urbanenterprise.com.au](http://www.urbanenterprise.com.au)



## 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

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**FILENAME:** Torquay Jan Juc DCP Review Findings and Recommendations FINAL 101019

**VERSION:** 1

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## 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

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### ACRONYMS

CIL – Community Infrastructure Levy  
DCP – Development Contributions Plan  
DIL – Development Infrastructure Levy  
ICP – Infrastructure Contributions Plan  
NPV – Net Present Value  
POS – Public Open Space  
PSP – Precinct Structure Plan  
SOC – Statement of Compliance  
WIK – Works in-kind



## 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

### EXECUTIVE SUMMARY

Urban Enterprise was engaged by Surf Coast Shire (**Council**) to undertake a review of the existing Torquay and Jan Juc Development Contributions Plan (**DCP**).

The process of reviewing a DCP requires a Planning Scheme Amendment. This report documents the findings of the review of the DCP and provides recommendations to update the DCP to be implemented through a Planning Scheme Amendment.

#### DCP OVERVIEW

The DCP was adopted in 2011 and gazetted in August 2013, and applies to both existing areas and growth areas of Torquay and Jan Juc.

The time period of the DCP is not clearly specified, however projections are over a 21-year period. Almost 6 years have passed since the DCP was gazetted.

The DCP was designed to fund 45 infrastructure items with a total cost of \$64.05m (2010 values), including community facilities and road items (and associated land acquisition), active and passive open space improvements and shared trails.

A Net Present Value model was used to calculate levies, which vary across each of 26 charge areas and three land uses categories of residential, business and industrial. Residential levies ranged from \$1,901 to \$6,444 per dwelling (2010 values including DIL and CIL), with newer growth areas generally required to pay levies in the order of \$4,000 - \$6,400 per dwelling.

It was expected that levies collected from new development would comprise 26% of the total cost of delivering all DCP infrastructure items. The balance of the infrastructure cost is to be borne by Surf Coast Shire and the GORCC on behalf of existing development.

#### CONSULTATION FINDINGS

Both Council and developers identified the need for greater detail in the DCP, primarily regarding scope of works for DCP items and clarity regarding the delivery of works in-kind. Council officers and developers agree that infrastructure delivery windows should be more flexible to respond to demand. The approach to open space was a particular point of concern for developers and Council officers.

Developers seek greater flexibility to adjust the scope of DCP items to respond to need and also seek to ensure that infrastructure scopes are not over-specified to reduce the burden on homeowners. Council can use the review mechanism and Planning Scheme Amendment process to make changes to the scope and content of DCP items if required.

Council officers indicated that the shortfall in funding due to lower than expected development rates is resulting in a financial challenge to Council. Council also identified significant shortcomings in terms of accounting and managing the DCP – improved systems are required that will withstand personnel change.

Council and GORCC identified the need to formalise an approach to the transfer of levies to GORCC as a Development Agency.

DELWP advised that the new ICP system for regional Victoria will not be applicable to established areas, and that an optimal approach to this review is to maintain the core basis on which the DCP was prepared, including keeping a clear separation between the existing DCP and funding mechanisms for any future growth areas.



## 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

### DEVELOPMENT, REVENUE AND INFRASTRUCTURE

Less development has occurred than originally projected in the DCP – only 62% of the projected number of residential dwellings have been constructed. This has resulted in less levy revenue being collected to date than projected.

A range of other factors have also contributed to less revenue being collected than originally anticipated, including the use of a Net Present Value financial model to calculate levies and the development of school sites without payment of contributions.

If development projections are not monitored and adjusted over time, there is a possibility that the DCP will be substantially under-funded, resulting in an additional funding shortfall and significant financial implications for Council.

The risks associated with a lower rate of development can be mitigated through changes to infrastructure delivery triggers, the DCP timeframe and the financial model used to calculate levies.

An infrastructure list review completed by Council identified that the required scope of work and cost has changed for a number of DCP items, warranting a full update to the content of the list as part of this review. As a result of the infrastructure review process, the total cost of DCP infrastructure items increased from \$64.1m to \$77.0m. If these items were indexed to current values, the total cost would be approximately \$78.5m.

### RECOMMENDATIONS

The following recommendations are made to respond to the findings of the review. No changes to infrastructure funding principles, cost apportionment or charge areas are proposed.

1. Specify a timeframe for completion of the DCP and identify circumstances under which this timeframe and associated development projections should be revised;
2. Monitor development projections and activity to determine if the timeframe of the DCP requires revision;
3. Adjust development projections to reflect lower yield in some charge areas due to school developments.
4. Adjust internal development and revenue projections to align with current rates of development and estimates of future demand;
5. Amend infrastructure delivery windows to reflect demand triggers (e.g. lot thresholds) and retain flexibility;
6. More clearly articulate Council's approach to open space funding and works in-kind;
7. Reflect Council's review of infrastructure items, including new items, new costs and scopes of work for existing items;
8. Update levy calculations to reflect new cost estimates and to convert levy calculations to nominal values by removing the Net Present Value financial model (proposed new 2018 levies are shown in Appendix B);
9. Reflect the new CIL cap of \$1,150 per dwelling (2018-19) and make provision to capture any future increases;
10. Add a new indexation mechanism for land acquisition items.
11. Formalise the process for transfer of funds to GORCC;
12. Establish appropriate software to improve administration of the DCP; and
13. Prepare a revised DCP and seek authorisation to prepare a Planning Scheme Amendment to reflect changes.



## 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

### 1. INTRODUCTION

#### 1.1. ENGAGEMENT

Urban Enterprise was engaged by Surf Coast Shire (**Council**) to:

- Undertake a review of the existing Torquay and Jan Juc Development Contributions Plan (**DCP**); and
- Provide advice on infrastructure funding for the Spring Creek Precinct Structure Plan (**PSP**) area.

#### 1.2. PROJECT AIMS AND OBJECTIVES

The aims of the project were to:

- Review the existing DCP and rationalise and simplify where possible;
- Identify any challenges that the current iteration of the DCP has encountered in the delivery of shared infrastructure for the towns of Torquay and Jan Juc;
- Ensure that the DCP remains an effective mechanism to plan and deliver shared infrastructure in the area;
- Consult with the stakeholders involved with the delivery of the DCP; and
- Understand the potential relationship with the Spring Creek PSP.

#### 1.3. REPORT CONTENT

This report sets out findings and recommendations from the review in the following sections:

- Section 2 provides an overview of the statutory framework for shared infrastructure funding and open space contributions in Victoria;
- Section 3 provides a summary of the Torquay Jan Juc DCP;
- Section 4 summarises the findings of consultation with various stakeholders undertaken in 2017;
- Section 5 presents data relating to development, revenue and infrastructure delivered since the DCP commenced;
- Section 6 shows the recommended changes and the financial and infrastructure outcomes resulting from the recommended changes.

#### 1.4. SPRING CREEK

A Precinct Structure Plan (**PSP**) has been prepared for Spring Creek, a potential urban growth area to the west of Torquay adjacent to the DCP area. The original scope for this review included advice on a suitable approach to infrastructure funding for Spring Creek taking into consideration any impacts on the existing DCP, however the Planning Scheme Amendment to rezone the land and introduce the PSP (Amendment C114) has not progressed.

It is considered that until such time that greater certainty is available for Spring Creek, this project should not seek to integrate the infrastructure needs of Spring Creek with the DCP. If development of the Spring Creek PSP does ultimately proceed, a stand-alone infrastructure funding mechanism such as an Infrastructure Contributions Plan (**ICP**) would be the most suitable approach.

If there are any specific infrastructure items required that are common to both the DCP and the future ICP, these should only be included in the DCP if and when the Spring Creek ICP is approved. This may be a consideration for future revisions of the DCP.



## 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

## 2. STATUTORY CONTEXT

### 2.1. INTRODUCTION

The Torquay Jan Juc DCP was adopted by Council in 2011. There have since been a number of changes and additions to the statutory framework for funding shared infrastructure in Victoria.

This section provides an overview of the current statutory framework and policy provisions that are relevant to preparing and reviewing a DCP, an Infrastructure Contributions Plan (ICP), and public open space (POS) contributions.

### 2.2. DEVELOPMENT CONTRIBUTIONS PLANS

#### PREPARING A DCP

Under the current Victorian planning system, development contributions can be collected by a Collecting Agency (typically local Councils) in accordance with the Planning and Environment Act 1987 (the **Act**), the State Planning Policy Framework (SPPF), a Ministerial Direction (from the Minister for Planning) and the Development Contributions Guidelines (2007).

The Ministerial Direction on the Preparation and Content of Development Contributions Plans (11 October 2016) outlines what may be funded from a Development Infrastructure Levy (DIL), namely:

- Acquisition of land for roads, public transport corridors, drainage, public open space, community facilities;
- Construction of roads, including the construction of bicycle and foot paths, and traffic management and control devices;
- Construction of public transport infrastructure, including fixed rail infrastructure, railway stations, bus stops and tram stops;
- Basic improvements to public open space, including earthworks, landscaping, fencing, seating and playground equipment;
- Drainage works; and
- Buildings and works for or associated with the construction of a maternal and child health centre, a child care centre, a kindergarten or any centre which provides these facilities in combination.

Under the Act, a DCP may also include a Community Infrastructure Levy (CIL) which can be used to fund the construction of all other buildings or facilities used for community or social purposes.

#### REVIEWING A DCP

The process for reviewing a DCP is set out in the Development Contributions Guidelines. Selected statements in the Guidelines (pp.11-12) relevant to this project include the following:

- As a result of the regular monitoring and review of an approved DCP over its life, a council may decide that a change to the DCP is required and could be justified;
- Once a DCP is incorporated into the planning scheme, any change of content will require a new amendment;
- For an existing approved DCP that a council wants to change, there is scope for the council to make limited adjustments to the calculations without having to prepare a completely new DCP. In these cases, changes can be made on the basis of the calculation process and apportionment principles that applied at the time the DCP was originally prepared and approved.

If an amendment to an existing DCP is proposed, it is necessary to prepare an additional Explanatory report outlining the following:



## 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

- What change to the DCP is proposed;
- The reasons why the change is necessary, including its strategic justification; and
- The implications of the change in terms of the type of infrastructure, the cost and timing of any change to the levy.

### CHANGES TO THE DCP FRAMEWORK SINCE 2011

Since the Torquay Jan Juc DCP was prepared, the following changes have been made to the statutory framework for DCPs:

- ICP legislation has been introduced, providing a new option to Councils in metropolitan growth areas to collect contributions towards shared infrastructure;
- The previous maximum Community Infrastructure Levy (CIL) of \$900 per dwelling was increased by a Governor In Council Order on 16 October 2016 to \$1,150 per dwelling. This maximum CIL has been subsequently increased to \$1,190 per dwellings for the 2019-20 financial year; and
- The Ministerial Direction was amended to include an exemption from any levies payable in respect of development of land for non-government schools and public housing, and to preclude the application of a DCP to land that within a development setting to which an ICP may apply.

### 2.3. INFRASTRUCTURE CONTRIBUTIONS PLANS

The Victorian State government commenced a detailed review of the Development Contributions Plan system in 2012. The review resulted in the introduction of new legislation (The Planning and Environment Amendment Act 2015) which introduced the option for Councils to prepare for Infrastructure Contribution Plans (ICP).

The ICP system is outlined in Section 3AB of the Act. The way in which the system is to be implemented is outlined in the Infrastructure Contributions Plan Guidelines (October 2016) and the Ministerial Direction on the Preparation and Content of Infrastructure Contributions Plans (20 October 2016).

The ICP system is intended to apply to two 'development settings': greenfield growth areas and Strategic Development Areas. Standard levies (i.e. pre-set dollar amounts) are available which will fund a set of 'allowable' shared infrastructure items, including:

- The construction of community and recreation facilities;
- The construction of transport infrastructure, including roads and intersection works; and
- The acquisition of public land for the construction of the above.

ICPs are to be introduced into planning schemes through the Infrastructure Contributions Plan Overlay (ICPO). There is the opportunity for ICPs to be approved through a streamlined process without the need for a full planning scheme amendment process.

At the time this report was prepared, ICPs are only available in metropolitan growth areas. Legislation allows the introduction of additional development settings over time, and the Department of Environment Land Water and Planning (DELWP) has foreshadowed the intention to introduce the 'Regional Growth Area' setting. The introduction of levies for Strategic Development Areas is also expected, however at present the system only applies in metropolitan growth areas.

### RELATIONSHIP WITH THE DCP SYSTEM

The ICP system is proposed to operate concurrently to the existing DCP system. The DCP system will continue to apply to all areas and development settings that are not subject to an ICP. At present, this includes regional Victoria, and non-growth areas of metropolitan Melbourne.

Existing DCPs can continue to operate, however once an ICP development setting is defined, a new DCP cannot be prepared for land in that area.



## 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

### 2.4. PUBLIC OPEN SPACE CONTRIBUTIONS

Public open space (POS) contributions can be collected by a council under a range of statutory mechanisms, including Clause 53.01 of the Planning Scheme, Section 18 of the Subdivision Act, a Development Contributions Plan or an Infrastructure Contributions Plan. It is common for multiple mechanisms to be used within each municipal area.

The provisions of Clause 53.01 of the planning scheme and Section 18 of the Subdivision Act 1988 are linked, in that the Subdivision Act generally acts as a 'default' mechanism to collect public open space contributions if no contributions amount is specified in the relevant Schedule to Clause 53.01. Not all Councils include a POS contributions amount (a percentage) in the planning scheme.

Development Contributions Plans can fund "acquisition of land for public open space" and "basic improvements to public open space, including earthworks, landscaping, fencing, seating and playground equipment." (Ministerial Direction, October 2016). In areas subject to a DCP, public open space is often collected through a combination of the relevant Planning Scheme (Clause 53.01 is typically used to acquire land for passive open space) and the DCP (typically used to acquire land for active open space).

The Infrastructure Contributions Plan system also allows POS to be funded, including construction of sport and recreation facilities and acquisition of land for public open space and sports reserves. In the metropolitan greenfield growth area setting, POS contributions cannot be collected through other mechanisms such as Clause 53.01 or the Subdivision Act.

### 2.5. KEY POINTS

- At the time the DCP was prepared, the main options for shared infrastructure funding mechanisms were Development Contributions Plans or voluntary agreements;
- The process of reviewing a DCP requires a Planning Scheme Amendment;
- The introduction of the ICP system provides an additional option for shared infrastructure funding that is expected to be available to Council in the near future, however this system is not yet available in regional Victoria;
- Public open space contributions can be collected through a range of mechanisms, however if multiple mechanisms are used then it is important to ensure that the scope and implementation of each mechanism is clearly defined to avoid any confusion or overlap.



## 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

### 3. THE TORQUAY JAN JUC DCP

#### 3.1. INTRODUCTION

This section provides a summary of the current Torquay Jan Juc DCP, 16 May 2011 (Version 5 – March 2013). The DCP is an Incorporated Document in the Surf Coast Planning Scheme and is implemented through Schedule 2 to the Development Contributions Plan Overlay (DCPO2).

#### 3.2. DCP PARAMETERS

The DCP applies to all land in the towns of Torquay and Jan Juc except for some areas that are subject to previous shared infrastructure funding agreements. The DCP area includes both established areas and growth areas.

The DCP was introduced into the Surf Coast Planning Scheme through Amendment C57, which was gazetted on 1 August 2013. The DCP does not specify the start date, end date or exact time period of the document. Given that all projections contained in the document begin at 2010 and end in 2031, it could be reasonably assumed that the DCP was intended to run for a period of 21 years following gazettal. Based on this assumption, the DCP has been in operation for 6 years of the total life of 21 years (almost one-third of the period).

#### 3.3. INFRASTRUCTURE TO BE FUNDED

The DCP collects contributions towards a total of 45 infrastructure items, including:

- Construction of 6 intersection upgrades along Surf Coast Highway;
- Construction of 8 road projects across Torquay typically resulting in widening/upgrades to existing roads and construction of new or expanded intersections (some of which include land acquisition);
- 9 community facility projects relating to a public library expansion, a new early learning centre, an arts and cultural centre, an indoor sports stadium and community meeting space (and associated land acquisition);
- Improvements to 8 passive open space reserves (but not land acquisition);
- Construction of a range of active open space and major linear open space improvements;
- Construction of a network of on- and off-road cycle and pedestrian trails; and
- Improvements to beach and coastal infrastructure such as access works, car parking, toilets and landscaping.

The total cost of infrastructure to be funded by the DCP was estimated at \$64m (2010 values) as shown in Table 1.

These costs are apportioned across existing and projected new development within a designated catchment area for each infrastructure item. The outcome of the cost apportionment exercise is that new development is projected to contribute 26% of the total infrastructure cost. The balance of costs is to be met by the development agency of each item on behalf of existing residents/infrastructure users (which is most commonly Council).

TABLE 1 COST OF DCP INFRASTRUCTURE ITEMS (2010 VALUES)

CATEGORY	TOTAL COST	COST APPORTIONED TO NEW DEVELOPMENT	% OF COST APPORTIONED TO NEW DEVELOPMENT
Roads and traffic management	\$13,638,419	\$3,818,769	28%
Community facilities	\$26,260,104	\$5,829,755	22%
Open space	\$20,036,972	\$5,223,833	26%
Pathways	\$4,115,851	\$1,582,624	39%
<b>Total</b>	<b>\$64,051,346</b>	<b>\$16,454,982</b>	<b>26%</b>

Source: Schedule 2 to the Development Contribution Overlay, 2013

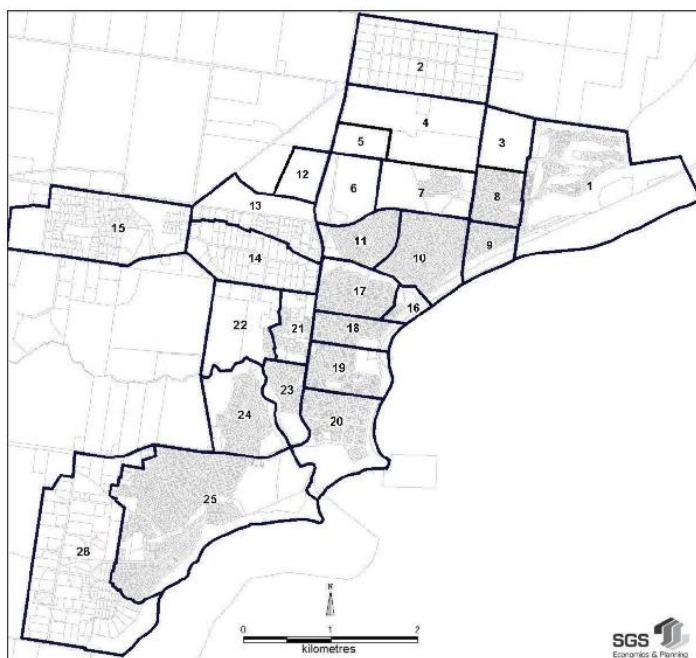


## 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

### 3.4. CHARGE AREAS AND LEVIES

In the DCP, contribution rates vary across 26 Charge Areas which are shown in Figure 1.

FIGURE 1 CHARGE AREAS MAP



Source: SGS Economics & Planning, Torquay Jan Juc Development Contributions Plan, 2011

Levies were calculated using a Net Present Value finance model, which takes into account the expected flow of revenue and expenditure over time.

Table 2 provides a summary of the DCP levies in 2010 values. Residential levies range from \$1,901 to \$6,444 per dwelling (including the Community Infrastructure Levy), business levies range from \$7 to \$54 per sqm (for Charge Areas projected to accommodate business floorspace growth only).

It is noted that although industrial levies are listed in the DCP, the only industrial floorspace growth is projected to occur in Charge Area 12 which is not subject to a levy. A full list of the levies in 2010 values is provided in Appendix B.

TABLE 2 LEVY OVERVIEW (2010 VALUES)

LAND USE	MINIMUM	MAXIMUM
Residential Levies (per dwelling)*	\$1,900.89	\$6,443.51
Business Levies (per sqm)	\$7.18	\$54.44

Source: Torquay Jan Juc DCP. \*Including DIL and CIL



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### 3.5. IMPLEMENTATION

#### LEVY PAYMENT TRIGGERS

The following are the triggers for payment by developers:

- The Development Infrastructure Levy (DIL) and Community Infrastructure Levy (CIL) are to be calculated based on the net change in demand units (i.e. net additional dwellings or lots approved, or net additional floorspace created);
- Payment of the DIL is to be made at the planning permit stage (i.e. subdivision) prior to the issue of a statement of compliance. The CIL is payable prior to the issue of a Building Permit;
- Business and industrial development must pay levies prior to the issue of a building permit.

#### INDEXATION

All values listed in the DCP are current as at June 30 2010. The DCP states that all costs and levies are to be indexed annually on July 1 of each year by applying the Building Price Index June Quarter for Melbourne published in the Rawlinsons Australian Construction Handbook.

The DCP does not specify a separate mechanism for the ongoing adjustment of land values.

It is noted that the DCPO shows levies expressed in June 2012 dollars. It is assumed that these values were indexed from the DCP prior to approval of the Amendment.

#### INFRASTRUCTURE DELIVERY

Responsibility for delivering the infrastructure in the DCP resides with two Development Agencies:

- Surf Coast Shire is responsible for delivering 39 items; and
- The Great Ocean Road Coast Committee (GORCC) is responsible for delivering 6 items.

The DCP notes that Council can accept works or land in-lieu of cash contributions (Works in Kind - WIK) "provided the value of the works/land in question does not exceed the cash liability of the proponent... (unless the proponent agrees)." The DCP does not include any further detail relating to the delivery of WIK, such as the timing of credits or other decision guidelines regarding Council accepting works.

### 3.6. KEY POINTS

- The DCP was gazetted in August 2013 and applies to both existing and growth areas of Torquay and Jan Juc.
- The time period of the DCP is not clearly specified, however projections are over a 21-year period. 6 years have passed since the DCP was gazetted.
- The DCP is designed to fund 45 infrastructure items with a total cost of \$64m (2010), including community facilities and road items (and associated land acquisition), active and passive open space improvements and shared trails.
- A Net Present Value model is used to calculate levies, which vary across each of 26 charge areas and three land uses including residential, business and industrial.
- Residential levies range from \$1,901 to \$6,444 per dwelling (2010), with newer growth areas generally impacted by levies in the order of \$5,000 - \$6,400 per dwelling (including DIL and CIL).
- It is expected that levies collected from new development will comprise 26% of the total cost of delivering all DCP infrastructure items. The balance of the infrastructure cost is to be borne by Surf Coast Shire and the GORCC on behalf of existing development.



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### 4. CONSULTATION

#### 4.1. INTRODUCTION

This section provides a summary of consultation undertaken in 2017 with various stakeholders affected by the existing DCP.

#### 4.2. COUNCIL OFFICERS

- The projections in the DCP were overestimated. As a result, significantly less revenue has been received than anticipated;
- The DCP is very complicated due to the large number of Charge Areas and the use of Net Present Value calculations, making communication and understanding across Council, developers and the community difficult;
- In many cases, the DCP is not clear enough to provide certainty to Council and developers regarding the intended location and scope of infrastructure items;
- The open space requirements of the DCP are not clear, which has made the application of credits and the review and certification of proposed works in-kind very difficult;
- The requirements for open space items are overly specific. Some items such as landscaping and planting should be delivered by developers at their own expense should they choose to undertake Works In Kind;
- Section 2.5 of the DCP which refers to Open Space requirements appears ambiguous and may lead to 'double-dipping' for open space;
- Council is not keeping detailed records of the scope and timing of items that are the responsibility of GORCC to deliver, and there is a general lack of communication between GORCC and Council regarding the timing of payments and works;
- Council is not clear as to when funds should be transferred to GORCC. As a result, council are currently holding the levies on behalf of GORCC;
- There are not sufficient systems in place to adequately track the DCP. Presently, all tracking is taking place on spreadsheets held in the various departments of Council;
- The timing windows for delivery of infrastructure items are too restrictive and commits Council to building the projects within a timeframe regardless of need. Triggers should be linked to demand thresholds.

#### 4.3. DEVELOPMENT INDUSTRY

- Any DCP must ensure that charges are fair and equitable - ultimately future homeowners will pay the developer levy through a passing on of costs;
- It is important that the DCP remains equitable in that any review of infrastructure items should avoid 'gold plating' and unnecessary scope items as these create an unnecessary burden on households;
- The current DCP is not clear as to how works in-kind are to be treated. There should be a clear and consistent system whereby developers receive fair credit for any works in kind they choose to undertake;
- The DCP should allow maximum flexibility in the timing of projects to allow developers to respond to the timing of development fronts, changes in demand and community needs. If the need does not yet exist, an opportunity to delay the project delivery should exist;
- Flexibility should extend to project scope if the needs of the community change, such as the scope of open space improvements or components of community facilities;
- Some projects do not have sufficient detail regarding scope, including open space items and community facilities;



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- An appropriate mechanism should remain in the DCP to account for usage of the items by existing residents and other charge areas;
- Future growth areas should be considered when planning for long term infrastructure items.

### 4.4. GREAT OCEAN ROAD COAST COMMITTEE (GORCC)

- GORCC is a not for profit organisation responsible for delivering 7 DCP projects. 4 projects have been completed, 1 is currently out for tender and 2 are still to be constructed;
- The DCP projects are funded through general operating practices and were identified in previous Masterplans. The scope of the projects was not changed due to the expected DCP revenue, however there is a clear nexus between new development and the coastal / beach / pathway works to be contributed to;
- GORCC has recently begun receiving periodic payments from Council to contribute towards the delivery of DCP items;
- The scope of projects is refined by GORCC during planning and design and is not directly linked to the requirements / original scope of the item in the DCP. The scope of some delivered projects has materially differed from the original DCP scope;
- Over time, new development will add to the cumulative demand on coastal areas and it is reasonable to expect an ongoing contribution from development towards shared works that provide a benefit to the entire town.

### 4.5. DELWP

Consultation was held with representatives of the Victorian government Department of Environment, Land, Water and Planning (DELWP) in April 2017. The findings from this consultation session primarily relate to the Spring Creek PSP area and are outlined in detail in the following section.

In respect of the existing Torquay Jan Juc DCP:

- DELWP advised that it is not intended to make the ICP system available to established areas in regional Victoria such as the broad area covered by the DCP;
- The complexities associated with making any changes to existing DCP charge areas once a DCP is in operation are such that Spring Creek and any future growth areas should be kept separate from the existing DCP where possible.

### 4.6. KEY POINTS

- Both Council and developers identified the need for greater detail in the DCP, primarily regarding scope of works for DCP items and clarity regarding the delivery of works in-kind.
- Council officers and developers agree that infrastructure delivery windows should be more flexible to respond to demand.
- Developers seek greater flexibility to adjust the scope of DCP items to respond to changing needs and also seek to ensure that infrastructure items are not over specified to reduce burden on homeowners. Council noted that it can use the formal DCP review process to make amendments to the scope and content of DCP items if required.
- The reduced revenue due to lower than expected development rates is resulting in financial challenges for Council.
- Council identified significant shortcomings in terms of accounting and managing the DCP – improved systems are required that will withstand personnel change.
- Council and GORCC identified the need to formalise an approach to the transfer of levies to GORCC as a Development Agency.
- DELWP advised that the new ICP system for regional Victoria will not be applicable to established areas, and that an optimal approach to this review is to maintain the core basis on which the DCP was prepared,



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including keeping a clear separation between the existing DCP and infrastructure funding mechanisms for any future growth areas.



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# 5. DCP FUNDING AND INFRASTRUCTURE STATUS

## 5.1. INTRODUCTION

This section provides information on projected and actual development, levy revenue and infrastructure delivery based on data provided by Council and the Great Ocean Road Coast Committee.

## 5.2. DEVELOPMENT AND REVENUE

The DCP relies on the following projections:

- **2,887 new residential lots** were expected to be created over 21 years at an average of **137** lots per year;
- **16,814 sqm of business floorspace** was projected, an average of 801 sqm per year;
- **98,057 sqm of industrial floorspace** was projected, an average of 4,669 sqm per annum.

The residential development projections included in the DCP were for particularly strong growth during the period 2013 – 2017, with a total of 1,164 residential dwellings projected at an average of 291 per annum.

Council provided a spreadsheet which itemises all payments made to Council relevant to the DCP, up to and including January 2019, including the number of demand units constructed and the levy paid. This spreadsheet shows that:

- The number of dwellings levied accounted for only 62% of the number projected over the period 2011 – June 2019;
- Reported business floorspace levied accounted for only 17% of projected floorspace; and
- Industrial development that triggered levy payments totalled 835sqm of floorspace. Other industrial floorspace was constructed during the period, however this took place in Charge Area 12 which does not impose a levy for industrial development.

Table 3 shows a comparison of projected development (from the DCP) against Council's records of DCP levy collection.

**TABLE 3 PROJECTED DCP VS REPORTED DEVELOPMENT, TORQUAY JAN JUC, 2011-2019**

	PROJECTED	REPORTED/ LEVIED	DIFFERENCE	REPORTED % OF PROJECTED
Dwellings (Units)	2,182	1,358	-824	62%
Commercial (sqm)	11,792	1,949	-9,843	17%
Industrial (sqm)	80,226	835	-79,391	N/A

Source: SGS Economics & Planning, Torquay Jan Juc Development Contributions Plan, 2011; Development Infrastructure Levy Tracking Spreadsheet, Surf Coast Shire, 2019.



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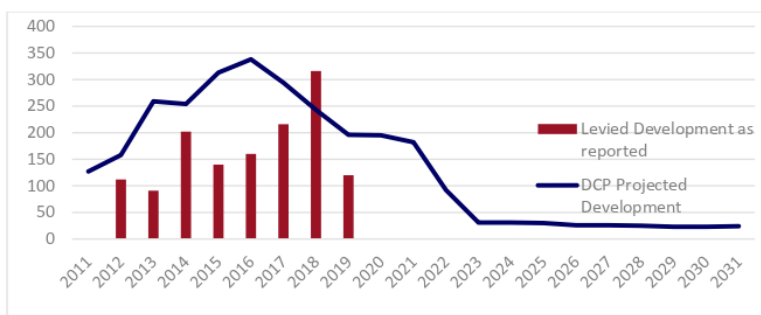
Table 4 shows a comparison of projected and reported development and DCP revenue over the DCP timeframe. To date, \$4.6m less revenue has been collected than originally projected.

**TABLE 4 COMPARISON OF PROJECTED AND REPORTED DCP REVENUE (DIL AND CIL)**

FINANCIAL YEAR	PROJECTED REVENUE (indexed by BPI)	REPORTED REVENUE (including DIL and CIL)	VARIANCE
2010/11*	\$734,763	\$178,756	-\$556,007
2011/12*	\$913,762	\$288,019	-\$625,743
2012/13*	\$1,497,676	\$578,361	-\$919,315
2013/14	\$1,517,684	\$1,076,245	-\$441,439
2014/15	\$1,997,225	\$718,371	-\$1,278,854
2015/16	\$2,205,632	\$1,155,424	-\$1,050,208
2016/17	\$2,024,104	\$552,498	-\$1,471,606
2017/18	\$1,810,352	\$2,291,753	\$481,401
2018/19	\$1,485,469	\$2,739,916	\$1,254,447
<b>Total</b>	<b>\$14,186,668</b>	<b>\$9,579,352</b>	<b>-\$4,607,316</b>

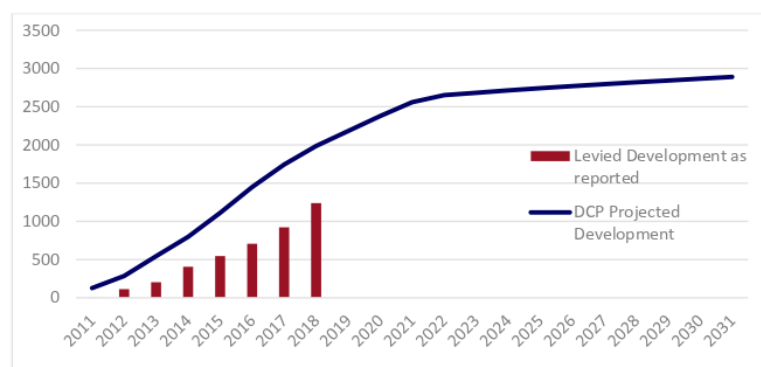
Source: C57 Indexed Baseline – Integrated Worksheet – Modified – Urban Enterprise Edit; June 2019 – Developer Owned Contributions.  
Note: GORCC payments received for 2016/17 and 2017/18 have not been provided. \* Interim contributions collected through s173 agreements prior to gazettal.

**FIGURE 2 COMPARISON OF PROJECTED AND LEVIED RESIDENTIAL DEVELOPMENT**



Source: Source: SGS Economics & Planning, Torquay Jan Juc Development Contributions Plan, 2011; Development Infrastructure Levy Tracking Spreadsheet, Surf Coast Shire, 2019; Review of Levies, June 2019. \*Note 2019 levied development includes up to July 2019.

**FIGURE 3 CUMULATIVE COMPARISON OF PROJECTED AND LEVIED RESIDENTIAL DEVELOPMENT**



Source: Source: SGS Economics & Planning, Torquay Jan Juc Development Contributions Plan, 2011; Development Infrastructure Levy Tracking Spreadsheet, Surf Coast Shire, 2019; Review of Levies, June 2019. \*Note 2019 levied development includes up to July 2019.



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### DISCUSSION

There are a number of reasons for the lower than projected revenue:

- There has been a significantly lower rate of residential development than was originally projected as shown in Figures 2 and 3. This results in less levy revenue than originally projected;
- In circumstances where the actual rate of development is less than projected (as is the case here), the use of a Net Present Value financial model to calculate levies further reduces the amount of revenue received by Council compared to that which would be received under a nominal financial model;
- Between adoption and gazettal of the DCP (financial years of 2010/11, 2011/12 and 2012/13), Council collected 'interim' contributions through section 173 agreements, however it is apparent that revenue during these years was limited and levies may not have been collected from all development;
- One item has been delivered as works in kind with an approximate value of \$500,000 (Stretton Estate public open space improvements). This adds to the value of the DCP 'revenue' (i.e. it is in addition to receipts);
- Three school sites have been developed on land that was projected to accommodate residential development within the DCP area without any contributions being made;
- Approximately 20 lots were not levied as a result of a failure to place appropriate conditions on planning permits for subdivisions.<sup>1</sup> This factor had a negligible impact on levy revenue.

The reasons with the greatest influence on the amount of revenue received are the lower rate of development and the use of the NPV financial model to calculate levies.

The main risks of lower than projected development rates arise when either (a) infrastructure items are triggered for provision under the DCP and insufficient revenue has been collected to fund the works, or (b) a DCP ends before all projected development has occurred. These circumstances can be managed by:

- Reviewing infrastructure triggers and aligning to development thresholds rather than time-based triggers;
- Monitoring development rates to enable extension of a DCP timeframe if required; and
- Updating the financial model of the DCP to reflect current information on development rates.

As shown in Figure 2, the DCP projections are for the annual number of new dwellings developed to decrease considerably during the second half of the DCP period (2022 – 2031). If current rates of dwelling development continue, it is possible that all projected development could occur within the DCP timeframe. However, this should be closely monitored to ensure that the DCP timeframe is extended if necessary.

### THE IMPACT OF NET PRESENT VALUE LEVY CALCULATIONS

The DCP uses Net Present Value calculations which take into account the projected cash flow during the life of the DCP and the cost (or revenue) associated with interest on any balance amounts held or owed by Council.

For example, if \$2m of infrastructure is required to be delivered and funded by Council by a certain date and development projections indicate that only \$1.5m in levy revenue will be collected at that date, the NPV calculation method accounts for the interest payable by Council on the balance (\$0.5m) that would need to be covered by borrowings until the DCP is 'cash flow positive'. This would result in a NPV levy being higher than a nominal levy to cover the additional borrowing cost.

In the case of the Torquay Jan Juc DCP, however, the cash flow projections which underpinned the original DCP expected Council to be 'cash flow positive' during much of the life of the DCP, meaning that interest would be earned on levies paid to Council prior to those funds being expended on infrastructure items. This resulted in the NPV levy amount being lower than a nominal levy amount.

In practice, the rate of development has not been as high as projected by the DCP, resulting in \$4.6m less revenue being collected by Council than originally projected. Under these circumstances, the use of an NPV calculation

<sup>1</sup> Based on a detailed comparison of development contributions revenue against approved residential subdivisions prepared by Council in 2019.



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method has resulted in Council foregoing levy revenue that would otherwise be received using a nominal method (by adopting a lower levy based on NPV development assumptions that have not eventuated).

Converting the calculation method from NPV to nominal dollars would result in a higher levy because the nominal approach assumes that cash flow across the DCP life will be neutral (i.e. the timing of expenditure is expected to generally align with the timing of levy revenue). This is considered the most reasonable and equitable approach to calculating levies for this DCP.

### 5.3. INFRASTRUCTURE PROJECTS

The DCP includes a delivery window for each infrastructure item. Some items are allocated a specific year in which the item is proposed to be delivered; while delivery of others is proposed to be staged over a number of years. The DCP allows items to be delivered within a 5-year margin beyond the dates shown in the DCP.

The DCP identifies that a total of 34 projects were expected to have been completed by 2019, with a combined cost of \$43m in 2010 dollars (\$53m in 2018 values). In order for Council to comply with the requirements of the DCP, these items need to be delivered within the next 5 years. A full list of projects is provided in Appendix A.

**TABLE 5 DCP PROJECTS PROJECTED TO BE COMPLETED IN 2019 (OR 5 YEARS THEREAFTER)**

TYPE OF PROJECT	NO. PROJECTS	COST (2010)
Road upgrade	3	\$3,561,091
Intersection upgrades	8	\$6,424,740
Community facilities	9	\$21,415,104
Open space	11	\$10,161,551
Pathways	3	\$1,865,851
<b>Total</b>	<b>34</b>	<b>\$43,428,337</b>

Source: SGS Economics & Planning, Torquay Jan Juc Development Contributions Plan, 2011

Table 6 shows the number and cost of projects completed or under construction as at 2019, expressed in original DCP values (2010), as provided by Council.

Although Council is currently delivering a significant program of works, the proportion of these costs comprised of DCP revenue is much less than projected, resulting in Council funding the gap through other revenue sources.

**TABLE 6 DCP PROJECTS COMPLETED OR UNDER CONSTRUCTION (COSTS IN 2010 VALUES)**

	COMPLETED		UNDER CONSTRUCTION	
	No.	Cost	No.	Cost
Council	12	\$9,022,661	17	\$41,722,327
GORCC	5	\$1,493,300	1	\$441,180
<b>Total</b>	<b>17</b>	<b>\$10,515,961</b>	<b>19</b>	<b>\$42,163,507</b>

Source: Surf Coast Shire, 2019.

### WORKS IN KIND

Council advised that records show that only one DCP item has been delivered by developers as works in-kind:

- OR01 (part) – East West Linear reserve, Stretton Park Estate; and Zeally Sands Estate, Torquay North.

The lack of items provided in kind reflects the significant contribution from Council for each item, and the profile of DCP infrastructure items which often involve upgrades to existing infrastructure rather than new items.



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### GRANTS

The DCP enables contributions towards major infrastructure items which are designed to meet the needs of existing communities as well as new development. The DCP does not result in full cost recovery, with approximately 70% of infrastructure costs borne by Council.

Council has advised that it seeks opportunities to obtain grants for State and Federal funding to complement its own contribution, often as a way of offsetting the lower than expected levy revenue. Although this approach has been relatively successful to date, grant revenue is not guaranteed. This presents a significant risk to Council of escalating funding shortfalls over the short to medium term if grants are not successfully secured on an ongoing basis.

### 5.4. INFRASTRUCTURE LIST REVIEW

Council recently completed a comprehensive review of the DCP infrastructure list, resulting in updated information for each infrastructure item including technical re-costing of each individual infrastructure item, specific review of the need for each item, a review of scope of each item and a revised cost estimate. Final details were provided in July 2019.

Appendix A contains a summary of the changes to existing DCP items as a result of the infrastructure review process. For each existing DCP item, the following information is provided:

- The original cost of the DCP item (in 2010 values);
- The indexed cost of the item in 2018 values, indexed by Rawlinsons BPI from June 2010 to June 2018;
- The new cost estimate for each item (in 2018 values); and
- Whether the item review resulted in:
  - A new estimate of cost only;
  - A new estimate of cost to reflect the actual cost of delivering the item;
  - A new estimate of cost to reflect indexation of previous DCP cost estimates;
  - A minor change to the scope of work (and associated new estimate of cost);
  - A major change to the scope of work (and associated new estimate of cost); or
  - A new item to be added.

The infrastructure review identified that a number of items require material changes to the scope of work and cost to reflect current information, circumstances and prices. This also applies to some of the projects that are recently completed or under construction, with resulting costs for some items lower than in the DCP and other costs higher than the DCP.

### INFRASTRUCTURE COST CHANGES

As a result of the infrastructure review process, the total cost of DCP infrastructure items increased from \$64.1m to \$78.5m. If these items were indexed to current values, the total cost would be approximately \$78.5m as shown in Table 7. Open space cost changes comprised the greatest reductions.

TABLE 7 DCP INFRASTRUCTURE COST REVIEW SUMMARY

CATEGORY	ORIGINAL COSTS (2010)	INDEXED COSTS (2018)	NEW COSTS (2018)	% CHANGE (NEW COSTS RELATIVE TO INDEXED COSTS)
Roads	\$13,638,419	\$16,721,842	\$19,517,788	17%
Community Facilities	\$26,260,104	\$32,197,082	\$30,937,101	-4%
Open Space	\$20,036,972	\$24,567,002	\$20,653,197	-16%
Paths	\$4,115,851	\$5,046,377	\$7,341,485	45%
Other	\$0	\$0	\$79,600	N/A
<b>Total</b>	<b>\$64,051,346</b>	<b>\$78,532,304</b>	<b>\$78,529,172</b>	<b>0%</b>

Source: Surf Coast Shire.



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The infrastructure list review also found that Council has incurred approximately \$12.7m in costs for the 12 completed projects shown in Table 6, somewhat higher than the original DCP cost estimate of \$9m in 2010 values or \$11.1m in 2018 values. This indicates that in many cases the actual cost of infrastructure delivery has exceeded the original cost estimates (resulting in a greater than anticipated financial contribution by Council), reinforcing the need to update infrastructure costs are part of this review.

### 5.5. KEY POINTS

- Less development has occurred than originally projected in the DCP – only 62% of the projected number of residential dwellings have been constructed. This has resulted in less levy revenue being collected to date than projected.
- A range of other factors have also contributed to less revenue being collected than originally anticipated, including the use of a Net Present Value financial model to calculate levies and the development of school sites without payment of contributions.
- If development projections are not monitored and adjusted over time, there is a possibility that the DCP will be substantially under-funded, resulting in an additional funding shortfall and significant financial implications for Council.
- The risks associated with a lower rate of development can be mitigated through changes to infrastructure delivery triggers, the DCP timeframe and the financial model used to calculate levies.
- 16 DCP infrastructure projects have been delivered by Council and the GORCC to date. Council is contributing a higher than expected proportion of the cost of infrastructure items.
- An infrastructure list review completed by Council identified that the required scope of work and cost has changed for a number of DCP items, warranting a full update to the content of the list as part of this review.
- As a result of the infrastructure review process, the total cost of DCP infrastructure items increased from \$64.1m to \$78.5m. If these items were indexed to current values, the total cost would be approximately \$78.5m.



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# 6. RECOMMENDED CHANGES

## 6.1. INTRODUCTION

Based on the review of the DCP presented in this report, the following changes are recommended to improve performance, increase transparency in calculations, ensure consistency in application and update core components of the document to better reflect likely costs and development rates.

## 6.2. TIMEFRAME AND PROJECTIONS

- The timeframe of the DCP needs to be clarified, including the specific end-point and a provision for the timeframe to be extended if necessary. A requirement for regular reviews (including review of all costs) should also be added. Based on the content of the original DCP, the recommended timeframe of the DCP is 21 years, beginning at August 2013 and ending at August 2034). The following wording is proposed to be added to the DCP in this Planning Scheme Amendment regarding timeframe:

*"This DCP will conclude in August 2034. At the time the DCP is next reviewed, Council should ensure that there is sufficient time for all projected DCP levies to be collected from development within the DCP area, having regard to actual rates of development. If not, the timeframe should be extended. The DCP should be formally reviewed every 5 years."*

- Council should also adjust internal development and revenue projections to align with current rates of development and estimates of future demand.
- Some sites have been developed for schools without any contributions made. Development projections for relevant charge areas should be revised to reflect the lower development yield possible due to the schools.

## 6.3. INFRASTRUCTURE

- Triggers:** the delivery timeframe for each infrastructure item should be revised based on demand triggers (e.g. number of dwellings or demand units) rather than a specific year. The DCP should provide sufficient flexibility for projects to be delivered either before or after the trigger within a reasonable margin. For example, a Community Facility may have a development trigger "prior to issue of a permit for the 500<sup>th</sup> lot".
- Costs:** the outcomes of the infrastructure list review should be incorporated into a revised DCP, with levies recalculated to reflect the revised cost estimates.
- Scope:** a challenge with implementing the DCP has been a degree of uncertainty regarding the location and scope of some items. Each component of each DCP project has now been itemised as part of the infrastructure list review – this detail should be included in DCP appendices wherever practical.
- New items:** the cost of reviewing the DCP and any capital costs associated with the acquisition of software to manage and implement the DCP should be added as new items in the revised DCP.

## 6.4. OPEN SPACE

The intended operation of the DCP in partnership with public open space contributions should be clarified in the DCP text. The DCP collects funds for improvements to passive and active open space reserves, and Clause 53.01 of the Surf Coast Planning Scheme is the mechanism for land contributions (or cash in lieu of land) to be made.

The location of each open space reserve to be improved through DCP funds should be clearly discernible from the DCP infrastructure list, preferably accompanied by a map which shows the general location and dimensions of each proposed open space area.

The DCP should also identify the degree of flexibility that Council and developers have when locating and designing open space works.



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### 6.5. WORKS IN KIND

The DCP does not provide sufficient guidance as to how proposals for works in-kind will be treated by Council. The DCP should outline:

- The types of items that Council will generally accept as WIK;
- The timing and amount of credits to be applied relative to the DCP infrastructure costs;
- The process through which WIK plans will be implemented, including through a section 173 agreement and permit conditions; and
- The requirement for all WIK plans to be checked and certified prior to commencement, and the requirement to confirm that the works have been undertaken to the relevant Council standards and have met the requirements of the DCP.

The following wording is recommended:

*Where a developer intends to undertake any DCP works in-kind, this must first be agreed to by the responsible authority. In determining whether to agree to the provision of works in lieu of cash, the collecting agency will have regard to the following:*

- *Only works or land identified in the DCP can be provided in lieu of cash.*
- *Works must be provided to a standard that generally accords with the DCP unless agreed between the collecting agency and the developer.*
- *Detailed design must be approved by the collecting agency and generally accord with the standards outlined in the DCP unless agreed by the collecting agency and the developer.*
- *The construction of works must be completed to the satisfaction of the collecting agency.*
- *The impact on the DCP must be cost and revenue neutral.*

*Where the collecting agency agrees that works are to be provided by a developer in lieu of cash contributions:*

- *The credit for the works provided must equal the value identified in the DCP taking into account the impact of indexation;*
- *The value of works provided in accordance with the principles outlined above, will be offset against the development contributions liable to be paid by the developer;*
- *The developer will not be required to make cash payments for contributions until the value of any credits for the provision of agreed works-in-kind are exhausted;*
- *Where credit for works-in-kind cannot be offset against future levy payments, the developer must be reimbursed by the collecting agency for any excess credit at the time of provision in the DCP;*
- *Where a developer chooses to bring forward works ahead of the scheduled time in the DCP, this can be done provided the impact on the DCP is cost and revenue neutral; and*
- *Where a developer is in credit against their development contributions liability, this credit will be indexed annually in accordance with the method outlined in the DCP.*

### 6.6. FINANCIAL

#### NET PRESENT VALUE CALCULATIONS

The use of a Net Present Value (NPV) financial model to calculate levies is a relatively complex method which often leads to confusion for stakeholders dealing with a DCP. NPV models can be effective where costly infrastructure items are required early in the life of a DCP, however this type of model relies on accurate projections of revenue (and therefore development) and a high degree of confidence that projects will be delivered in accordance with the timing in the DCP.

In the case of the Torquay Jan Juc DCP, neither the development projections nor the infrastructure delivery timing are able to be predicted with such accuracy given the dispersed nature of development, the role of infrastructure



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projects serving existing and new areas, and the prospect of new urban growth outside the DCP boundary. Further, the cash flow initially projected by the DCP has not materialised, resulting in foregone revenue to Council.

It is not practical or necessary for this DCP to calculate levies using a Net Present Value financial model. It is recommended that DCP levy calculations are converted nominal values. This approach will simplify initial calculations, improve transparency and assist in overall understanding of how levies are calculated for Council officers, the development industry and the broader community.

### INDEXATION

Under the DCP, all construction and land items are to be indexed by the Building Price Index. This index is generally appropriate for construction costs, however the blanket use of a single construction cost index presents the risk that land values escalate at a higher rate than building costs over time, and therefore that the cost of land acquisitions are higher than expected.

The indexation of land items to be acquired should be linked to periodic revaluation of land items in the DCP.

### 6.7. COMMUNITY INFRASTRUCTURE LEVY

In October 2016, the State government increased the Community Infrastructure Levy cap from \$900 per dwelling to \$1,150 per dwelling. This amount applies to the 2018/19 Financial Year, which is the year at which all costs shown in this report are current. This cap has since been indexed to \$1,190 per dwelling for the 2019-20 financial year. The revised Torquay Jan Juc DCP should ensure that the new CIL cap is taken into account when finalising levies and make provision to capture any future increases to the cap by future review and/or indexation.

### 6.8. GREAT OCEAN ROAD COAST COMMITTEE

The process and timing for transfer of levies to GORCC is not clear. The DCP should specify that funds are to be transferred to GORCC when relevant infrastructure items are triggered. GORCC is the Development Agency pursuant to a *Memorandum of Understanding Between Surf Coast Shire Council and Great Ocean Road Coast Committee*.

The amount transferred should equal the amount that has been collected by Council relevant to the infrastructure items that is triggered at the time of delivery of the relevant item (i.e. completion to the satisfaction of the Collecting Agency), followed by annual payments thereafter until either all funds have been handed over or the cost apportionment has been met, whichever is the lesser.

GORCC should be required to provide an acquittal of costs incurred.

### 6.9. RATIONALISATION OF CHARGE AREAS

Opportunities to rationalise levies and Charge Areas are limited by the catchment approach applied in the original DCP. The process of rationalising charge areas would require a review of the catchment area for each infrastructure item based on a reduced number of charge areas.

The result of this approach would be to establish new levies for larger and fewer Charge Areas. Some areas would benefit from a lower rate than under the current circumstances and others would experience a higher rate than currently given that a rationalisation process would effectively average levies over a broader area.

There are a number of reasons why this approach is not recommended, including:

- A number of charge areas now include both 'established' and 'growth' areas, which would require a complex review of catchments for each infrastructure item;
- Development contributions have already been made over a 6-year period, and a clear price signal has been provided to the development industry regarding the levies payable in each area. Any changes would result in greater uncertainty to the development industry;



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- Any new decisions regarding infrastructure catchments and the equity of levies would be subject to a review at Panel, inviting potential challenges to the levies and catchments.

### 6.10. MANAGEMENT AND ADMINISTRATION OF THE DCP

This review has identified that Council's records relating to the DCP are not centralised and rely heavily on individual staff to present key details and progress, primarily within the Finance department. A governance and management structure has not been formalised, and information is mainly tracked through separate spreadsheets.

In some cases, permit conditions were not added to prior to a Statement of Compliance being issued for residential subdivisions, resulting in foregone revenue to Council.

Given the large number of Charge Areas and the extent of cost apportionment, it is strongly recommended that Council establish appropriate systems and processes in respect of the administration of the DCP, including appropriate software to track and calculate levy liabilities, indexation of levies, funds collected, works in-kind completed and contributions by Council and GORCC. These improvements are particularly important in order for Council to accurately respond to the new Ministerial Reporting Requirements for Development Contributions Plans (11 October 2016) which require Councils to prepare a report for the Minister for Planning each financial year in accordance with the reporting framework, including levy revenue, works accepted in-kind, levies expended and delivery of DCP works.

Capital costs associated with reviewing the DCP and implementing improved systems to administer the DCP should be included as a new item in the revised DCP.

### 6.11. RECOMMENDATIONS SUMMARY

The DCP should be amended to reflect the following changes which are designed to improve the accuracy, transparency and delivery of the DCP, as well as reduce the risk of significant funding shortfalls to Council.

It is not recommended to make any substantive changes to the way in which levies are calculated, other than to remove the NPV calculations. No changes to cost apportionment or charge areas are proposed, other than any technical changes required as a result of the parallel infrastructure review project.

#### RECOMMENDATIONS

- Specify a timeframe for completion of the DCP and identify circumstances under which this timeframe and associated development projections should be revised;
- Monitor development projections and activity to determine if the timeframe of the DCP requires revision;
- Adjust development projections to reflect lower yield in some charge areas due to school developments.
- Adjust internal development and revenue projections to align with current rates of development and estimates of future demand;
- Amend infrastructure delivery windows to reflect demand triggers (e.g. lot thresholds) and retain flexibility;
- More clearly articulate Council's approach to open space funding and works in-kind;
- Reflect Council's review of infrastructure items, including new items, new costs and scopes of work for existing items;
- Update levy calculations to reflect new cost estimates and to convert levy calculations to nominal values by removing the Net Present Value financial model (proposed new 2018 levies are shown in Appendix B);
- Reflect the new CIL cap of \$1,150 per dwelling (2018-19) and make provision to capture any future increases;
- Add a new indexation mechanism for land acquisition items.
- Formalise the process for transfer of funds to GORCC;
- Establish appropriate software to improve administration of the DCP; and
- Prepare a revised DCP and seek authorisation to prepare a Planning Scheme Amendment to reflect changes.



## 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

### 6.12. OUTCOMES OF LEVY RECALCULATION

A new financial model was prepared to recalculate levies based on the revised infrastructure list and costs. This model adopts the same basis as the original DCP in all key aspects (demand units, cost apportionment, charge areas, etc) except for the Net Present Value calculation method which has been converted to a nominal calculation.

The results of the levy recalculation are shown in Table 8, using the average residential Development Infrastructure Levy as the key measure of levy change. Under this approach, the average residential DIL increased by \$1,463 per dwelling (54% increase compared to the initial levies in 2010).

The levy increase is driven by three main factors:

- Cost escalation over time, as captured by the revised cost estimates for some infrastructure items;
- Removal of the NPV calculation method, which results in higher levies; and
- The reduce dwelling yield in certain charge areas due to removing sites developed for schools.

If levies were simply indexed to reflect current values, the levy would have increased by approximately \$615 per dwelling (23%).

Average residential levy changes are shown in Table 8, with the levy impact for each charge area shown in Appendix B.

TABLE 8 AVERAGE LEVY CHANGES

DESCRIPTION	AVERAGE RESIDENTIAL DIL	DIL CHANGE	% INCREASE
Original Levy	\$2,720.96		
Index Only	\$3,335.62	\$614.66	23%
New levy	\$4,183.85	\$1,462.89	54%

Source: Urban Enterprise.

### 6.13. NEXT STEPS

The recalculated costs and levies can now be applied to a new DCP document to underpin a Planning Scheme Amendment. The following next steps are recommended:

- Seek Council support to prepare the revised DCP on this basis;
- Prepare the revised DCP;
- Seek authorisation to prepare a Planning Scheme Amendment.



#### **4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment**

## **APPENDICES**



APPENDIX A INFRASTRUCTURE LIST AND CHANGES TO SCOPE AND/OR COSTS

CODE	DESCRIPTION	ORIGINAL COST (JUNE 2010)	INDEXED COST (JUNE 2018)	NEW COST (2018)	CATEGORY	NOTES/JUSTIFICATION	SOURCE
RD01	Upgrade and signalise the intersection of Surf Coast Highway and South Beach Road.	\$1,508,229	\$1,849,215	\$3,300,000	Re-costing Only	Revised cost based on VicRoads funding for construction of roundabout.	Actual incurred cost 2016/17 plus VicRoads funding of \$2,500,000
RD02	Construct eastern approach to Surf Coast Highway / Civic Drive intersection, including intersection upgrade.	\$636,000	\$779,789	\$1,136,762	Complete/Under Construction	Complete.	Actual incurred costs
RD03	Upgrade and signalise the intersection of Surf Coast Highway and Coombes Road.	\$1,668,336	\$2,045,519	\$2,489,434	Re-costing Only		As per RD03 Surf Coast Highway Coombes Road Intersection - 2016 review, sheet "2017 review" F28
RD04	Upgrade and signalise the intersection of Surf Coast Highway and Beach Road.	\$908,379	\$1,113,749	\$1,351,045	Complete/Under Construction	Complete.	Actual incurred costs
RD05	Upgrade and signalise the intersection of Surf Coast Highway and Bristol Road.	\$839,805	\$1,029,671	\$1,303,902	Re-costing Only	Based on completed works at Beach Road. Change of location due to development within central Torquay changing traffic conditions.	As per RD05 Surf Coast Highway Zeally Bay Road Intersection, sheet "2017 Review" F28
RD06	Construct intersection turning lanes in Anderson Street at approach to Surf Coast Highway intersection.	\$145,643	\$178,570	\$0	Re-costing Only	Scope remains similar. Costs revised for accuracy.	Not required as per John Bertoldi email (dated 7/5/19)
RD07	Widen Fisher Street carriageway to 15m (parallel parking & bike lanes both sides) between Beach Rd and Zeally Bay Rd & construct left turning lane at Fisher Street / Bristol Rd intersection.	\$432,519	\$530,304	\$830,994	Re-costing	Reviewed October 2018.	As per RD07 Fischer Street South Upgrade - 2018 Review, sheet "2018 Review" F28
RD08	Upgrade the Duffields Road crossing of Spring Creek with a larger culvert and raised road height, and seal the shoulders of Duffields Rd between Great Ocean Road and Grossmans Road	\$571,389	\$700,571	\$742,301	Re-costing Minor Scope Change	Reviewed October 2018 - scope change and some allowance for kerb underground drainage where road formation doesn't support shoulders. Cost revised.	As per RD08 Duffields Road Upgrade - 2018 review, sheet "2017 Review" F28
RD09	Upgrade Sth Beach Rd to connector road standard (urban south side / rural north side) and incorporate turning lanes at the Fischer Street T intersection.	\$2,172,378	\$2,663,517	\$2,165,495	Re-costing Only		As per RD09 South Beach Road Upgrade - 2016, sheet "2017 Review" F28
RD10	Widen The Esplanade between Horseshoe Bend Rd and Darian Rd to a 13.6m carriageway with bicycle lanes.	\$817,324	\$1,002,108	\$574,450	Complete/Under Construction	Complete.	Actual incurred costs
RD11	Widen the full length of Coombes Rd to a 7.0m carriageway and extend pavement widening.	\$2,691,296	\$3,299,754	\$2,646,169	Re-costing Minor Scope Change		As per RD11 Coombes Road Widening - 2016, sheet "2017 Review" F28
RD12	Land and construct a large diameter roundabout at the Coombes Road / Messmate Road intersection.	\$528,773	\$648,320	\$1,247,031	Re-costing Minor Scope Change	Approx. \$200k of service relocations allowed for in revised. Costs. Rises in all other areas eg pavement, drainage, concrete. Scope change, land acquisition on south side.	As per RD12 Coombes Messmate Roads Intersection - 2016 review, sheet "2017 Review" F28



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CODE	DESCRIPTION	ORIGINAL COST (JUNE 2010)	INDEXED COST (JUNE 2018)	NEW COST (2018)	CATEGORY	NOTES/JUSTIFICATION	SOURCE
RD14	Construct a roundabout at the Horseshoe Bend Rd / South Beach Rd intersection.	\$589,685	\$723,003	\$970,000	Complete/Under Construction	New costs estimated on actual cost. Not aware of scope change. Near completion.	Actual incurred costs
RD15	Construct intersection turning lanes in Duffields Road at approach to Grossmans intersection.	\$128,663	\$157,752	\$760,205	Re-costing Minor Scope Change	\$250k of service locations added – Scope change, pavement is considerably larger area. Original design did not allow for conforming deceleration lane and bus movements.	As per RD09 South Beach Road Upgrade - 2016 review, sheet "2017 Review" F28
CY01a	Purchase 0.289ha for an early learning centre in Torquay North (Civic & Community Precinct).	\$535,842	\$656,987	\$180,931	Complete Minor Scope Change	Cost revised to actual cost of site when purchased.	As per CY01a - detailed costing method.png
CY01b	Construct an early learning centre in Torquay North comprising a double preschool, maternal & child health consulting rooms and community health services.	\$8,246,000	\$10,110,285	\$6,875,000	Complete/Under Construction	Complete.	Actual incurred costs
CY02a	Purchase 0.1 ha for arts/cultural spaces in Torquay North (Civic & Community Precinct).	\$76,549	\$93,855	\$0	Consolidate into CY03	Acquisition of land included in CY03.	N/A
CY02b	Construct arts/cultural centre integrated with the sports stadium in the Torquay North Civic & Community Precinct.	\$1,263,059	\$1,548,616	\$0	Consolidate into CY03	This project is included within CY03.	N/A
CY03	Construct a 3 court stadium extension in the Torquay North Civic and Community Precinct, including capacity to host cultural events and functions	\$7,950,464	\$9,747,933	\$13,820,400	Re-costing Major Scope Change	Change in scope to include capacity to host cultural events and functions into this item. Cost of construction included in the \$13.8m.	As per CY03 - 3 Court Stadium Construction Community and Civic - 2017 review, sheet "2016 Review (2)" F28
CY04	Construct community meeting spaces attached to the pavilion in the Torquay North Civic & Community Precinct.	\$1,956,890	\$2,399,311	\$2,101,051	Re-costing Only	Complete.	Actual incurred costs
CY05a	Purchase part of Surf City site for expansion of the public library	\$1,086,300	\$1,331,895	\$1,635,308	Re-costing Only	Complete.	Actual incurred costs
CY05b	Expand the public library (146m2)	\$300,000	\$367,825	\$412,820	Re-costing Only	Complete.	Actual incurred costs
CY05c	Expand the public library (969m2)	\$4,845,000	\$5,940,375	\$5,432,886	Re-costing Only		As per CY05c - 2017 Costing Review - Tomkinson Group, sheet 2017 review, F28
OR01	Develop Torquay Central and Torquay North passive public open spaces with playgrounds, parking & landscaping.	\$3,313,000	\$4,062,015	\$3,693,824	Re-costing Only	Revised cost provided by Council.	As per OR01 Passive Open Space Development - 2017 review, sheet "2017 Review" F28
OR02	Construct 2 football/cricket ovals, 3 soccer fields and 4 netball courts with associated parking, landscaping, lighting etc at the Torquay North Civic & Community Precinct.	\$5,791,676	\$7,101,079	\$6,684,376	Re-costing Only		As per OR02 - 2017 Costing review - Tomkinson Group, sheet "2017 Review" F28
OR03	Construct a sports pavilion at the Torquay North Civic & Community Precinct.	\$2,342,880	\$2,872,567	\$1,970,251	Re-costing Only	Complete.	Actual incurred costs
OR04	Construct 2 additional asphalt tennis courts and upgrade 2 asphalt courts at Spring Creek Reserve, including associated works	\$499,613	\$612,567	\$581,702	Re-costing Minor Scope Change	Scope reduced number tennis courts.	As per OR04 - 2017 Costing review - Tomkinson Group, sheet "2017 Review" F28
OR05	Upgrade Grass Tree Park (District Park) with protection and improvement works.	\$104,328	\$127,915	\$158,929	Re-costing Only		As per OR05 - Grass Tree Park budget sheet 1, C11



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CODE	DESCRIPTION	ORIGINAL COST (JUNE 2010)	INDEXED COST (JUNE 2018)	NEW COST (2018)	CATEGORY	NOTES/JUSTIFICATION	SOURCE
OR06	Upgrade Deep Creek linear reserve with protection and improvement works.	\$237,591	\$291,306	\$540,063	Re-costing Only	Revised cost with cost of bridge increasing by \$250k.	As per OR06 - 2017 Costing review - October 2018 Review, sheet "2017 Review", F28
OR07	Develop Spring Creek Recreation Reserve as per 5 year implementation plan	\$1,410,810	\$1,729,771	\$1,119,487	Re-costing Minor Scope Change	Scope as per 5 year implementation plan, rather than Masterplan.	As per OR07 - 2017 Costing Review - Tomkinson group, sheet "2017 Review", F28
OR08	Upgrade Jan Juc Creek linear reserve with protection and improvement works.	\$551,998	\$676,796	\$1,515,457	Re-costing Minor Scope Change	Reviewed to incorporate appropriate Stormwater Treatment and based on further cost advise provided by Council.	As per OR08 2017 Costing Review - Tomkinson Group, Revised JF, sheet "2017 Review, Revised JF", F44
OR09	Develop Whites Beach foreshore linear reserve as per the Whites Beach Masterplan.	\$200,596	\$245,947	\$377,328	Re-costing Only	Complete.	Actual incurred costs
OR10	Upgrade Bells Beach Recreation Reserve as per the Bells Beach Coastal Management Plan & Master Plan.	\$4,100,000	\$5,026,943	\$2,642,224	Re-costing Only		As per OR10 - 2017 Costing Review - Tomkinson Group (2), sheet "2017 Review", F28
PC01	Construct off road pedestrian and cycle trails through the Torquay Central public open space network, including a pedestrian bridge across Spring Creek.	\$1,254,000	\$1,537,509	\$2,243,564	Re-costing Only	Revised cost estimate to current standard of item.	As per PC01 - 2017 Costing review - Tomkinson Group - Revised Nov, sheet "2017 Review", F28
PC02	Construct off-road pedestrian and cycle trails through the Torquay North public open space network.	\$1,032,000	\$1,265,318	\$1,299,436	Re-costing Only	Revised cost provided by Council.	As per PC02 - 2017 Costing review - Tomkinson Group, sheet "2017 Review", F28
PC03	Construct Regional Bike Route 1 (PP1079 & PP1068) along Horseshoe Bend Road, The Esplanade and Bell St, between Lower Duneed Rd and Great Ocean Road.	\$62,491	\$76,619	\$2,644,380	Re-costing Major Scope Change	Major change of scope with item being greater work than initial. Council advised that the item has largely been delivered through funding from outside the DCP.	Actual incurred costs
PC04	Construct Regional Bike Route 2 (PP1444) along Great Ocean Road, including bridge widening, between Bell St and Torquay Golf club.	\$99,360	\$121,824	\$311,564	Complete/Under Construction	Complete item.	Actual incurred costs
PC08	Construct Regional Path 4 (PP1232 & FP2193) along Great Ocean Road between Spring Creek and Cemetery Road.	\$1,218,000	\$1,493,370	\$695,685	Re-costing Only		As per PC08 - 2017 Costing Review - Tomkinson Group, sheet "2017 Review", F28
OR11	Torquay front beach lower promenade upgrade.	\$285,180	\$349,655	\$347,960	Index only		As per Torquay Jan Juc DCP, 2011, indexed 2018
OR12	Torquay front beach access steps and ramps.	\$156,000	\$191,269	\$190,342	Index only		As per Torquay Jan Juc DCP, 2011, indexed 2018
OR13	Torquay front beach masterplan landscape works.	\$192,000	\$235,408	\$79,480	Complete/Under Construction	Complete.	Actual incurred costs
OR14	White's beach toilet.	\$282,000	\$345,756	\$95,049	Minor Scope Change Complete/Under Construction	Reduced scope - complete.	Actual incurred costs
OR15	Yellow Bluff playground car park upgrade.	\$194,900	\$238,964	\$227,670	Complete/Under Construction	Complete.	Actual incurred costs



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CODE	DESCRIPTION	ORIGINAL COST (JUNE 2010)	INDEXED COST (JUNE 2018)	NEW COST (2018)	CATEGORY	NOTES/JUSTIFICATION	SOURCE
OR16	Darian Road car park upgrade.	\$374,400	\$459,046	\$429,054	Minor Scope Change Complete/Under Construction	Complete.	Actual incurred costs
PC06	Construct shared pathway along Torquay Foreshore from Gilbert Street to Horseshoe Bend Road.	\$450,000	\$551,738	\$146,856	Minor Scope Change Complete/Under Construction	Complete.	Actual incurred cost
DCPMG MT01	Consulting costs to review DCP and infrastructure list and implement development contributions software	\$0	\$0	\$79,600	New Item		Consulting fees and software purchase.
Total		\$64,051,346	\$78,532,304	\$78,529,172			



APPENDIX B DEVELOPMENT CONTRIBUTIONS LEVIES (2010 AND 2018)

	DCP (2010)		PROPOSED REVISED DCP (2018)	
	Residential DIL (2010)	Residential CIL (2010)	Residential DIL (2018)	Residential CIL (2018)
Charge Area	Per dwelling	Per dwelling	Per dwelling	Per dwelling
Area 001	\$3,562.65	\$900.00	\$5,314.93	\$1,150.00
Area 002	\$3,385.28	\$900.00	\$5,186.19	\$1,150.00
Area 003	\$5,020.09	\$900.00	\$7,319.71	\$1,150.00
Area 004	\$5,066.74	\$900.00	\$7,469.14	\$1,150.00
Area 005	\$4,162.06	\$900.00	\$5,569.65	\$1,150.00
Area 006	\$5,543.51	\$900.00	\$8,077.13	\$1,150.00
Area 007	\$2,881.99	\$900.00	\$3,693.61	\$1,150.00
Area 008	\$3,048.34	\$900.00	\$3,895.09	\$1,150.00
Area 009	\$3,048.34	\$900.00	\$3,895.09	\$1,150.00
Area 010	\$2,502.65	\$900.00	\$3,178.55	\$1,150.00
Area 011	\$3,706.73	\$900.00	\$5,557.29	\$1,150.00
Area 012	\$186.25	\$265.82	\$544.94	\$560.72
Area 013	\$3,951.21	\$900.00	\$6,521.08	\$1,150.00
Area 014	\$4,629.06	\$900.00	\$7,474.46	\$1,150.00
Area 015	\$1,444.16	\$900.00	\$3,067.35	\$1,150.00
Area 016	\$1,256.31	\$900.00	\$1,999.31	\$1,150.00
Area 017	\$1,125.58	\$900.00	\$2,020.00	\$1,150.00
Area 018	\$1,795.09	\$900.00	\$2,965.57	\$1,150.00
Area 019	\$1,469.66	\$900.00	\$2,452.55	\$1,150.00
Area 020	\$1,294.28	\$900.00	\$2,002.77	\$1,150.00
Area 021	\$1,902.63	\$900.00	\$3,116.49	\$1,150.00
Area 022	\$3,991.35	\$900.00	\$7,128.68	\$1,150.00
Area 023	\$1,448.47	\$900.00	\$2,303.12	\$1,150.00
Area 024	\$2,151.85	\$900.00	\$3,804.94	\$1,150.00
Area 025	\$1,169.83	\$900.00	\$2,520.26	\$1,150.00
Area 026	\$1,000.89	\$900.00	\$1,702.26	\$1,150.00
Average Levy	\$2,720.96		\$4,183.85	

Source: SGS Economics & Planning, Torquay Jan Juc Development Contributions Plan, 2011; Urban Enterprise, 2019.



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	BUSINESS DIL (2010)	BUSINESS DIL (2018)	INDUSTRIAL DIL (2010)	INDUSTRIAL DIL (2018)
Charge Area	Per 100sqm	Per 100sqm	Per 100sqm	Per 100sqm
Area 001	\$5,439.83	\$10,607.25	\$1,030.27	\$2,049.13
Area 002	\$4,730.33	\$10,102.39	\$895.90	\$1,951.60
Area 003	\$5,439.83	\$10,607.25	\$1,030.27	\$2,049.13
Area 004	\$5,626.44	\$11,193.25	\$1,065.61	\$2,162.33
Area 005	\$2,007.70	\$3,744.27	\$380.25	\$723.33
Area 006	\$7,533.53	\$13,577.53	\$1,426.80	\$2,622.93
Area 007	\$2,717.20	\$4,249.14	\$514.62	\$820.86
Area 008	\$3,382.59	\$5,039.25	\$640.64	\$973.49
Area 009	\$3,382.59	\$5,039.25	\$640.64	\$973.49
Area 010	\$896.11	\$1,409.73	\$169.72	\$272.33
Area 011	\$5,712.43	\$10,738.12	\$1,081.90	\$2,074.41
Area 012	\$0.00	\$318.86	\$0.00	\$61.60
Area 013	\$6,986.74	\$14,845.37	\$1,323.25	\$2,867.86
Area 014	\$2,803.65	\$7,878.31	\$531.00	\$1,521.95
Area 015	\$2,187.44	\$6,365.45	\$414.29	\$1,229.69
Area 016	\$1,436.03	\$2,177.06	\$271.98	\$420.57
Area 017	\$913.14	\$2,258.20	\$172.94	\$436.24
Area 018	\$2,831.62	\$5,447.88	\$536.29	\$1,052.43
Area 019	\$1,529.87	\$3,436.04	\$289.75	\$663.78
Area 020	\$828.37	\$1,672.20	\$156.89	\$323.04
Area 021	\$3,261.75	\$6,039.73	\$617.76	\$1,166.77
Area 022	\$4,722.14	\$11,068.00	\$894.34	\$2,138.14
Area 023	\$1,445.10	\$2,850.04	\$273.69	\$550.58
Area 024	\$1,444.58	\$3,185.06	\$273.59	\$615.30
Area 025	\$718.05	\$1,831.73	\$135.99	\$353.86
Area 026	\$718.05	\$1,831.73	\$135.99	\$353.86
Average Levy	\$3,026.74	\$6,058.20	\$573.25	\$1,170.33

Source: SGS Economics & Planning, Torquay Jan Juc Development Contributions Plan, 2011; Urban Enterprise, 2019.



#### 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment



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**4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment**

**APPENDIX 2 REVISED TORQUAY JAN JUC DCP**



CELEBRATING  
**30**  
YEARS  
1989-2019

**urban** planning  
**enterprise** economics+tourism

# TORQUAY JAN JUC DEVELOPMENT CONTRIBUTIONS PLAN

**DEVELOPMENT CONTRIBUTIONS RATE AND EXPLANATORY  
MATERIAL**

SURF COAST SHIRE | JUNE 2021



[www.urbanenterprise.com.au](http://www.urbanenterprise.com.au)



## 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

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### FILE

Torquay-Jan Juc DCP Final 180621

### VERSION

1

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# 1. INTRODUCTION

## 1.1. BACKGROUND

Surf Coast Shire is located in south-western Victoria. The Shire is bounded by Golden Plains Shire, City of Greater Geelong and Colac Otway Shire, and is part of the Geelong Region Alliance (G21). The Shire is characterised by a line of settlements scattered along the Great Ocean Road – including Torquay, Jan Juc, Anglesea, Aireys Inlet, Fairhaven and Lorne – as well as the major inland town of Winchelsea.

Torquay, located at the eastern end of the Shire, is the main commercial and administrative centre of the Shire. Almost half of the Shire's population is located in Torquay and the adjacent Jan Juc area. The Torquay and Jan Juc region is expected to experience continuing development pressure over time.

The Torquay Jan Juc Structure Plan is designed to establish the strategic directions for future growth of the region to 2026<sup>1</sup>. The Plan notes that urban development will demand and make use of many infrastructure items over time - including road, pathway, open space and community facility projects - the cost of which will be significant.

Surf Coast Shire has resolved that new development in the Shire is required to meet 100% of its share of the capital cost of scheduled infrastructure, in accordance with State Government policy on development contributions. This Development Contribution Plan (DCP) has been prepared on this basis.

## 1.2. DCP PURPOSE

This DCP has been prepared:

- To list infrastructure items Surf Coast Shire expects to provide over time to service Torquay and Jan Juc;
- To calculate development contribution levies for all development types, based on anticipated share of usage; and
- To explain and justify all information inputs and the method of calculating levies.

This DCP forms part of the Surf Coast Shire Planning Scheme and must be read in conjunction with it.

## 1.3. DOCUMENT HISTORY

The original Torquay Jan Juc Development Contributions Plan (DCP) was approved by the Minister for Planning under Amendment C57 in 2013. Subsequently, a revised DCP was prepared in July 2017 in response to a change to the Community Infrastructure Levy cap introduced by a Governor in Council Order on 11 October 2016.

### DCP REVIEW 2021

This revised DCP was prepared in 2021 in order to implement recommendations arising from a full DCP review undertaken by Council in 2019.

The DCP review undertaken by Council sought to:

- Review the existing DCP and rationalise and simplify where possible;
- Identify any challenges that the current iteration of the DCP has encountered in the delivery of shared infrastructure for the towns of Torquay and Jan Juc;
- Ensure that the DCP remains an effective mechanism to plan and deliver shared infrastructure in the area;

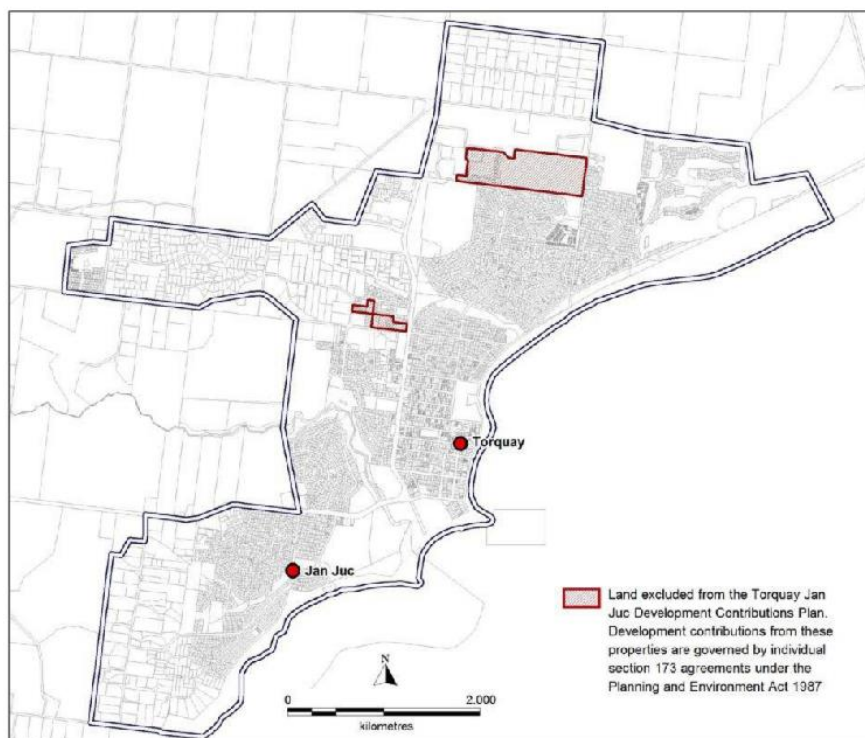
<sup>1</sup> Torquay and Jan Juc Structure Plan, Surf Coast Shire. May 2007



## 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

- Consult with the stakeholders involved with the delivery of the DCP; and
- Review and update the full infrastructure list, including scope and cost of items.

F1. SURF COAST SHIRE DEVELOPMENT CONTRIBUTIONS PLAN AREA



### 1.4. INFORMATION INPUTS AND JUSTIFICATION

For this DCP, the following demarcation of responsibilities has been adopted:

- Infrastructure funding policy and procedural matters – Surf Coast Shire;
- Strategic base for the DCP - Surf Coast Shire;
- Original development stocktake and projections – SGS Economics and Planning Pty Ltd;
- Original infrastructure project information and justification – Surf Coast Shire;
- Original methodology and calculations – SGS Economics and Planning Pty Ltd;
- Revised infrastructure project information and justification – Surf Coast Shire; and
- Revised development projections and calculations – Urban Enterprise.

### 1.5. DCP TIMEFRAME

This DCP will conclude in August 2034. At the time the DCP is next reviewed, Council should ensure that there is sufficient time for all projected DCP levies to be collected from development within the DCP area, having regard to actual rates of development. If required, the timeframe should be extended.

The DCP should be internally reviewed every 5 years and updated if necessary.



## 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

### 1.6. REPORT STRUCTURE

This report comprises the following sections:

- Section 2 - Infrastructure Funding Principles and Policy;
- Section 3 – Strategic Base for the DCP;
- Section 4 – Charge Areas and Development Scenario;
- Section 5 - Infrastructure Projects;
- Section 6 - Development Contribution Charging Rates; and
- Section 7 - Procedural Matters.

Detailed information inputs and calculations are presented in the Appendices as follows:

- Appendix A – Development Projections;
- Appendix B – Demand Equivalence Ratios;
- Appendix C – Infrastructure Project Details; and
- Appendix D – Infrastructure Project Detailed Costings.



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## 2. INFRASTRUCTURE FUNDING PRINCIPLES AND POLICY

### 2.1. INFRASTRUCTURE FUNDING PRINCIPLES

As development in Torquay and Jan Juc progresses, each developer will be required to build on-site infrastructure to service the development site to specifications approved by Surf Coast Shire Council. For these developments to fit properly as an extension of the Shire community, certain off-site or shared works will also need to be constructed. These infrastructure projects include a series of road, pathway, open space and community facility projects that will be shared by a number of developments.

The purpose of this DCP is to ensure that the cost of providing new infrastructure is shared between developers and the wider community on a fair and reasonable basis. Fairness requires that costs be apportioned according to share of usage of the required infrastructure.

The cost apportionment methodology adopted in this DCP relies on the nexus principle. A use or development is deemed to have a nexus with an infrastructure item if the occupants of, or visitors to, the site in question are likely to make use of the infrastructure in question.

Costs are apportioned according to projected share of infrastructure usage. Since development contributions are levied 'up-front', an accurate measure of infrastructure usage by individual developments (called demand units) is not possible. Hence costs must be shared in accordance with projected share of usage (ie. using best estimates).

This DCP calculates what each demand unit should pay towards provision of an infrastructure item. As suggested above, this is the total cost of the infrastructure item divided by total demand units within its usage catchment. Where necessary, an allowance for other or external usage of the infrastructure (from outside the main catchment area) is factored into the calculation in order to ensure users are charged fairly.

The DCP in practice is used to charge new development for its share of infrastructure cost. On this basis, existing development is not charged through this funding tool – but is used in the calculation of levies. The proportion of infrastructure costs attributable to past development must be funded by means other than development contributions.

### 2.2. INFRASTRUCTURE FUNDING POLICY

New development in Torquay and Jan Juc is required to meet 100% of its share of the capital cost of warranted infrastructure – as measured by its projected share of usage of the infrastructure – through development contributions collected under this DCP.

The balance of the capital cost of the infrastructure projects not recovered under the DCP will be funded from alternative sources such as general rates and Federal and State government funding.

Council reserves the right to collect the balance of the capital cost (or part thereof) of the infrastructure projects not recovered under the DCP (and funded by general rates) from future infrastructure funding plans (such as a future DCP or ICP) subject to the usual tests of need, nexus and equity.

### 2.3. DCP GENERATED FUNDING GAP

One implication of the DCP system is that the public sector will in most situations experience a funding gap when implementing a DCP. A funding gap is the difference between the cost of delivering the committed infrastructure and the amount that can be recovered from future development under fair cost apportionment principles.



## 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

This occurs because a DCP is able to recover levies from new development via the development approvals process, up to 100% of a particular development's share of warranted infrastructure. The share attributable to existing development – that is, development that has established 'on the ground' prior to the DCP being implemented - or infrastructure demand generated by non- identifiable development sources, is not able to be recovered by this funding tool.

The share of infrastructure costs not able to be recovered by the DCP is funded by the community via taxation mechanisms and / or from grants provided by Federal and State government.

### 2.4. OTHER AGENCIES

This DCP includes projects that are to be provided by Surf Coast Shire Council and Great Ocean Road Coast Committee (GORCC). Surf Coast Shire will act as the administration and collecting authority for the DCP, whilst delivery of projects will be undertaken by these agencies individually or in partnership. The demarcation of project responsibilities is shown in section 5 of this report. To be valid, the agencies must have a commitment to provide the DCP projects in line with the delivery plan shown in this DCP.

### 2.5. OPEN SPACE LEVIES

The responsible authority is able to obtain contributions for open space via three main mechanisms:

- Contributions of land during the structure plan making and associated rezoning process;
- Contributions of cash payments and / or land contributions as a condition to subdivide land via Clause 53.01 of the Planning Scheme; and
- Contributions of cash payments (or works and / or land contributions in lieu of cash payments) as a condition to subdivide or develop land via a DCP.

Surf Coast Shire has determined that it will use a combination of these tools for the delivery of open space projects over time. Open Space improvements are included in the DCP infrastructure list which describes the location and scope of the projects. Appendix D identifies the general location and item number of each open space improvement item. Open Space land will be obtained via the joint operation of the Subdivision Act and Clause 53.01 of the Planning Scheme. Contributions will be made in either in land or cash in lieu of land.

The key issue with the use of these tools is to ensure that 'double dipping' is avoided. This would occur if multiple tools are used for the same project or funding purpose. On this basis, this DCP includes only unique open space projects. The DCP open space projects will not form the basis of any other contribution tool.



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### 3. STRATEGIC BASIS FOR THE DCP

The strategic base for the DCP is provided by the Surf Coast Shire Council planning framework and a range of strategies and internal Council documents that address planning and infrastructure development. A brief summary of the reference documents follows. Refer to the documents for details.

#### 3.1. PLANNING FRAMEWORK

The reference documents are:

- Surf Coast Shire Planning Scheme (incorporating Municipal Strategic Statement and Local Planning Policy Framework).
- Torquay Jan Juc Structure Plan: May 2007, by Surf Coast Shire.

The DCP Area is based on the existing statutory framework and expanded to include the latest strategic framework as described in the Torquay Jan Juc Structure Plan. Refer to the documents for details

#### EXISTING STATUTORY FRAMEWORK

The **Torquay Central** area is predominantly zoned General Residential and Low Density Residential. Other land use zones include Commercial 1, Industrial 3, Special Use Zone, Comprehensive Development Zone, and zones for Public Use (Service and Utility, Conservation and Resource, and Park and Recreation). The majority of the General Residential Zone area that aligns the Surf Coast Highway is subject to a Design and Development Overlay. The Low Density Residential zone to the south of Coombes Road is covered by a Development Plan Overlay.

**Torquay North** is predominately zoned General Residential and Farming. Other land use zones include Comprehensive Development 2, Low Density Residential and Public Land for Conservation and Resource, and Park and Recreation. The zoned General Residential land is subject to a Design and Development Overlay. The land north of South Beach Road is zoned Low Density Residential and therefore designated for rural residential lots. A Comprehensive Development Plan applies to the Sands Torquay Residential Lakes and Golf Course development in north-east of Torquay North.

The **Jan Juc** area is predominantly zoned Low Density Residential and General Residential with pockets of Public Park and Recreation Zone. The General Residential Zone South of Great Ocean Road is subject to a Design and Development Overlay.

#### STRATEGIC FRAMEWORK

Surf Coast Shire reviewed the 1996 Comprehensive Strategy Plan for Torquay and Jan Juc, and released the latest strategy document called Torquay and Jan Juc Structure Plan in February 2007. In summary, the future direction of the region is as follows.

- Residential development is to be contained within the existing settlement boundary. Torquay Central and Torquay North expected to absorb about 80% of proposed residential growth.
- Land in a precinct in north-west Torquay is to be made available for industrial development.
- Retail and commercial opportunities in Torquay Town Centre and along the Surf Coast Highway precinct are expected to be increased over time to meet demand in the local trade area, generate more local retail employment opportunities and reduce retail spending outside of Torquay.
- The Plan seeks to address local community needs by promoting a range of community services and facilities at designated community hubs.

The current direction for urban growth in Torquay is based on the Sustainable Futures Plan Torquay Jan Juc 2040 which is generally consistent with the previous direction as described above.



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### 3.2. INFRASTRUCTURE PROJECTS

The original reference documents are:

- Infrastructure Project Sheets, Surf Coast Shire Council (unpublished internal documents, 2007 and adjusted to 2010 prices).
- Pathways Strategy: Process, Background Policies and Recommendation. Part A, July 2006, Surf Coast Shire and Parklinks Pty Ltd.
- Torquay & Jan Juc: Community Infrastructure Assessment. Final Report May 2006, ASR Research Pty Ltd for Surf Coast Shire Council.
- Torquay Jan Juc Strategy Review: Transport Infrastructure Assessment. Stage 2, February 2007, Traffix Group for Surf Coast Shire Council.
- Torquay Jan Juc Structure Plan: May 2007, Surf Coast Shire.
- Torquay North Outline Development Plan 2008, Surf Coast Shire

The revised reference documents are:

- Detailed Project Costings, Tomkinson 2017 – recosting of all items including Council adjustments and review. Costings are provided in the Project Sheets in Appendix D.

For most DCP projects, there were minor changes and updates to costs as part of the 2017 Tomkinson review, which means that the infrastructure list itself is largely unchanged. However, for some items, there were changes identified to the scope which have been reflected in this revised infrastructure list.

These documents establish the basis for the infrastructure assumptions. The various infrastructure documents identify the need for, and scope of, projects to support existing and future communities and businesses in the Shire. Refer to the documents for details.



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# 4. CHARGE AREAS AND DEVELOPMENT SCENARIO

## 4.1. CHARGE AREAS

In a DCP, contribution rates are set for areas known as 'charge areas'. A charge area is a land area for which a discrete development contribution rate is calculated. All development within a particular charge area will be required to pay the same contribution amount.

In setting the boundaries of a charge area, the key principle is to ensure that the potential for serious 'cross-subsidies' should be kept as low as possible. A cross-subsidy occurs when development is asked to pay for infrastructure that it will not (or hardly ever) use, or is asked to pay above its fair share.

A DCP will often include more than one charge area to ensure that development in any one area pays for infrastructure it will be deemed to make use of, and not other infrastructure. Contribution rates will often vary across different charge areas depending on the number and cost of infrastructure projects provided to service each area.

However, the avoidance of cross-subsidies ought not to be taken to extremes. It is proper to allow a reasonable margin of error between usage nexus. In some cases where there is an overriding community of interest in place, a common charge could be reasonable across many areas.

In this DCP, Torquay and Jan Juc has been broken into **26 charge areas numbered 1 to 26**; see Figure 2 below.

The charge areas are based on land areas that reasonably approximate to catchments for infrastructure projects that are included in this DCP. The land units used are deemed small enough to eliminate the prospect of serious cross-subsidisation.

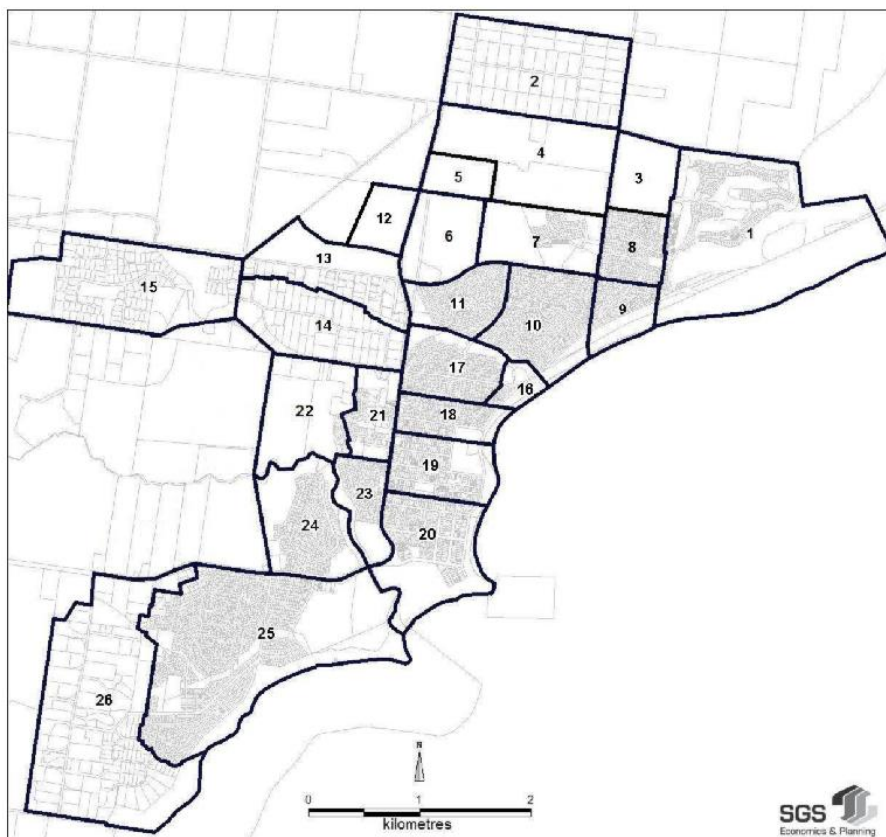
Some charge areas are relatively small so as to follow project catchment boundaries – to make more precise the nexus between use of projects and development contribution liability.

No changes to the charge areas were applied as a result of the 2019 review.



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F2. CHARGE AREAS IN TORQUAY AND JAN JUC



### 4.2. DEVELOPMENT STOCKTAKE AND PROJECTIONS

A stocktake of, and projections for, all major anticipated development types (i.e. residential, business and industry) was derived for the original DCP – the results are summarised in Table 1 and are shown for each charge area in Appendix A.

The stocktake provided an estimate of existing development in 2010. The development projections were provided for a 21 year period from 2010 to 2031. This future development period captured all development that can be reasonably foreseen and hence existing development plus projected development over 21 years was considered 'full development' for the purpose of this DCP. Infrastructure projects included in this DCP are based on this development projections horizon.

The development information is provided for the three primary development types in Torquay and Jan Juc:

- Residential (number of dwellings);
- Business (comprising retail, office and related uses) (square metres of gross leasable floorspace); and
- Industry (square metres of gross leasable floorspace).

Given that the original DCP officially commenced operation in 2013 (3 years after the 'existing' development was estimated), the time horizon for this DCP (i.e. 'full development') has been extended to 2034. The original



## 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

projections have also been amended to remove the dwelling yield of land that has since been used for education purposes, not residential development as originally anticipated.

T1. SUMMARY OF DEVELOPMENT CONDITIONS – ORIGINAL DCP

Development Type	Units	Original (2010) Conditions	Future Development (2011- 2031)	Full Development Conditions (2031)
Residential	Dwelling	8,649	2,627	11,276
Business	Sqm Site Area	31,791	16,814	48,605
Industrial	Sqm Site Area	31,111	98,057	129,168

Note: sqm = square metres of gross leasable floorspace.

### 4.3. DEVELOPMENT AND INFRASTRUCTURE USAGE NEXUS

This DCP has the following infrastructure categories:

#### Roads -

- ROAD PROJECTS (DI - subject to Development Infrastructure Levy)

#### Open Space -

- OPEN SPACE WORKS (DI - subject to Development Infrastructure Levy)
- OPEN SPACE WORKS (CI - subject to Community Infrastructure Levy)

#### Community Facilities -

- COMMUNITY FACILITY LAND (DI - subject to Development Infrastructure Levy)
- COMMUNITY FACILITY PROJECTS (DI - subject to Development Infrastructure Levy)
- COMMUNITY FACILITY PROJECTS (CI - subject to Community Infrastructure Levy)

#### Pathways -

- PATHWAYS (DI - subject to Development Infrastructure Levy)

#### DCP Preparation -

- DCP PREPARATION (DI - subject to Development Infrastructure Levy)

It is determined that Residential development will make use of all infrastructure categories, and will be liable to pay a contribution for provision of these items (in accordance with share of usage principles).

It is determined that Business and Industry development will make use of roads infrastructure and will be liable to pay a contribution for provision of Road items (in accordance with share of usage principles). These non-residential uses are not deemed to be principal users of Open Space and Community Facilities and Pathways which are more closely related to population catchments or housing development.

These nexus principles are summarised in Table 2 below.

T2. DEVELOPMENT-INFRASTRUCTURE USAGE NEXUS

	DI Roads	DI Open Space Works	CI Open Space Works	DI Community Facility Land	DI Community Facilities	CI Community Facilities	DI Pathways	DI DCP Preparation
Residential	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Business	Yes	-	-	-	-	-	-	Yes
Industry	Yes	-	-	-	-	-	-	Yes



## 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

### 4.4. EQUIVALENCE RATIOS AND TOTAL DEMAND UNITS

Where more than one development type is deemed a user of an infrastructure category (as is the case for Roads), consideration must be given to whether the different land uses place a differential demand loading on the category per unit area of development. If so, it is necessary to express all development types in a consistent 'demand unit' format before DCP calculations are made. This is not necessary for Open Space, Community Facility and Pathway projects because only 'Residential' units are required for the calculations.

For the purpose of this DCP, one dwelling is chosen as one demand unit. Other development forms are then converted into this demand unit based on usage / demand ratios placed on infrastructure, as shown in the following table.

Table 3 shows the accepted rates adopted by Surf Coast Shire Council. Refer to Appendix B for more detail on how these ratios were derived.

T3. DEVELOPMENT-INFRASTRUCTURE USAGE NEXUS

	DI Roads	DI Open Space Works	CI Open Space Works	DI Community Facility Land	DI Community Facilities	CI Community Facilities	DI Pathways	DI DCP Preparation
<b>Residential</b>	1 dwelling	1 dwelling	1 dwelling	1 dwelling	1 dwelling	1 dwelling	1 dwelling	1 dwelling
<b>Business</b>	25.5 sqm	-	-	-	-	-	-	25.5 sqm
<b>Industry</b>	132.0 sqm	-	-	-	-	-	-	132.0 sqm

Source: SGS Economics, 2011, updated by Urban Enterprise, 2021.

Note: sqm = square metres of gross leasable floorspace

The above equivalence ratios are used to calculate total demand units (existing and projected) for each charge area for Road projects. That is, the development stocktake and projections are converted into common demand units for the purpose of DCP Road calculations. For example, the ratios show that 25.5 sqm of Business space is assessed to generate the same demand loading on a road as does one dwelling. The equivalent Industrial unit for road demand loading is 132.0 sqm of development.

Refer to the individual infrastructure project sheets shown later in this report to view total demand units by main catchment area for each infrastructure project. The following table provides a summary of how the ratios are used to convert the development data into demand units for each infrastructure category.



## 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

T4. SUMMARY OF MAXIMUM DEMAND UNITS BY PROJECT TYPE

Total Demand Units for Open Space, Community Facility and Pathway Projects		
Development Type	Units	Full Development Conditions
Residential	Dwellings	11,276
Demand Units		11,276

Total Demand Units for Road Projects		
Development Type	Units	Full Development Conditions
Residential	Dwellings	11,276
	Demand Units	11,276
Business	Sqm Floor Area	48,605
	Equivalence Ratio	25.5
	Demand Units (Equivalent Dwellings)	1,906
Industry	Sqm Floor Area	129,168
	Equivalence Ratio	132
	Demand Units (Equivalent Dwellings)	978
Total Demand Units	Equivalent Dwellings	14,160



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# 5. INFRASTRUCTURE PROJECTS

## 5.1. WORKS REQUIRED

Surf Coast Shire Council, together with the external agencies, has determined through its strategic planning processes that 43 infrastructure projects will be included in this DCP, comprising:

- 36 projects to be delivered by Surf Coast Shire (SCS); and
- 7 projects to be delivered by Great Ocean Road Coast Committee (GORCC).

Note that other infrastructure projects may be warranted in the area over time but at the time of DCP preparation these were omitted from the DCP for varying reasons. Such projects will be delivered by other means as required.

The full list of DCP projects follows in Table 5. More detail on infrastructure projects and their justification is provided in Appendix C and Appendix D.

T5. LIST OF DCP INFRASTRUCTURE PROJECTS

Name	Symbol	Category	Development Agency
<b>Road Projects</b>			
Upgrade and signalise the intersection of Surf Coast Highway and South Beach Road.	RD01	DI Roads	SCS
Construct eastern approach to Surf Coast Highway / Civic Drive intersection, including intersection upgrade.	RD02	DI Roads	SCS
Upgrade and signalise the intersection of Surf Coast Highway and Coombes Road.	RD03	DI Roads	SCS
Upgrade and signalise the intersection of Surf Coast Highway and Beach Road.	RD04	DI Roads	SCS
Upgrade and signalise the intersection of Surf Coast Highway and Bristol Road.	RD05	DI Roads	SCS
Widen Fisher Street carriageway to 15m (parallel parking & bike lanes both sides) between Beach Rd and Zeally Bay Rd.	RD07	DI Roads	SCS
Upgrade the Duffields Road crossing of Spring Creek with a larger culvert and raised road height, and seal the shoulders of Duffields Rd between Great Ocean Road and Grossmans Road	RD08	DI Roads	SCS
Upgrade Sth Beach Rd to connector road standard (urban south side / rural north side) and incorporate turning lanes at the Fischer Street T intersection.	RD09	DI Roads	SCS
Widen The Esplanade between Horseshoe Bend Rd and Darian Rd to a 13.6m carriageway with bicycle lanes.	RD10	DI Roads	SCS
Widen the full length of Coombes Rd to a 7.0m carriageway and extend pavement widening.	RD11	DI Roads	SCS
Construct a large diameter roundabout at the Coombes Road / Messmate Road intersection.	RD12	DI Roads	SCS
Construct a roundabout at the Horseshoe Bend Rd / South Beach Rd intersection.	RD14	DI Roads	SCS
Construct intersection turning lanes in Duffields Road at approach to Grossmans intersection.	RD15	DI Roads	SCS
<b>Community and Indoor Recreation</b>			
Purchase 0.289ha for an early learning centre in Torquay North (Civic & Community Precinct).	CY01a	DI Community Facility Land	SCS
Construct an early learning centre in Torquay North comprising a double preschool, maternal & child health consulting rooms and community health services.	CY01b	DI Community Facilities	SCS



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Name	Symbol	Category	Development Agency
Construct a 3 court stadium extension in the Torquay North Civic and Community Precinct, including construction of arts/cultural centre	CY03	CI Community Facilities	SCS
Construct community meeting spaces attached to the pavilion in the Torquay North Civic & Community Precinct.	CY04	CI Community Facilities	SCS
Purchase part of Surf City site for expansion of the public library	CY05a	DI Community Facility Land	SCS
Expand the public library (146m2)	CY05b	CI Community Facilities	SCS
Expand the public library (969m2)	CY05c	CI Community Facilities	SCS
<b>Outdoor Active and Passive Recreation</b>			
Develop Torquay Central and Torquay North passive public open spaces with playgrounds, parking & landscaping.	OR01	DI Open Space Works	SCS
Construct 2 football/cricket ovals, 3 soccer fields and 4 netball courts with associated parking, landscaping, lighting etc at the Torquay North Civic & Community Precinct.	OR02	DI Open Space Works	SCS
Construct a sports pavilion at the Torquay North Civic & Community Precinct.	OR03	CI Open Space Works	SCS
Construct 2 additional synthetic tennis courts and upgrade 2 asphalt courts at Spring Creek Reserve.	OR04	DI Open Space Works	SCS
Upgrade Grass Tree Park (District Park) with protection and improvement works.	OR05	DI Open Space Works	SCS
Upgrade Deep Creek linear reserve with protection and improvement works.	OR06	DI Open Space Works	SCS
Develop Spring Creek Recreation Reserve as per 5 year implementation plan	OR07	DI Open Space Works	SCS
Upgrade Jan Juc Creek linear reserve with protection and improvement works.	OR08	DI Open Space Works	SCS
Develop Whites Beach foreshore linear reserve as per the Whites Beach Masterplan.	OR09	DI Open Space Works	SCS
Upgrade Bells Beach Recreation Reserve as per the Bells Beach Coastal Management Plan & Master Plan.	OR10	DI Open Space Works	SCS
<b>On and Off-Road Pathways (Pedestrian / Cycle)</b>			
Construct off road pedestrian and cycle trails through the Torquay Central public open space network, including a pedestrian bridge across Spring Creek.	PC01	DI Pathways	SCS
Construct off-road pedestrian and cycle trails through the Torquay North public open space network.	PC02	DI Pathways	SCS
Construct Regional Bike Route 1 (PP1079 & PP1068) along Horseshoe Bend Road, The Esplanade and Bell St, between Lower Duned Rd and Great Ocean Road.	PC03	DI Pathways	SCS
Construct Regional Bike Route 2 (PP1444) along Great Ocean Road, including bridge widening, between Bell St and Torquay Golf club.	PC04	DI Pathways	SCS
Construct Regional Path 4 (PP1232 & FP2193) along Great Ocean Road between Spring Creek and Cemetery Road.	PC08	DI Pathways	SCS
<b>GORCC Projects - Outdoor Active and Passive Recreation</b>			
Torquay front beach lower promenade upgrade.	OR11	DI Open Space Works	GORCC
Torquay front beach access steps and ramps.	OR12	DI Open Space Works	GORCC
Torquay front beach masterplan landscape works.	OR13	DI Open Space Works	GORCC
White's Beach toilet.	OR14	DI Open Space Works	GORCC



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Name	Symbol	Category	Development Agency
Yellow Bluff playground car park upgrade.	OR15	DI Open Space Works	GORCC
Darian Road car park upgrade.	OR16	DI Open Space Works	GORCC
GORCC Projects - On and Off-Road Pathways (Pedestrian / Cycle)			
Construct shared pathway along Torquay Foreshore from Gilbert Street to Horseshoe Bend Road.	PC06	DI Pathways	GORCC
DCP Preparation			
DCP preparation costs	DCP01	DI DCP Preparation	SCS

### 5.2. DISTINCTION BETWEEN DEVELOPMENT INFRASTRUCTURE AND COMMUNITY INFRASTRUCTURE

The Planning and Environment Act requires that infrastructure in a DCP be classified in one of two categories: Development Infrastructure and Community Infrastructure. The distinction is made because the collection of contributions for Community Infrastructure is limited to the building permit stage and there is a cap on Community Infrastructure contributions. Development Infrastructure may be charged at the planning permit stage and there is no cap on contribution amounts.

The infrastructure projects in this DCP have been classified in accordance with State Government Development Contribution Guidelines and Ministerial Direction and having regard to the directions of the relevant Structure Plan.

### 5.3. INFRASTRUCTURE DEVELOPMENT AGENCY AND COLLECTION AGENCY

The Collection Agency for all of the projects nominated in this DCP is Surf Coast Shire Council.

The Development Agencies for projects are Surf Coast Shire Council and Great Ocean Road Coast Committee as nominated in Section 5.1.

### 5.4. PROJECT TIMING AND DELIVERY

The infrastructure projects listed in this DCP have notional delivery timeframes shown, based on best estimates at the time of DCP preparation, or specific vehicle per day (VPD) triggers for road and intersection items adopted from technical assessments.

Delivery timing is estimated in terms of three indicative timeframes as follows:

Label	Meaning	Indicative year range
S	Short-term	2013 – 2020
M	Medium-term	2020 – 2027
L	Long-term	2027+

In terms of actual project delivery dates, flexibility is required. The Development Agencies may deliver projects earlier or later depending on the rate of residential development, the financial status of the DCP and their capacity.



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# 6. LEVIES

## 6.1. METHOD OF CALCULATING LEVIES

The cost apportionment methodology adopted in this DCP relies on the nexus principle. A use or development is deemed to have a nexus with an infrastructure item if the occupants of, or visitors to, the site in question will make use of the infrastructure in question. Costs are apportioned according to projected share of infrastructure usage.

The general cost apportionment method is to:

- Define and schedule the infrastructure items required to service the area;
- For each infrastructure project, identify the main catchment area;
- Project the growth in demand units in each catchment area over the life of the funding plan;
- Adjust the cost of each infrastructure item downwards in line with the estimated share of usage coming from outside each project's main catchment area and / or outside the time frame of the DCP;
- Divide the infrastructure cost by the number of demand units to arrive at a charge per demand unit; and
- Aggregate all levies that apply to a particular charge area to arrive at a total charge.

A nominal approach to calculating levies has been adopted. This replaces the Net Present Value approach adopted in the original DCP.

Appendix D shows the DCP calculations for each infrastructure project. This provides the charge rate by each project, and all information inputs used for each project.

The process by which to determine area levies is to sum individual project levies that relate to an area and infrastructure category.

## 6.2. DEVELOPMENT CONTRIBUTION RATES PER DEMAND UNIT

The development contributions that apply to each charge area are shown in Table 6 for one demand unit. These contribution amounts are current as at 1 July 2018.



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T6. DEVELOPMENT AND COMMUNITY INFRASTRUCTURE BY DEMAND UNIT

Area	One Demand Unit										
	Development Infrastructure							Community Infrastructure			
	Road	Community Facility	Community Facility Land	Open Space Works	Pathways	DCP Preparation	Total Development Infrastructure Levy	Community Facility	Open Space Works	Total Community Infrastructure Levy	Total Community Infrastructure Charges - Capped
	Per Demand Unit	Per Demand Unit	Per Demand Unit	Per Demand Unit	Per Demand Unit	Per Demand Unit	Per Demand Unit	Per Demand Unit	Per Demand Unit	Per Demand Unit	Per Demand Unit
Area 001	\$2,678.22	\$178.14	\$1,258.24	\$906.29	\$318.42	\$5.62	\$5,344.93	\$2,040.77	\$174.73	\$2,215.50	\$1,150.00
Area 002	\$2,549.48	\$906.29	\$178.14	\$1,258.24	\$318.42	\$5.62	\$5,216.19	\$2,040.77	\$174.73	\$2,215.50	\$1,150.00
Area 003	\$2,678.22	\$2,132.40	\$178.14	\$1,258.24	\$1,026.44	\$5.62	\$7,279.06	\$2,040.77	\$174.73	\$2,215.50	\$1,150.00
Area 004	\$2,789.54	\$2,132.40	\$178.14	\$1,258.24	\$1,026.44	\$5.62	\$7,390.38	\$2,040.77	\$174.73	\$2,215.50	\$1,150.00
Area 005	\$835.37	\$2,132.40	\$178.14	\$1,258.24	\$1,026.44	\$5.62	\$5,436.21	\$2,040.77	\$174.73	\$2,215.50	\$1,150.00
Area 006	\$3,340.58	\$2,132.40	\$178.14	\$1,258.24	\$1,026.44	\$5.62	\$7,941.42	\$2,040.77	\$174.73	\$2,215.50	\$1,150.00
Area 007	\$964.11	\$906.29	\$178.14	\$1,258.24	\$318.42	\$5.62	\$3,630.82	\$2,040.77	\$174.73	\$2,215.50	\$1,150.00
Area 008	\$1,258.38	\$906.29	\$178.14	\$1,258.24	\$318.42	\$5.62	\$3,925.09	\$2,040.77	\$174.73	\$2,215.50	\$1,150.00
Area 009	\$1,258.38	\$906.29	\$178.14	\$1,258.24	\$318.42	\$5.62	\$3,925.09	\$2,040.77	\$174.73	\$2,215.50	\$1,150.00
Area 010	\$240.06	\$1,115.51	\$178.14	\$1,258.24	\$318.42	\$5.62	\$3,115.99	\$2,040.77	\$174.73	\$2,215.50	\$1,150.00
Area 011	\$2,616.53	\$1,115.51	\$178.14	\$1,258.24	\$318.42	\$5.62	\$5,492.46	\$2,040.77	\$174.73	\$2,215.50	\$1,150.00
Area 012	\$0.00	\$0.00	\$145.03	\$0.00	\$318.42	\$5.62	\$469.07	\$578.73	\$0.00	\$578.73	\$578.73
Area 013	\$4,006.36	\$1,031.95	\$178.14	\$1,258.24	\$318.42	\$5.62	\$6,798.73	\$2,040.77	\$174.73	\$2,215.50	\$1,150.00
Area 014	\$2,253.07	\$2,258.06	\$178.14	\$1,258.24	\$1,727.52	\$5.62	\$7,680.65	\$2,040.77	\$174.73	\$2,215.50	\$1,150.00
Area 015	\$1,843.98	\$1,031.95	\$145.03	\$0.00	\$318.42	\$5.62	\$3,345.00	\$1,656.24	\$174.73	\$1,830.97	\$1,150.00
Area 016	\$471.57	\$1,031.95	\$145.03	\$0.00	\$318.42	\$5.62	\$1,972.59	\$1,656.24	\$174.73	\$1,830.97	\$1,150.00
Area 017	\$454.15	\$1,031.95	\$145.03	\$0.00	\$318.42	\$5.62	\$1,955.17	\$1,656.24	\$174.73	\$1,830.97	\$1,150.00
Area 018	\$1,267.52	\$1,162.93	\$145.03	\$0.00	\$318.42	\$5.62	\$2,899.52	\$1,656.24	\$174.73	\$1,830.97	\$1,150.00
Area 019	\$1,062.27	\$1,162.93	\$145.03	\$0.00	\$318.42	\$5.62	\$2,694.27	\$1,656.24	\$174.73	\$1,830.97	\$1,150.00
Area 020	\$342.83	\$1,162.93	\$145.03	\$0.00	\$318.42	\$5.62	\$1,974.83	\$1,656.24	\$174.73	\$1,830.97	\$1,150.00
Area 021	\$1,764.32	\$1,162.93	\$145.03	\$0.00	\$318.42	\$5.62	\$3,396.32	\$1,656.24	\$174.73	\$1,830.97	\$1,150.00
Area 022	\$3,066.44	\$2,389.04	\$145.03	\$0.00	\$1,727.52	\$5.62	\$7,333.65	\$1,656.24	\$174.73	\$1,830.97	\$1,150.00
Area 023	\$950.95	\$1,162.93	\$145.03	\$0.00	\$318.42	\$5.62	\$2,582.95	\$1,656.24	\$174.73	\$1,830.97	\$1,150.00
Area 024	\$751.92	\$1,162.93	\$145.03	\$0.00	\$1,727.52	\$5.62	\$3,793.02	\$1,656.24	\$174.73	\$1,830.97	\$1,150.00
Area 025	\$409.09	\$1,637.64	\$145.03	\$0.00	\$318.42	\$5.62	\$2,515.80	\$1,656.24	\$174.73	\$1,830.97	\$1,150.00
Area 026	\$409.09	\$822.73	\$145.03	\$0.00	\$318.42	\$5.62	\$1,700.89	\$1,656.24	\$174.73	\$1,830.97	\$1,150.00



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### 6.3. DEVELOPMENT CONTRIBUTION RATES FOR DEVELOPMENT TYPES

The tables that follow show the above levy for each area re-expressed by main development type. This is the above demand unit table converted into development types to assist in usability (using, where necessary, equivalence ratios).

The levies that apply to infrastructure projects are broken into Development Infrastructure and Community Infrastructure. Table 7 lists contributions for Residential Development (for 1 dwelling), Table 8 for Business Development (for 100 sqm gross leasable space) and Table 9 for Industry Development (for 100 sqm gross leasable space).

These contribution amounts are current as at 1 July 2018.



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T7. DEVELOPMENT CONTRIBUTION RATES FOR 1 RESIDENTIAL DWELLING

Area	Residential										
	Development Infrastructure							Community Infrastructure			
	Road	Community Facility	Community Facility Land	Open Space Works	Pathways	DCP Preparation	Total Development Infrastructure Charge	Community Facility	Open Space Works	Total Community Infrastructure Levies	Total Community Infrastructure Levies - Capped
	Per Demand Unit	Per Demand Unit	Per Demand Unit	Per Demand Unit	Per Demand Unit	Per Demand Unit	Per Demand Unit	Per Demand Unit	Per Demand Unit	Per Demand Unit	Per Demand Unit
Area 001	\$2,678.22	\$178.14	\$1,258.24	\$906.29	\$318.42	\$5.62	<b>\$5,344.93</b>	\$2,040.77	\$174.73	\$2,215.50	<b>\$1,150.00</b>
Area 002	\$2,549.48	\$906.29	\$178.14	\$1,258.24	\$318.42	\$5.62	<b>\$5,216.19</b>	\$2,040.77	\$174.73	\$2,215.50	<b>\$1,150.00</b>
Area 003	\$2,678.22	\$2,132.40	\$178.14	\$1,258.24	\$1,026.44	\$5.62	<b>\$7,279.06</b>	\$2,040.77	\$174.73	\$2,215.50	<b>\$1,150.00</b>
Area 004	\$2,789.54	\$2,132.40	\$178.14	\$1,258.24	\$1,026.44	\$5.62	<b>\$7,390.38</b>	\$2,040.77	\$174.73	\$2,215.50	<b>\$1,150.00</b>
Area 005	\$835.37	\$2,132.40	\$178.14	\$1,258.24	\$1,026.44	\$5.62	<b>\$5,436.21</b>	\$2,040.77	\$174.73	\$2,215.50	<b>\$1,150.00</b>
Area 006	\$3,340.58	\$2,132.40	\$178.14	\$1,258.24	\$1,026.44	\$5.62	<b>\$7,941.42</b>	\$2,040.77	\$174.73	\$2,215.50	<b>\$1,150.00</b>
Area 007	\$964.11	\$906.29	\$178.14	\$1,258.24	\$318.42	\$5.62	<b>\$3,630.82</b>	\$2,040.77	\$174.73	\$2,215.50	<b>\$1,150.00</b>
Area 008	\$1,258.38	\$906.29	\$178.14	\$1,258.24	\$318.42	\$5.62	<b>\$3,925.09</b>	\$2,040.77	\$174.73	\$2,215.50	<b>\$1,150.00</b>
Area 009	\$1,258.38	\$906.29	\$178.14	\$1,258.24	\$318.42	\$5.62	<b>\$3,925.09</b>	\$2,040.77	\$174.73	\$2,215.50	<b>\$1,150.00</b>
Area 010	\$240.06	\$1,115.51	\$178.14	\$1,258.24	\$318.42	\$5.62	<b>\$3,115.99</b>	\$2,040.77	\$174.73	\$2,215.50	<b>\$1,150.00</b>
Area 011	\$2,616.53	\$1,115.51	\$178.14	\$1,258.24	\$318.42	\$5.62	<b>\$5,492.46</b>	\$2,040.77	\$174.73	\$2,215.50	<b>\$1,150.00</b>
Area 012	\$0.00	\$0.00	\$145.03	\$0.00	\$318.42	\$5.62	<b>\$469.07</b>	\$578.73	\$0.00	\$578.73	<b>\$578.73</b>
Area 013	\$4,006.36	\$1,031.95	\$178.14	\$1,258.24	\$318.42	\$5.62	<b>\$6,798.73</b>	\$2,040.77	\$174.73	\$2,215.50	<b>\$1,150.00</b>
Area 014	\$2,253.07	\$2,258.06	\$178.14	\$1,258.24	\$1,727.52	\$5.62	<b>\$7,680.65</b>	\$2,040.77	\$174.73	\$2,215.50	<b>\$1,150.00</b>
Area 015	\$1,843.98	\$1,031.95	\$145.03	\$0.00	\$318.42	\$5.62	<b>\$3,345.00</b>	\$1,656.24	\$174.73	\$1,830.97	<b>\$1,150.00</b>
Area 016	\$471.57	\$1,031.95	\$145.03	\$0.00	\$318.42	\$5.62	<b>\$1,972.59</b>	\$1,656.24	\$174.73	\$1,830.97	<b>\$1,150.00</b>
Area 017	\$454.15	\$1,031.95	\$145.03	\$0.00	\$318.42	\$5.62	<b>\$1,955.17</b>	\$1,656.24	\$174.73	\$1,830.97	<b>\$1,150.00</b>
Area 018	\$1,267.52	\$1,162.93	\$145.03	\$0.00	\$318.42	\$5.62	<b>\$2,899.52</b>	\$1,656.24	\$174.73	\$1,830.97	<b>\$1,150.00</b>
Area 019	\$1,062.27	\$1,162.93	\$145.03	\$0.00	\$318.42	\$5.62	<b>\$2,694.27</b>	\$1,656.24	\$174.73	\$1,830.97	<b>\$1,150.00</b>
Area 020	\$342.83	\$1,162.93	\$145.03	\$0.00	\$318.42	\$5.62	<b>\$1,974.83</b>	\$1,656.24	\$174.73	\$1,830.97	<b>\$1,150.00</b>
Area 021	\$1,764.32	\$1,162.93	\$145.03	\$0.00	\$318.42	\$5.62	<b>\$3,396.32</b>	\$1,656.24	\$174.73	\$1,830.97	<b>\$1,150.00</b>
Area 022	\$3,066.44	\$2,389.04	\$145.03	\$0.00	\$1,727.52	\$5.62	<b>\$7,333.65</b>	\$1,656.24	\$174.73	\$1,830.97	<b>\$1,150.00</b>
Area 023	\$950.95	\$1,162.93	\$145.03	\$0.00	\$318.42	\$5.62	<b>\$2,582.95</b>	\$1,656.24	\$174.73	\$1,830.97	<b>\$1,150.00</b>
Area 024	\$751.92	\$1,162.93	\$145.03	\$0.00	\$1,727.52	\$5.62	<b>\$3,793.02</b>	\$1,656.24	\$174.73	\$1,830.97	<b>\$1,150.00</b>
Area 025	\$409.09	\$1,637.64	\$145.03	\$0.00	\$318.42	\$5.62	<b>\$2,515.80</b>	\$1,656.24	\$174.73	\$1,830.97	<b>\$1,150.00</b>
Area 026	\$409.09	\$822.73	\$145.03	\$0.00	\$318.42	\$5.62	<b>\$1,700.89</b>	\$1,656.24	\$174.73	\$1,830.97	<b>\$1,150.00</b>



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T8. DEVELOPMENT CONTRIBUTION RATES FOR 100 SQM OF BUSINESS DEVELOPMENT

Area	Business										
	Development Infrastructure							Community Infrastructure			
	Road	Community Facility	Community Facility Land	Open Space Works	Pathways	DCP Preparation	Total Development Infrastructure Charge	Community Facility	Open Space Works	Total Community Infrastructure Levies	Total Community Infrastructure Levies - Capped
	Per Demand Unit	Per Demand Unit	Per Demand Unit	Per Demand Unit	Per Demand Unit	Per Demand Unit	Per Demand Unit	Per Demand Unit	Per Demand Unit	Per Demand Unit	Per Demand Unit
Area 001	\$10,502.82	\$0.00	\$0.00	\$0.00	\$0.00	\$22.04	\$10,524.86	\$0.00	\$0.00	\$0.00	\$0.00
Area 002	\$9,997.96	\$0.00	\$0.00	\$0.00	\$0.00	\$22.04	\$10,020.00	\$0.00	\$0.00	\$0.00	\$0.00
Area 003	\$10,502.82	\$0.00	\$0.00	\$0.00	\$0.00	\$22.04	\$10,524.86	\$0.00	\$0.00	\$0.00	\$0.00
Area 004	\$10,939.37	\$0.00	\$0.00	\$0.00	\$0.00	\$22.04	\$10,961.41	\$0.00	\$0.00	\$0.00	\$0.00
Area 005	\$3,275.96	\$0.00	\$0.00	\$0.00	\$0.00	\$22.04	\$3,298.00	\$0.00	\$0.00	\$0.00	\$0.00
Area 006	\$13,100.31	\$0.00	\$0.00	\$0.00	\$0.00	\$22.04	\$13,122.35	\$0.00	\$0.00	\$0.00	\$0.00
Area 007	\$3,780.82	\$0.00	\$0.00	\$0.00	\$0.00	\$22.04	\$3,802.86	\$0.00	\$0.00	\$0.00	\$0.00
Area 008	\$4,934.82	\$0.00	\$0.00	\$0.00	\$0.00	\$22.04	\$4,956.86	\$0.00	\$0.00	\$0.00	\$0.00
Area 009	\$4,934.82	\$0.00	\$0.00	\$0.00	\$0.00	\$22.04	\$4,956.86	\$0.00	\$0.00	\$0.00	\$0.00
Area 010	\$941.41	\$0.00	\$0.00	\$0.00	\$0.00	\$22.04	\$963.45	\$0.00	\$0.00	\$0.00	\$0.00
Area 011	\$10,260.90	\$0.00	\$0.00	\$0.00	\$0.00	\$22.04	\$10,282.94	\$0.00	\$0.00	\$0.00	\$0.00
Area 012	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$22.04	\$22.04	\$0.00	\$0.00	\$0.00	\$0.00
Area 013	\$15,711.22	\$0.00	\$0.00	\$0.00	\$0.00	\$22.04	\$15,733.25	\$0.00	\$0.00	\$0.00	\$0.00
Area 014	\$8,835.57	\$0.00	\$0.00	\$0.00	\$0.00	\$22.04	\$8,857.61	\$0.00	\$0.00	\$0.00	\$0.00
Area 015	\$7,231.29	\$0.00	\$0.00	\$0.00	\$0.00	\$22.04	\$7,253.33	\$0.00	\$0.00	\$0.00	\$0.00
Area 016	\$1,849.29	\$0.00	\$0.00	\$0.00	\$0.00	\$22.04	\$1,871.33	\$0.00	\$0.00	\$0.00	\$0.00
Area 017	\$1,780.98	\$0.00	\$0.00	\$0.00	\$0.00	\$22.04	\$1,803.02	\$0.00	\$0.00	\$0.00	\$0.00
Area 018	\$4,970.67	\$0.00	\$0.00	\$0.00	\$0.00	\$22.04	\$4,992.71	\$0.00	\$0.00	\$0.00	\$0.00
Area 019	\$4,165.76	\$0.00	\$0.00	\$0.00	\$0.00	\$22.04	\$4,187.80	\$0.00	\$0.00	\$0.00	\$0.00
Area 020	\$1,344.43	\$0.00	\$0.00	\$0.00	\$0.00	\$22.04	\$1,366.47	\$0.00	\$0.00	\$0.00	\$0.00
Area 021	\$6,918.90	\$0.00	\$0.00	\$0.00	\$0.00	\$22.04	\$6,940.94	\$0.00	\$0.00	\$0.00	\$0.00
Area 022	\$12,025.25	\$0.00	\$0.00	\$0.00	\$0.00	\$22.04	\$12,047.29	\$0.00	\$0.00	\$0.00	\$0.00
Area 023	\$3,729.22	\$0.00	\$0.00	\$0.00	\$0.00	\$22.04	\$3,751.25	\$0.00	\$0.00	\$0.00	\$0.00
Area 024	\$2,948.71	\$0.00	\$0.00	\$0.00	\$0.00	\$22.04	\$2,970.75	\$0.00	\$0.00	\$0.00	\$0.00
Area 025	\$1,604.27	\$0.00	\$0.00	\$0.00	\$0.00	\$22.04	\$1,626.31	\$0.00	\$0.00	\$0.00	\$0.00
Area 026	\$1,604.27	\$0.00	\$0.00	\$0.00	\$0.00	\$22.04	\$1,626.31	\$0.00	\$0.00	\$0.00	\$0.00



## 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

T9. DEVELOPMENT CONTRIBUTION RATES FOR 100 SQM OF INDUSTRIAL DEVELOPMENT

Area	Industrial										
	Development Infrastructure							Community Infrastructure			
	Road	Community Facility	Community Facility Land	Open Space Works	Pathways	DCP Preparation	Total Development Infrastructure Charge	Community Facility	Open Space Works	Total Community Infrastructure Levies	Total Community Infrastructure Levies - Capped
	Per Demand Unit	Per Demand Unit	Per Demand Unit	Per Demand Unit	Per Demand Unit	Per Demand Unit	Per Demand Unit	Per Demand Unit	Per Demand Unit	Per Demand Unit	Per Demand Unit
Area 001	\$2,028.95	\$0.00	\$0.00	\$0.00	\$0.00	\$4.26	\$2,033.21	\$0.00	\$0.00	\$0.00	\$0.00
Area 002	\$1,931.42	\$0.00	\$0.00	\$0.00	\$0.00	\$4.26	\$1,935.68	\$0.00	\$0.00	\$0.00	\$0.00
Area 003	\$2,028.95	\$0.00	\$0.00	\$0.00	\$0.00	\$4.26	\$2,033.21	\$0.00	\$0.00	\$0.00	\$0.00
Area 004	\$2,113.29	\$0.00	\$0.00	\$0.00	\$0.00	\$4.26	\$2,117.55	\$0.00	\$0.00	\$0.00	\$0.00
Area 005	\$632.86	\$0.00	\$0.00	\$0.00	\$0.00	\$4.26	\$637.11	\$0.00	\$0.00	\$0.00	\$0.00
Area 006	\$2,530.74	\$0.00	\$0.00	\$0.00	\$0.00	\$4.26	\$2,535.00	\$0.00	\$0.00	\$0.00	\$0.00
Area 007	\$730.39	\$0.00	\$0.00	\$0.00	\$0.00	\$4.26	\$734.64	\$0.00	\$0.00	\$0.00	\$0.00
Area 008	\$953.32	\$0.00	\$0.00	\$0.00	\$0.00	\$4.26	\$957.58	\$0.00	\$0.00	\$0.00	\$0.00
Area 009	\$953.32	\$0.00	\$0.00	\$0.00	\$0.00	\$4.26	\$957.58	\$0.00	\$0.00	\$0.00	\$0.00
Area 010	\$181.86	\$0.00	\$0.00	\$0.00	\$0.00	\$4.26	\$186.12	\$0.00	\$0.00	\$0.00	\$0.00
Area 011	\$1,982.22	\$0.00	\$0.00	\$0.00	\$0.00	\$4.26	\$1,986.48	\$0.00	\$0.00	\$0.00	\$0.00
Area 012	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4.26	\$4.26	\$0.00	\$0.00	\$0.00	\$0.00
Area 013	\$3,035.12	\$0.00	\$0.00	\$0.00	\$0.00	\$4.26	\$3,039.38	\$0.00	\$0.00	\$0.00	\$0.00
Area 014	\$1,706.87	\$0.00	\$0.00	\$0.00	\$0.00	\$4.26	\$1,711.13	\$0.00	\$0.00	\$0.00	\$0.00
Area 015	\$1,396.95	\$0.00	\$0.00	\$0.00	\$0.00	\$4.26	\$1,401.21	\$0.00	\$0.00	\$0.00	\$0.00
Area 016	\$357.25	\$0.00	\$0.00	\$0.00	\$0.00	\$4.26	\$361.51	\$0.00	\$0.00	\$0.00	\$0.00
Area 017	\$344.05	\$0.00	\$0.00	\$0.00	\$0.00	\$4.26	\$348.31	\$0.00	\$0.00	\$0.00	\$0.00
Area 018	\$960.24	\$0.00	\$0.00	\$0.00	\$0.00	\$4.26	\$964.50	\$0.00	\$0.00	\$0.00	\$0.00
Area 019	\$804.75	\$0.00	\$0.00	\$0.00	\$0.00	\$4.26	\$809.01	\$0.00	\$0.00	\$0.00	\$0.00
Area 020	\$259.72	\$0.00	\$0.00	\$0.00	\$0.00	\$4.26	\$263.98	\$0.00	\$0.00	\$0.00	\$0.00
Area 021	\$1,336.61	\$0.00	\$0.00	\$0.00	\$0.00	\$4.26	\$1,340.86	\$0.00	\$0.00	\$0.00	\$0.00
Area 022	\$2,323.06	\$0.00	\$0.00	\$0.00	\$0.00	\$4.26	\$2,327.32	\$0.00	\$0.00	\$0.00	\$0.00
Area 023	\$720.42	\$0.00	\$0.00	\$0.00	\$0.00	\$4.26	\$724.67	\$0.00	\$0.00	\$0.00	\$0.00
Area 024	\$569.64	\$0.00	\$0.00	\$0.00	\$0.00	\$4.26	\$573.89	\$0.00	\$0.00	\$0.00	\$0.00
Area 025	\$309.92	\$0.00	\$0.00	\$0.00	\$0.00	\$4.26	\$314.17	\$0.00	\$0.00	\$0.00	\$0.00
Area 026	\$309.92	\$0.00	\$0.00	\$0.00	\$0.00	\$4.26	\$314.17	\$0.00	\$0.00	\$0.00	\$0.00



## 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

# 7. PROCEDURAL MATTERS

## 7.1. INDEXATION OF LEVIES

Land values and construction costs listed in this DCP are in July 2018 dollars. These will be indexed annually according to the following method:

The development contribution for each demand unit must be adjusted as follows:

- In relation to the costs associated with all infrastructure items other than land, the cost must be adjusted and the contribution amounts recalculated according to the following method:
  - The capital costs of each infrastructure item must be adjusted by reference to the Building Price Index (Melbourne) published by Rawlinsons, or similar index if not available.
  - The revised infrastructure costs and the adjustment of the contributions must be calculated as at 1 July in each year.
- In relation to the cost of land to be acquired under the DCP, the land value must be adjusted by adopting a revised land value for each parcel to be acquired based on the same valuation principles. Once a land item has been purchased, the cost of the item will be indexed by CPI (All Groups Melbourne) for subsequent years.
- The revised land value and the adjustment of the contributions must be calculated as of 1 July in each year.
- Within 14 days of the adjustments being made, the responsible authority must publish a notice of the amended contributions on its website.

The CIL cap (\$1,150 per dwelling for the 2018-19 financial year) is indexed annually on July 1 by the Minister for Planning and is published on the department website. Council reserves the right to increase the CIL in this DCP to allow for cost escalation in accordance with the indexation method in this DCP up to any new CIL cap. The higher levy will be collected from the date the new CIL cap is introduced.

## 7.2. LIABILITY FOR DEVELOPMENT CONTRIBUTIONS

Proponents of all development types anywhere in the DCP Area shall be liable for development contributions. Contributions shall be charged on the basis of net change to demand units, to the satisfaction of the Surf Coast Shire Council.

Liability for development contributions will generally arise:

- For residential development, at the time of:
  - planning approval for subdivision in respect to Development Infrastructure; and
  - building approval in respect to Community Infrastructure. This does not apply to a single dwelling on a lot approved prior to the incorporation of the original DCP in the planning scheme and the land was not bound by a section 173 agreement to make development contributions.
- For Industrial development, at the time of planning approval for subdivision. For the purpose of calculating the levy, it is deemed that all industrial lots have a leasable floorspace ratio of 60%, or as otherwise determined by Council.
- For business development, at the time of planning approval for buildings and works.

Should a development proposal technically fall outside of the Residential, Business and Industry classifications used in this DCP, Surf Coast Shire Council shall determine the most appropriate development charge to be used for the development. Such developments may require a case-by-case assessment of the number of demand units that they represent. This assessment may occur at the time a planning permit is applied for, or at the time a building permit is registered with the Council.



## 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

### 7.3. METHOD AND TIMING OF PAYMENT

Payment of development contributions is to be made in cash. Council, at its discretion, may consider accepting works or land in lieu of cash contributions, provided the value of the works / land in question does not exceed the cash liability of the proponent under this DCP (unless the proponent agrees).

Payment for Development Infrastructure is to be made at the planning permit stage. If a planning permit is not required, payment for Development Infrastructure is to be made prior to the issue of a building permit.

Payment for Community Infrastructure is to be made at the building permit stage. If a building permit is not required, payment for Community Infrastructure is to be made prior to the physical commencement of the development.

A planning permit for residential subdivision must contain a condition requiring the payment of development contributions in accordance with this Plan. For example:

*A payment of the Development Infrastructure Levy and the Community Infrastructure Levy must be made based on the net change to demand units in accordance with the incorporated Torquay Jan Juc Development Contributions Plan. In respect to Development Infrastructure, payment is to be made for each stage of the approved subdivision prior to the issue of a statement of compliance for any such stage. In respect to Community Infrastructure, payment is to be made prior to the issue of a building permit.*

A planning permit for more than one dwelling on a lot must contain a condition requiring the payment of development contributions in accordance with this Plan, irrespective of whether the dwellings are to be subdivided or not. For example:

*A payment of the Development Infrastructure Levy and the Community Infrastructure Levy must be made based on the net change to demand units in accordance with the incorporated Torquay Jan Juc Development Contributions Plan. In respect to Development Infrastructure, each approved dwelling represents one demand unit. Payment of both the Development Infrastructure levy and the Community Infrastructure levy is to be made prior to the issue of a building permit.*

A planning permit for industrial subdivision must contain a condition requiring the payment of development contributions in accordance with this Plan. For example:

*A payment of the Development Infrastructure Levy must be made based on the net change to demand units in accordance with the incorporated Torquay Jan Juc Development Contributions Plan. For the purpose of calculating the contribution, it is deemed that each lot has a leasable floorspace ratio of % (generally 60% or as otherwise calculated). Payment is to be made for each stage of the approved subdivision prior to the issue of a statement of compliance for any such stage.*

A planning permit for commercial development must contain a condition requiring the payment of development contributions in accordance with this Plan. For example:

*A payment of the Development Infrastructure Levy must be made based on the net change to demand units in accordance with the incorporated Torquay Jan Juc Development Contributions Plan. Payment is to be made prior to the issue of a building permit.*

### 7.4. GREAT OCEAN ROAD COAST COMMITTEE

GORCC is the Development Agency for a number of infrastructure items pursuant to a *Memorandum of Understanding Between Surf Coast Shire Council and Great Ocean Road Coast Committee*.

Funds collected by Council are to be transferred to GORCC (or any subsequent agency) when relevant infrastructure items are triggered. The amount transferred by Council to GORCC shall equal the amount that has been collected by Council relevant to the infrastructure item triggered at the time that item is delivered by GORCC, followed by annual payments thereafter derived on the same basis, until the total cost apportioned to new development for the item has been transferred. The total cost apportioned to new development will be calculated



## 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

based on the total cost of the item as stated in the DCP or the cost incurred by GORCC to deliver the item, whichever is the lesser). GORCC is required to provide an acquittal of costs incurred and must deliver the DCP works to the satisfaction of the Collecting Agency.

### 7.5. FUNDS ADMINISTRATION

Funds collected through development contributions will be held in a specific interest-bearing reserve account in accordance with the provisions of the Local Government Act 1989 (Part 3b section 46Q(1)(a)). All monies held in this account will be used solely for the provision of infrastructure as itemised in this DCP. Surf Coast Shire Council will provide for regular monitoring, reporting and review of the monies received and expended in accordance with this DCP through Council's Annual Report.

Should Council or another Development Agency resolve not to proceed with any of the infrastructure projects listed in this DCP, the funds collected for these items will be used for the provision of additional works, services and facilities as approved by the Minister responsible for the Planning and Environment Act, or will be refunded to owners of land subject to these infrastructure levies.

### 7.6. PROVISION OF LAND AND WORKS IN-KIND

Where a developer intends to undertake any DCP works in-kind, this must first be agreed to by the responsible authority. In determining whether to agree to the provision of works in lieu of cash, the collecting agency will have regard to the following:

- Only works or land identified in the DCP can be provided in lieu of cash.
- Whether the value of the works / land in question exceeds the cash liability of the proponent and how this credit could be reimbursed considering the financial balance of the DCP.
- Works must be provided to a standard that generally accords with the DCP unless agreed between the collecting agency and the developer.
- Detailed design must be approved by the collecting agency and generally accord with the standards outlined in the DCP unless agreed by the collecting agency and the developer.
- The construction of works must be completed to the satisfaction of the collecting agency.
- The impact on the DCP must be cost and revenue neutral.

Where the collecting agency agrees that works are to be provided by a developer in lieu of cash contributions and the developer has not made any previous levy payments under the original DCP in respect of the same staged subdivision:

- The credit for the works provided must equal the value identified in the DCP taking into account the impact of indexation;
- The value of works provided in accordance with the principles outlined above, will be offset against the development contributions liable to be paid by the developer;
- The developer will not be required to make cash payments for contributions until the value of any credits for the provision of agreed works-in-kind are exhausted;
- Where credit for works-in-kind cannot be offset against future levy payments, the developer must be reimbursed by the collecting agency for any excess credit at the time of provision in the DCP;
- Where a developer chooses to bring forward works ahead of the scheduled time in the DCP, this can be done subject to the approval of the collecting agency, provided the impact on the DCP is cost and revenue neutral; and
- Where a developer is in credit against their development contributions liability, this credit will be indexed annually in accordance with the method outlined the DCP.



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Where the collecting agency agrees that works are to be provided by a developer in lieu of cash contributions and the developer has made previous levy payments under the original DCP in respect of the same staged subdivision, the provisions above apply, except that any works in-kind credits issued in these circumstances shall be calculated by:

- a. Calculating the credit based on the original DCP item cost (as indexed) by multiplying the original DCP item cost (as indexed) by the net developable area for which the proponent has obtained a SoC (up to and including the date of approval for the revised DCP) divided by the total NDA in the proponent's development;
- b. Calculating the credit based on the revised DCP item cost (as indexed) by multiplying the revised DCP item cost by the remaining net developable area for which the proponent has yet to obtain a SoC divided by the total NDA in the proponent's development; and
- c. Adding the credit amounts for (a) and (b) above.

The 'original DCP' refers to the DCP dated 16 May 2011 gazetted by Amendment C57 and the DCP titled 'Revised July 2017' gazetted by Amendment GC75 which include the same costs and Development Infrastructure Levies. The 'revised DCP' refers to this document (June 2021 DCP) and the costs and Development Infrastructure Levies within.



## 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

### APPENDICES

#### APPENDIX A DEVELOPMENT PROJECTIONS

The following table shows the development stocktake and projections for Residential, Business and Industrial developments by area. The method and assumptions are provided in the following sub-sections.

These projections have not been amended from the original DCP (other than to remove non-developable land), however the timeframe of the DCP has been extended to allow for the full development projections to take place within the DCP timeframe, due to a slower rate of development than originally projected.

The removal of the NPV financial method means that projections for individual years no longer influence levy amounts.

##### RESIDENTIAL DEVELOPMENT

Three categories of zone are relevant to Residential development. These are General Residential Zone, Low-Density Residential Zone and Comprehensive Development Zone 2.

A desktop review of aerial photographs and cadastre maps was used to develop an inventory of the existing residential development conditions in the DCP Area. This inventory included identification of occupied residential lots and vacant lots. The Structure Plan was also used to identify potential rezoning areas. The information was then reviewed by Council.

Full development potential of each of the charge area was derived from Council having regard to the Torquay Jan Juc Structure Plan. The timing of development is also estimated having regard to the Structure Plan. A full development scenario of 2031 was adopted for the purpose of this DCP (the DCP timeframe has been extended to 2034 to cater for slower than expected growth).

##### BUSINESS DEVELOPMENT

The land use zones relevant to Business development (ie. Retail and Commercial Office) are Commercial 1 Zone, Special Use Zone 5 (Tourism Development Precinct), Comprehensive Development Zone 1 and Comprehensive Development Zone 3.

The stocktake of business development is based on a review of zoning maps and aerial photographs to plot known retail and commercial development. The information was cross-checked to Torquay and Jan Juc Structure Plan.

Projections for Retail and Commercial Office development were based on assumptions generally shown in Torquay and Jan Juc Structure Plan. The office projections assume that some local office development will be associated with retail use based on applying a ratio of office development to retail. A full development scenario of 2031 was adopted for the purpose of this DCP (the DCP timeframe has been extended to 2034 to cater for slower than expected growth).

##### INDUSTRIAL DEVELOPMENT

The zone relevant to Industrial development in the DCP Area is Industrial 3 Zone. The stocktake is based on a desktop review of zoning maps and aerial photographs to plot known industrial development.

Projections of industrial development are estimates having regard to the full development potential of undeveloped industrial parcels and rural land expected to be rezoned to industrial use as identified in the Torquay Jan Juc Structure Plan.

Vacant industrial parcels and potential rezoning land areas were ascertained using GIS analysis. It was assumed that approximately 80% of land zoned Industrial is developable land, and 60% of developable land can accommodate floorspace at full development. The adopted timing of development is derived from the Structure Plan.



Area	Development Type	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	Total as at 2031
Area 001	Residential	700	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	700
Area 002	Residential	59	0	0	0	0	0	3	3	2	2	2	2	2	2	2	2	2	2	2	2	2	2	93
Area 003	Residential	0	48	48	48	48	48	48	48	48	0	0	0	0	0	0	0	0	0	0	0	0	0	385
Area 004	Residential	440	0	0	50	50	70	70	70	70	70	70	50	0	0	0	0	0	0	0	0	0	0	1,010
Area 005	Residential	0	0	0	0	0	0	0	0	3	3	3	3	3	3	3	3	0	0	0	0	0	0	24
Area 006	Residential	0	0	0	0	0	58	58	58	58	58	58	57	57	0	0	0	0	0	0	0	0	0	462
Area 007	Residential	621	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	621
Area 008	Residential	401	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	401
Area 009	Residential	162	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	162
Area 010	Residential	772	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	772
Area 011	Residential	345	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	345
Area 012	Residential	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 013	Residential	106	0	1	0	1	0	1	0	0	1	0	0	1	0	0	1	0	0	1	0	0	1	114
Area 014	Residential	166	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	376
Area 015	Residential	200	2	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	206
Area 016	Residential	165	0	0	2	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	168
Area 017	Residential	469	2	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	474
Area 018	Residential	294	2	2	2	2	2	2	2	2	2	2	2	1	0	0	0	0	0	0	0	0	0	313
Area 019	Residential	414	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	2	2	2	474
Area 020	Residential	528	6	6	6	6	6	6	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	639
Area 021	Residential	100	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	102
Area 022	Residential	66	50	80	80	80	80	80	40	0	0	0	0	0	0	0	0	0	0	0	0	0	0	556
Area 023	Residential	213	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	213
Area 024	Residential	591	0	0	13	12	12	12	12	0	0	0	0	0	0	0	0	0	0	0	0	0	0	652
Area 025	Residential	1,697	2	2	4	4	6	6	5	4	4	4	2	2	2	2	2	2	2	2	2	2	2	1,760
Area 026	Residential	140	0	2	8	8	8	8	8	8	8	8	8	6	6	4	4	4	4	2	2	2	2	254
Total	Residential	8,649	127	158	229	224	303	308	264	213	166	165	142	92	31	31	30	26	26	25	23	23	24	11,276



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Area	Develop- ment Type	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	Total as at 2031
Area 001	Busine- ss Site	48	48	48	48	48	48	48	48	48	48	48	0	0	0	0	0	0	0	0	0	0	0	529
Area 002	Busine- ss Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 003	Busine- ss Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 004	Busine- ss Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 005	Busine- ss Site	0	1,900	1,900	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3,800
Area 006	Busine- ss Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 007	Busine- ss Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 008	Busine- ss Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 009	Busine- ss Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 010	Busine- ss Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 011	Busine- ss Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 012	Busine- ss Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 013	Busine- ss Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 014	Busine- ss Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 015	Busine- ss Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 016	Busine- ss Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 017	Busine- ss Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 018	Busine- ss Site	1,579	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1,579
Area 019	Busine- ss Site	12,788	579	579	579	579	579	579	579	579	579	579	313	313	313	313	313	313	313	313	313	313	0	21,704
Area 020	Busine- ss Site	7,888	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7,888
Area 021	Busine- ss Site	6,138	238	238	238	238	238	238	238	238	238	238	91	91	91	91	91	91	91	91	91	91	91	9,523
Area 022	Busine- ss Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 023	Busine- ss Site	989	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	989
Area 024	Busine- ss Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 025	Busine- ss Site	2,360	23	23	23	23	23	23	23	23	23	23	0	0	0	0	0	0	0	0	0	0	0	2,593
Area 026	Busine- ss Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	Busine- ss Site	31,791	2,789	2,789	889	889	889	889	889	889	889	889	403	403	403	403	403	403	403	403	403	403	91	48,605



## 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

Area	Develop- ment Type	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	Total as at 2031
Area 001	Industral Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 002	Industral Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 003	Industral Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 004	Industral Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 005	Industral Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 006	Industral Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 007	Industral Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 008	Industral Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 009	Industral Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 010	Industral Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 011	Industral Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 012	Industral Site	8,914	8,914	8,914	8,914	8,914	8,914	8,914	8,914	8,914	8,914	8,914	8,914	0	0	0	0	0	0	0	0	0	0	106,971
Area 013	Industral Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 014	Industral Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 015	Industral Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 016	Industral Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 017	Industral Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 018	Industral Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 019	Industral Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 020	Industral Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 021	Industral Site	22,197	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	22,197
Area 022	Industral Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 023	Industral Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 024	Industral Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 025	Industral Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Area 026	Industral Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	Industral Site	31,111	8,914	8,914	8,914	8,914	8,914	8,914	8,914	8,914	8,914	8,914	8,914	0	0	0	0	0	0	0	0	0	0	129,168



## APPENDIX B DEMAND EQUIVALENCE RATIOS

In this DCP, equivalent ratios are required for the Road projects, because more than one development type is deemed a user of Roads. Equivalence ratios are not required for the other infrastructure categories because it is assumed that only one development type, Residential development, generates demand for those items.

In this DCP, Surf Coast Shire has adopted the State Government Guidelines on equivalence ratios as a generic starting point, and where necessary adjusted these to suit local circumstances. These are shown below.

### EQUIVALENCE RATIOS FOR ROADS

#### 1. ERs in DCP guidelines for Roads

	Units		Car Spaces	Trip Generation Per Space	Trips Generated Per Use	Units / SQM that Generate 8 Trips
Residential	1	dwelling	2.00	4.00	8.00	1.00
Retail	100	sqm	7.00	6.00	42.00	19.05
Office	100	sqm	3.00	2.20	6.60	121.21
Light Industry	100	sqm	3.00	2.20	6.60	121.21
Expansive Industrial	1000	sqm	4.00	3.00	12.00	666.67

#### 2. Assumptions to convert land use classifications

Residential	100% Residential
Business	70% Retail and 30% Office
Industry	90% Light Industry and 10% Expansive

#### 3. Weighted average conversions

	Units	Car Spaces	Trip Generation	Trips Generated	Equivalent to 1	
Residential	1	2	4	8	1	Dwelling
Business						
Retail	70	4.90	6.00	29.40		
Office	30	0.90	2.20	1.98		
Total	100			31.38	25.49	SQM
Industry						
Expansive Industrial	10	0.04	3.00	0.12		
Light Industry	90	2.70	2.20	5.94		
Total	100			6.06	132.01	SQM
1 Dwelling assumed to average		200	sqm			



#### **4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment**

##### APPENDIX C INFRASTRUCTURE PROJECT DETAILS

Details of the infrastructure projects are shown overleaf



Name	Symbol	Category	Agency	Estimated Cost	Main Catchment Area	Demand External	Cost to MCA	Demand Units	Levy	DCP Development Trigger	Project Justification
<b>ROAD PROJECTS</b>											
Upgrade and signalise the intersection of Surf Coast Highway and South Beach Road.	RD01	DI Roads	SCS	\$3,300,000	Area 001,Area 002,Area 003,Area 004	0.05	\$3,135,000	2208	\$1,419.84	At the time when traffic volume on South Beach Rd traffic exceeds 3,000 vehicles per day at Surf Coast Highway intersection.	Torquay / Jan Juc Transport Infrastructure Assessment Stage 2, Traffix Group (2007)
Construct eastern approach to Surf Coast Highway / Civic Drive intersection, including intersection upgrade.	RD02	DI Roads	SCS	\$1,136,762	Area 005,Area 006,Area 007	0.2	\$909,410	1256	\$724.05	In conjunction with upgrade of the intersection with first stage of the Torquay Civic & Community Precinct.	Torquay / Jan Juc Transport Infrastructure Assessment Stage 2, Traffix Group (2007)
Upgrade and signalise the intersection of Surf Coast Highway and Coombes Road.	RD03	DI Roads	SCS	\$2,489,434	Area 006,Area 011,Area 013	0.2	\$1,991,547	921	\$2,162.38	At the time when traffic volume on Coombes Rd (east or west) exceeds 3,000 vehicles per day at Surf Coast Highway intersection.	Torquay / Jan Juc Transport Infrastructure Assessment Stage 2, Traffix Group (2007)
Upgrade and signalise the intersection of Surf Coast Highway and Beach Road.	RD04	DI Roads	SCS	\$1,351,045	Area 018,Area 021,Area 022	0.05	\$1,283,493	1578	\$813.37	At the time when traffic volume on Beach Rd exceeds 3,000 vehicles per day at Surf Coast Highway intersection.	Torquay / Jan Juc Transport Infrastructure Assessment Stage 2, Traffix Group (2007)
Upgrade and signalise the intersection of Surf Coast Highway and Bristol Road.	RD05	DI Roads	SCS	\$2,640,000	Area 013,Area 014,Area 015,Area 019,Area 021,Area 022,Area 023	0.2	\$2,112,000	3473	\$608.12	At the time when traffic volume on Bristol Road exceeds 3,000vpd at Surf Coast Highway intersection or at closure of median opening opposite Bristol Road.	Torquay / Jan Juc Transport Infrastructure Assessment Stage 2, Traffix Group (2007), Torquay Town Centre Urban Design Framework (2017)
Widen Fisher Street carriageway to 15m (parallel parking & bike lanes both sides) between Beach Rd and Zeally Bay Rd & construct left turning lane at Fisher Street / Bristol Rd Intersection.	RD07	DI Roads	SCS	\$825,398	Area 004,Area 005,Area 006,Area 007,Area 010,Area 011,Area 017,Area 018,Area 019	0.25	\$619,049	5561	\$111.32	At the time when traffic volume on Fischer Street exceeds 10,000vpd.	Torquay / Jan Juc Transport Infrastructure Assessment, Traffix Group (2006)
Upgrade the Duffields Road crossing of Spring Creek with a larger culvert and raised road height, and seal the shoulders of Duffields Rd between Great Ocean Road and Grossmans Road	RD08	DI Roads	SCS	\$838,240	Area 014,Area 022,Area 024,Area 025,Area 026	0.05	\$796,328	3700	\$215.22	At the time when traffic volume on Duffields Road exceeds 5,000vpd.	Duffields Road has experienced numerous occurrences of flooding at its point of crossing Spring Creek. Its increasingly key role as a north south link means it cannot afford to suffer closures due to flooding
Upgrade Sth Beach Rd to connector road standard (urban south side / rural north side) and incorporate turning lanes at the Fischer Street T intersection.	RD09	DI Roads	SCS	\$2,325,000	Area 001,Area 002,Area 003,Area 004,Area 008,Area 009	0.05	\$2,208,750	2771	\$797.09	When South Beach Rd traffic volumes exceed 5,000vpd or concurrently with subdivision adjacent the south side of the road. (estimate 2017)	Torquay / Jan Juc Transport Infrastructure Assessment, Traffix Group (2006)
Widen The Esplanade between Horseshoe Bend Rd and Darian Rd to a 13.6m carriageway with bicycle lanes.	RD10	DI Roads	SCS	\$574,450	Area 001,Area 003,Area 004,Area 007,Area 008,Area 009,Area 010,Area 016	0.05	\$545,728	4239	\$128.74	S	Torquay / Jan Juc Transport Infrastructure Assessment, Traffix Group (2006)
Widen the full length of Coombes Rd to a 7.0m carriageway and extend pavement widening.	RD11	DI Roads	SCS	\$2,628,759	Area 006,Area 011,Area 013,Area 014,Area 015,Area 016,Area 017,Area 018,Area 019,Area 020,Area 021,Area 022,Area 023,Area 024	0.1	\$2,365,883	6901	\$342.83	At the time when traffic volume exceeds 5,000 vehicles per day on Coombes Road.	Torquay / Jan Juc Transport Infrastructure Assessment, Traffix Group (2006)
Construct a large diameter roundabout at the Coombes Road / Messmate Road intersection.	RD12	DI Roads	SCS	\$1,242,303	Area 013,Area 014,Area 015,Area 022	0.1	\$1,118,073	1252	\$893.03	At the time when traffic exceeds 3,000 vehicles per day on Messmate Road at Coombes Road intersection.	Torquay / Jan Juc Transport Infrastructure Assessment, Traffix Group (2006)
Construct a roundabout at the Horseshoe Bend Rd / South Beach Rd intersection.	RD14	DI Roads	SCS	\$970,000	Area 001,Area 002,Area 003,Area 004,Area 008,Area 009	0.05	\$921,500	2771	\$332.55	At the time when traffic exceeds 3,000 vehicles per day on South Beach Road at Horseshoe Bend Road intersection.	Torquay / Jan Juc Transport Infrastructure Assessment, Traffix Group (2006)
Construct intersection turning lanes in Duffields Road at approach to Grossmans intersection.	RD15	DI Roads	SCS	\$755,086	Area 014,Area 022,Area 024,Area 025,Area 026	0.05	\$717,331	3700	\$193.87	At the time when traffic exceeds 3,000 vehicles per day on Duffields Road at Grossmans Road intersection.	Torquay / Jan Juc Transport Infrastructure Assessment, Traffix Group (2006)
<b>COMMUNITY AND INDOOR RECREATION</b>											
Purchase 0.289ha for an early learning centre in Torquay North (Civic & Community Precinct).	CY01a	DI Community Facility Land	SCS	\$180,931	Area 001,Area 002,Area 003,Area 004,Area 005,Area 006,Area 007,Area 008,Area 009,Area 010,Area 011,Area 013,Area 014	0	\$180,931	5464	\$33.11	S	Torquay / Jan Juc Community Infrastructure Assessment, ASR Research (2006)
Construct an early learning centre in Torquay North comprising a double preschool, maternal & child health consulting rooms and community health services.	CY01b	DI Community Facilities	SCS	\$6,875,000	Area 001,Area 002,Area 003,Area 004,Area 005,Area 006,Area 007,Area 008,Area 009,Area 010,Area 011,Area 013,Area 014	0	\$6,875,000	5464	\$1,258.24	S	Torquay / Jan Juc Community Infrastructure Assessment, ASR Research (2006)
Construct a 3 court stadium extension in the Torquay North Civic and Community Precinct, including construction of arts/cultural centre	CY03	CI Community Facilities	SCS	\$13,500,000	Area 001,Area 002,Area 003,Area 004,Area 005,Area 006,Area 007,Area 008,Area 009,Area 010,Area 011,Area 013,Area 014,Area 015,Area 016,Area 017,Area 018,Area 019,Area 020,Area 021,Area 022,Area 023,Area 024,Area 025,Area 026	0.1	\$12,150,000	11276	\$1,077.51	M	Torquay / Jan Juc Community Infrastructure Assessment, ASR Research (2006)
Construct community meeting spaces attached to the pavilion in the Torquay North Civic & Community Precinct.	CY04	CI Community Facilities	SCS	\$2,101,051	Area 001,Area 002,Area 003,Area 004,Area 005,Area 006,Area 007,Area 008,Area 009,Area 010,Area 011,Area 013,Area 014	0	\$2,101,051	5464	\$384.53	S	Torquay / Jan Juc Community Infrastructure Assessment, ASR Research (2006)
Purchase part of Surf City site for expansion of the public library	CY05a	DI Community Facility Land	SCS	\$1,635,308	Area 001,Area 002,Area 003,Area 004,Area 005,Area 006,Area 007,Area 008,Area 009,Area 010,Area 011,Area 012,Area 013,Area 014,Area 015,Area 016,Area 017,Area 018,Area 019,Area 020,Area 021,Area 022,Area 023,Area 024,Area 025,Area 026	0	\$1,635,308	11276	\$145.03	S	.



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Expand the public library (146m2)	CY05b	CI Community Facilities	SCS	\$412,820	Area 001,Area 002,Area 003,Area 004,Area 005,Area 006,Area 007,Area 008,Area 009,Area 010,Area 011,Area 012,Area 013,Area 014,Area 015,Area 016,Area 017,Area 018,Area 019,Area 020,Area 021,Area 022,Area 023,Area 024,Area 025,Area 026	0	\$412,820	11276	\$36.61	S	.
Expand the public library (969m2)	CY05c	CI Community Facilities	SCS	\$6,112,914	Area 001,Area 002,Area 003,Area 004,Area 005,Area 006,Area 007,Area 008,Area 009,Area 010,Area 011,Area 012,Area 013,Area 014,Area 015,Area 016,Area 017,Area 018,Area 019,Area 020,Area 021,Area 022,Area 023,Area 024,Area 025,Area 026	0	\$6,112,914	11276	\$542.12	L	.
<b>OUTDOOR ACTIVE AND PASSIVE RECREATION</b>											
Develop Torquay Central and Torquay North passive public open spaces with playgrounds, parking & landscaping.	OR01	DI Open Space Works	SCS	\$3,447,829	Area 003,Area 004,Area 005,Area 006,Area 014,Area 022	0	\$3,447,829	2812	\$1,226.11	As the relevant land is progressively subdivided.	Surf Coast Open Space Strategy, Robin Crocker and Assoc (2004)
Construct 2 football/cricket ovals, 3 soccer fields and 4 netball courts with associated parking, landscaping, lighting etc at the Torquay North Civic & Community Precinct.	OR02	DI Open Space Works	SCS	\$7,263,978	Area 001,Area 002,Area 003,Area 004,Area 005,Area 006,Area 007,Area 008,Area 009,Area 010,Area 011,Area 013,Area 014,Area 015,Area 016,Area 017,Area 018,Area 019,Area 020,Area 021,Area 022,Area 023,Area 024,Area 025,Area 026	0	\$7,263,978	11276	\$644.20	M	Torquay / Jan Juc Community Infrastructure Assessment, ASR Research (2006); Surf Coast Open Space Strategy, Robin Crocker & Assoc (2004)
Construct a sports pavilion at the Torquay North Civic & Community Precinct.	OR03	CI Open Space Works	SCS	\$1,970,251	Area 001,Area 002,Area 003,Area 004,Area 005,Area 006,Area 007,Area 008,Area 009,Area 010,Area 011,Area 013,Area 014,Area 015,Area 016,Area 017,Area 018,Area 019,Area 020,Area 021,Area 022,Area 023,Area 024,Area 025,Area 026	0	\$1,970,251	11276	\$174.73	S	Torquay / Jan Juc Community Infrastructure Assessment, ASR Research (2006) and Surf Coast Open Space Strategy, Robin Crocker and Assoc (2004)
Construct 2 additional synthetic tennis courts and upgrade 2 asphalt courts at Spring Creek Reserve.	OR04	DI Open Space Works	SCS	\$579,011	Area 001,Area 002,Area 003,Area 004,Area 005,Area 006,Area 007,Area 008,Area 009,Area 010,Area 011,Area 013,Area 014,Area 015,Area 016,Area 017,Area 018,Area 019,Area 020,Area 021,Area 022,Area 023,Area 024,Area 025,Area 026	0	\$579,011	11276	\$51.35	L	
Upgrade Grass Tree Park (District Park) with protection and improvement works.	OR05	DI Open Space Works	SCS	\$158,929	Area 001,Area 002,Area 003,Area 004,Area 005,Area 006,Area 007,Area 008,Area 009,Area 010,Area 011,Area 013,Area 014,Area 015,Area 016,Area 017,Area 018,Area 019,Area 020,Area 021,Area 022,Area 023,Area 024,Area 025,Area 026	0.1	\$143,036	11276	\$12.69	M	Surf Coast Open Space Strategy and Robin Crocker and Assoc (2004)
Upgrade Deep Creek linear reserve with protection and improvement works.	OR06	DI Open Space Works	SCS	\$540,676	Area 010,Area 011,Area 013,Area 014,Area 015,Area 016,Area 017	0.05	\$513,642	2455	\$209.22	M	Deep Creek Master Plan
Develop Spring Creek Recreation Reserve as per 5 year implementation plan	OR07	DI Open Space Works	SCS	\$1,116,230	Area 018,Area 019,Area 020,Area 021,Area 022,Area 023,Area 024	0.1	\$1,004,607	2953	\$340.20	M	Spring Creek Recreation Reserve Master Plan and 10 year capital works program
Upgrade Jan Juc Creek linear reserve with protection and improvement works.	OR08	DI Open Space Works	SCS	\$1,509,726	Area 025	0.05	\$1,434,239	1760	\$814.91	M	.
Develop Whites Beach foreshore linear reserve as per the Whites Beach Masterplan.	OR09	DI Open Space Works	SCS	\$377,328	Area 001,Area 002,Area 003,Area 004,Area 005,Area 006,Area 007,Area 008,Area 009,Area 010,Area 011	0.1	\$339,595	4974	\$68.27	S	.
Upgrade Bells Beach Recreation Reserve as per the Bells Beach Coastal Management Plan & Master Plan.	OR10	DI Open Space Works	SCS	\$2,631,382	Area 001,Area 002,Area 003,Area 004,Area 005,Area 006,Area 007,Area 008,Area 009,Area 010,Area 011,Area 013,Area 014,Area 015,Area 016,Area 017,Area 018,Area 019,Area 020,Area 021,Area 022,Area 023,Area 024,Area 025,Area 026	0.8	\$526,276	11276	\$46.67	M	Bells Beach and Wink Pop Master Plan
<b>ON AND OFF-ROAD PATHWAYS (PEDESTRIAN / CYCLE)</b>											
Construct off road pedestrian and cycle trails through the Torquay Central public open space network, including a pedestrian bridge across Spring Creek.	PC01	DI Pathways	SCS	\$2,232,019	Area 014,Area 022,Area 024	0	\$2,232,019	1584	\$1,409.10	When the relevant open space is delivered.	Torquay / Jan Juc Community Infrastructure Assessment, ASR Research (2006) and Surf Coast Pathways Strategy, Parklinks and Surf Coast Shire (2005)
Construct off-road pedestrian and cycle trails through the Torquay North public open space network.	PC02	DI Pathways	SCS	\$1,331,081	Area 003,Area 004,Area 005,Area 006	0	\$1,331,081	1880	\$708.02	When the relevant open space is delivered.	Torquay / Jan Juc Community Infrastructure Assessment, ASR Research (2006) and Surf Coast Pathways Strategy, Parklinks and Surf Coast Shire (2005)
Construct Regional Bike Route 1 (PP1079 & PP1068) along Horseshoe Bend Road, The Esplanade and Bell St, between Lower Duneed Rd and Great Ocean Road.	PC03	DI Pathways	SCS	\$2,644,380	Area 001,Area 002,Area 003,Area 004,Area 005,Area 006,Area 007,Area 008,Area 009,Area 010,Area 011,Area 012,Area 013,Area 014,Area 015,Area 016,Area 017,Area 018,Area 019,Area 020,Area 021,Area 022,Area 023,Area 024,Area 025,Area 026	0.05	\$2,512,161	11276	\$222.79	M	Torquay / Jan Juc Community Infrastructure Assessment, ASR Research (2006) and Surf Coast Pathways Strategy, Parklinks and Surf Coast Shire (2005)
Construct Regional Bike Route 2 (PP1444) along Great Ocean Road, including bridge widening, between Bell St and Torquay Golf club.	PC04	DI Pathways	SCS	\$311,564	Area 001,Area 002,Area 003,Area 004,Area 005,Area 006,Area 007,Area 008,Area 009,Area 010,Area 011,Area 012,Area 013,Area 014,Area 015,Area 016,Area 017,Area 018,Area 019,Area 020,Area 021,Area 022,Area 023,Area 024,Area 025,Area 026	0.05	\$295,986	11276	\$26.25	S	Torquay / Jan Juc Community Infrastructure Assessment, ASR Research (2006) and Surf Coast Pathways Strategy, Parklinks and Surf Coast Shire (2005)



4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

Construct Regional Path 4 (PP1232 & FP2193) along Great Ocean Road between Spring Creek and Cemetary Road.	PC08	DI Pathways	SCS	\$692,105	Area 001,Area 002,Area 003,Area 004,Area 005,Area 006,Area 007,Area 008,Area 009,Area 010,Area 011,Area 012,Area 013,Area 014,Area 015,Area 016,Area 017,Area 018, Area 019,Area 020,Area 021,Area 022,Area 023,Area 024,Area 025,Area 026	0.05	\$657,500	11276	\$58.31	L	Torquay / Jan Juc Community Infrastructure Assessment, ASR Research (2006) and Surf Coast Pathways Strategy, Parklinks and Surf Coast Shire (2005)
<b>GORCC PROJECTS - OUTDOOR ACTIVE AND PASSIVE RECREATION</b>											
Torquay front beach lower promenade upgrade.	OR11	DI Open Space Works	GORCC	\$347,960	Area 001,Area 002,Area 003,Area 004,Area 005,Area 006,Area 007,Area 008,Area 009,Area 010,Area 011,Area 013,Area 014,Area 015,Area 016,Area 017,Area 018,Area 019, Area 020,Area 021,Area 022,Area 023,Area 024,Area 025,Area 026	0.4	\$208,776	11276	\$18.52	M	GORCC Capital Works program (GORCC 12)
Torquay front beach access steps and ramps.	OR12	DI Open Space Works	GORCC	\$190,342	Area 001,Area 002,Area 003,Area 004,Area 005,Area 006,Area 007,Area 008,Area 009,Area 010,Area 011,Area 013,Area 014,Area 015,Area 016,Area 017,Area 018,Area 019, Area 020,Area 021,Area 022,Area 023,Area 024,Area 025,Area 026	0.4	\$114,205	11276	\$10.13	M	GORCC Capital Works program (GORCC 14)
Torquay front beach masterplan landscape works.	OR13	DI Open Space Works	GORCC	\$79,480	Area 001,Area 002,Area 003,Area 004,Area 005,Area 006,Area 007,Area 008,Area 009,Area 010,Area 011,Area 013,Area 014,Area 015,Area 016,Area 017,Area 018,Area 019, Area 020,Area 021,Area 022,Area 023,Area 024,Area 025,Area 026	0.4	\$47,688	11276	\$4.23	S	GORCC Capital Works program (GORCC 15)
White's beach toilet.	OR14	DI Open Space Works	GORCC	\$95,049	Area 001,Area 002,Area 003,Area 004,Area 005,Area 006,Area 007,Area 008,Area 009,Area 010,Area 011	0.2	\$76,039	4974	\$15.29	S	GORCC Capital Works program (GORCC 24)
Yellow Bluff playground car park upgrade.	OR15	DI Open Space Works	GORCC	\$227,670	Area 001,Area 002,Area 003,Area 004,Area 005,Area 006,Area 007,Area 008,Area 009,Area 010,Area 011,Area 013,Area 014,Area 015,Area 016,Area 017,Area 018,Area 019, Area 020,Area 021,Area 022,Area 023,Area 024,Area 025,Area 026	0.4	\$136,602	11276	\$12.11	S	GORCC Capital Works program (GORCC 32)
Darian Road car park upgrade.	OR16	DI Open Space Works	GORCC	\$429,054	Area 001,Area 002,Area 003,Area 004,Area 005,Area 006,Area 007,Area 008,Area 009,Area 010,Area 011,Area 013,Area 014,Area 015,Area 016,Area 017,Area 018,Area 019, Area 020,Area 021,Area 022,Area 023,Area 024,Area 025,Area 026	0.4	\$257,432	11276	\$22.83	S	GORCC Capital Works program (GORCC 33)
<b>GORCC PROJECTS - ON AND OFF-ROAD PATHWAYS (PEDESTRIAN / CYCLE)</b>											
Construct shared pathway along Torquay Foreshore from Gilbert Street to Horseshoe Bend Road.	PC06	DI Pathways	GORCC	\$146,856	Area 001,Area 002,Area 003,Area 004,Area 005,Area 006,Area 007,Area 008,Area 009,Area 010,Area 011,Area 012,Area 013,Area 014,Area 015,Area 016,Area 017,Area 018, Area 019,Area 020,Area 021,Area 022,Area 023,Area 024,Area 025,Area 026	0.15	\$124,828	11276	\$11.07	S	GORCC Capital Works program (GORCC 17)
<b>DCP PREPARATION</b>											
DCP preparation costs	DCP01	DI DCP Management	SCS	\$79,600	Area 001,Area 002,Area 003,Area 004,Area 005,Area 006,Area 007,Area 008,Area 009,Area 010,Area 011,Area 012,Area 013,Area 014,Area 015,Area 016,Area 017,Area 018,Area 019,Area 020,Area 021,Area 022,Area 023,Area 024,Area025,Area026	0	\$79,600	14160	\$5.62	S	



#### APPENDIX D INFRASTRUCTURE PROJECT DETAILED COSTINGS

Details of the infrastructure project costings are shown overleaf.



RD01 - Upgrade and signalise the intersection of Surf Coast Highway and South Beach Road  
- Surf Coast Shire Council, July 2018

ITEM	DESRPTION OF WORK	QUANTITY	UNIT	RATE \$ (Council)	AMOUNT \$	SUMMARY \$
1	Construction					\$3,300,000.00
1.1	VicRoads contract value	1	item	\$2,500,000.00	\$2,500,000.00	
1.2	Actual cost incurred	1	item	\$800,000.00	\$800,000.00	
SUBTOTAL						\$3,300,000.00
PROJECT MANAGEMENT				0.00%		\$0.00
CONTINGENCY				0.00%		\$0.00
PROJECT CONSTRUCTION COST ESTIMATE						\$3,300,000.00



4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

**RD02 Construct eastern approach to Surf Coast Highway / Civic Drive intersection, including intersection upgrade**  
- Surf Coast Shire Council, July 2018

ITEM	DESCRIPTION OF WORK	QUANTITY	UNIT	RATE \$ (Council)	AMOUNT \$	SUMMARY \$
<b>1</b>	<b>Construction</b>					<b>\$1,136,762.00</b>
1.1	Actual cost incurred	1	item	\$1,136,762.00	\$1,136,762.00	
	<b>SUBTOTAL</b>					<b>\$1,136,762.00</b>
	<b>PROJECT MANAGEMENT</b>			0.00%		<b>\$0.00</b>
	<b>CONTINGENCY</b>			0.00%		<b>\$0.00</b>
	<b>PROJECT CONSTRUCTION COST ESTIMATE</b>					<b>\$1,136,762.00</b>



#### 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

##### RD03 - Surf Coast Hwy / Coombes Rd Intersection

- cost estimate by Tomkinson (Project No. A3669), 14 July 2017

ITEM	DESCRIPTION OF WORK	QUANTITY	UNIT	RATE \$ (TOMKINSON)	AMOUNT \$	SUMMARY \$
<b>LAND ACQUISITION</b>						<b>\$104,200.00</b>
	40 Coombes Rd	228	m2	\$400.00	\$91,200	
	Legal & transfer fees	1		\$13,000.00	\$13,000	
<b>TOTAL LAND ACQUISITION</b>						<b>\$104,200.00</b>
<b>1</b>	<b>GENERAL ITEMS</b>					<b>\$133,000.00</b>
1.1	Site establishment, management & other fixed costs		item	\$75,000.00	\$75,000.00	
1.2	Setting out of works		item	\$10,000.00	\$10,000.00	
1.3	Traffic management and proposed signage		item	\$25,000.00	\$25,000.00	
1.4	Cultural Heritage Management Plan		item	\$0.00	\$0.00	
1.5	Environmental Management Plan		item	\$5,000.00	\$3,000.00	
1.6	vicroads fees		item	\$20,000.00	\$20,000.00	
<b>2</b>	<b>DEMOLITION &amp; EXCAVATION (Removal &amp; Disposal)</b>					<b>\$170,750.00</b>
2.1	Excavation of all materials to limits of work	3100	m2	\$35.00	\$108,500.00	
2.2	Removal & trimming of trees		Item	\$15,000.00	\$15,000.00	
2.3	Saw cut of concrete &/or asphalt paving,		Item	\$10,000.00	\$10,000.00	
2.3	profile as required & disposal of ex seal	4500	Item	\$6.50	\$29,250.00	
2.4	Removal & relocation of signs & other street furniture		Item	.	.	
2.5	Removal of redundant linemarking		Item	\$8,000.00	\$8,000.00	
2.6	Import and place fill as required		m3		\$0.00	
<b>3</b>	<b>PAVEMENT</b>					<b>\$614,000.00</b>
3.1	LOWER SUB-BASE SHAPING	2600	m2	\$18.00	\$46,800.00	
	Preparation of sub-grade - 5% limes stabilisation					
3.2	SUB-BASE course	2600	m2	\$35.00	\$91,000.00	
	Class 3 40mmFCR, 300mm depth (Full depth pavement)					
3.3	BASE COURSE	2600	m2	\$25.00	\$65,000.00	
	Class 2 20mm FCR, 200mm depth (Full depth pavement)					
3.4	ASHPHALT WEARING COURSE	2600	m2	\$38.00	\$98,800.00	
	Asphalt overlay / regulation 50mm depth. 10mm size R type					
3.5	PRIME	7100	m2	\$4.00	\$28,400.00	
3.6	ASHPHALT WEARING COURSE	7100	m2	\$40.00	\$284,000.00	
	Asphalt overlay / regulation 50mm depth. 10mm size Type V					
<b>4</b>	<b>DRAINAGE (Materials Supplied, Placed &amp; Backfilled)</b>					<b>\$125,550.00</b>
4.1	Sub-soil drain - 150mm fin type PVC, supplied & placed	1935	m	\$30.00	\$58,050.00	
4.2	375mm dia RC pipe, supplied, laid, jointed & back-filled	200	m	\$175.00	\$35,000.00	
4.3	SE pit, 900mm x 600mm, 1.5m - 2.0m deep, Gatic type cover	5	No.	\$2,500.00	\$12,500.00	
4.4	SE pit, 900mm x 600mm, < 1.5m deep, Gatic type cover	5	No.	\$2,000.00	\$10,000.00	
4.5	RENEWAL OF EXISTING DRAINAGE PITS/PIPES	1	item	\$10,000.00	\$10,000.00	
	Break into existing drainage pit or pipe and make good					
<b>5</b>	<b>CONCRETE &amp; PAVING WORKS (Inc. Bedding &amp; Placement)</b>					<b>\$186,500.00</b>
5.1	SEMI MOUNTABLE KERB	1210	m	\$100.00	\$121,000.00	
	SM2 Semi-mountable concrete kerb, 600mm wide					
5.3	Kerb ramp / pram crossing <2.0m wide. DDA compliant	21	No.	\$500.00	\$10,500.00	
5.4	FOOTPATH INSTALLATION	150	m2	\$80.00	\$12,000.00	
	125mm concrete footpath or paving with F62 mesh					
5.5	TRAFFIC ISLANDS	350	m2	\$100.00	\$35,000.00	
	150mm concrete infill paving - traffic islands - with F82 mesh					
5.6	Tactile ground surface indicator tiles - ivory colour	20	m2	\$400.00	\$8,000.00	
<b>6</b>	<b>LANDSCAPING WORKS (Materials Supplied &amp; Placed)</b>					<b>\$20,000.00</b>
6.1	Spread topsoil and hydroseed grass on all nature strips and reserves	900	m2	\$20.00	\$18,000.00	
6.2	Reinstating garden beds as required		Item	\$2,000.00	\$2,000.00	
<b>7</b>	<b>SIGNS, LINEMARKING &amp; DELINEATION (Supplied &amp; Placed)</b>					<b>\$21,000.00</b>
7.1	Erection of permanent traffic signs & posts	1	Item	\$5,000.00	\$5,000.00	
7.2	Erection of permanent direction traffic signs & posts	4	No.	\$1,000.00	\$4,000.00	
7.3	General Line-marking		Item	\$10,000.00	\$10,000.00	
7.4	Raised pavement markers inc adhesive	100	No.	\$20.00	\$2,000.00	
<b>8</b>	<b>SERVICE UTILITIES - PROVISIONAL ITEMS ONLY (Supplied, Placed &amp; Backfilled)</b>					<b>\$145,000.00</b>
8.1	Alteration to private water supply					
8.2	Alteration to private gas supply					
8.3	Alteration to water services assets		Item	\$20,000.00	\$50,000.00	
8.4	Alteration to sewer services assets		Item	\$50,000.00	\$70,000.00	
8.5	Alteration to telecommunication assets		Item	\$25,000.00	\$25,000.00	
8.6	Alteration to gas services assets		Item			



4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

<b>9</b>	<b>POWER &amp; LIGHTING (Supplied, Placed &amp; Connected)</b>				<b>\$175,000.00</b>
9.1	Alteration / addition to existing street lighting	Item	\$75,000.00	\$75,000.00	
9.2	Power pole relocation	Item	\$100,000.00	\$100,000.00	
<b>10</b>	<b>TRAFFIC SIGNALS (Supplied, Placed &amp; Connected)</b>				<b>\$350,000.00</b>
10.1	Traffic signal installation - including all underground and above ground hardware and controller (cross intersection)	Item	\$350,000.00	\$350,000.00	
<b>11</b>	<b>SURVEY DESIGN &amp; PROJECT MANAGEMENT</b>				<b>\$205,264.00</b>
11.1	Feature survey of site	% total cost	1.00%	\$19,408.00	
11.2	Detailed design inc RSA & other sub consultants	% total cost	7.00%	\$135,856.00	
11.3	Project administration inc permits & approvals by relevant authorities (VicRoads)	1	item	\$50,000.00	
11.4	Project management				
<b>SUBTOTAL</b>					<b>\$2,146,064.00</b>
<b>PROJECT MANAGEMENT</b>			6.00%		<b>\$128,763.84</b>
<b>CONTINGENCY</b>			10.00%		<b>\$214,606.40</b>
<b>PROJECT CONSTRUCTION COST ESTIMATE</b>					<b>\$2,489,434.24</b>



4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

**RD04 Upgrade and signalise the intersection of Surf Coast Highway and Beach Road**  
- Surf Coast Shire Council, July 2018

ITEM	DESCRIPTION OF WORK	QUANTITY	UNIT	RATE \$ (Council)	AMOUNT \$	SUMMARY \$
<b>1</b>	<b>Construction</b>					<b>\$1,351,045.00</b>
1.1	Actual cost incurred	1	item	\$1,351,045.00	\$1,351,045.00	
	<b>SUBTOTAL</b>					<b>\$1,351,045.00</b>
	<b>PROJECT MANAGEMENT</b>			0.00%		<b>\$0.00</b>
	<b>CONTINGENCY</b>			0.00%		<b>\$0.00</b>
	<b>PROJECT CONSTRUCTION COST ESTIMATE</b>					<b>\$1,351,045.00</b>



#### 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

**RD05 - Upgrade and signalise the intersection of Surf Coast Highway and Bristol Road**  
- cost estimate by Safe System Solutions, 2021

ITEM	DESCRIPTION OF WORK	QUANTITY	UNIT	RATE \$ (TOMKINSON)	AMOUNT \$	SUMMARY \$
<b>1</b>	<b>PROJECT MANAGEMENT CONSTRUCTION</b>					<b>\$152,891.00</b>
1.1	Contract administration / management	1	item	\$75,000.00	\$75,000.00	
1.2	Network Operations Advice	1	item	\$70,543.00	\$70,543.00	
1.3	Signal Operations Advice	1	item	\$7,348.00	\$7,348.00	
<b>2</b>	<b>STAKEHOLDER MANAGEMENT</b>					<b>\$5,000.00</b>
2.1	Letter Drops	1	item	\$5,000.00	\$5,000.00	
<b>3</b>	<b>GROUND SURVEYS</b>					<b>\$17,000.00</b>
3.1	Feature surveys	1	Item	\$5,000.00	\$5,000.00	
3.2	Service Proofing (detail)	2	Item	\$6,000.00	\$12,000.00	
<b>4</b>	<b>DETAILED DESIGN</b>					<b>\$113,575.00</b>
4.1	Detailed road design (including final plans)	1	Item	\$107,575.00	\$107,575.00	
4.2	Road Safety Audit	2	Item	\$3,000.00	\$6,000.00	
<b>5</b>	<b>CONTRACTOR MANAGEMENT</b>					<b>\$40,500.00</b>
5.1	Site Establishment	1	0	\$12,500.00	\$12,500.00	
5.2	Site Management & Supervision	1	week	\$25,000.00	\$25,000.00	
5.3	As Constructed Plans	1	Item	\$3,000.00	\$3,000.00	
<b>6</b>	<b>SITE PREPARATION</b>					<b>\$3,000.00</b>
6.1	Survey Set outs	1	Item	\$3,000.00	\$3,000.00	
<b>7</b>	<b>UTILITY SERVICE RELOCATIONS</b>					<b>\$230,000.00</b>
7.1	Power	50	item	\$1,500.00	\$75,000.00	
7.2	Telecommunications (Telstra / Optus)	20	Item	\$1,500.00	\$30,000.00	
7.3	Gas	70	item	\$1,500.00	\$105,000.00	
7.4	Water	20	item	\$1,000.00	\$20,000.00	
<b>8</b>	<b>TRAFFIC MANAGEMENT</b>					<b>\$120,000.00</b>
8.1	Provision for Traffic Control	1	item	\$100,000.00	\$100,000.00	
8.2	Electronic Variable Message Sign	1	item	\$20,000.00	\$20,000.00	
<b>9</b>	<b>EARTHWORKS</b>					<b>\$72,960.00</b>
9.1	Removal of Trees (significant), Includes grub up & cart away	6	item	\$700.00	\$4,200.00	
9.2	Earthworks - Cut to waste (place "off site")	269	m3 solid	\$40.00	\$10,760.00	
9.3	Topsoiling (include fertilising & seeding)	800	m2	\$60.00	\$48,000.00	
9.4	Landscaping - Supply, Plant & Maintain	1	Item	\$10,000.00	\$10,000.00	
<b>10</b>	<b>DRAINAGE WORKS</b>					<b>\$8,750.00</b>
10.1	Supply & Install Class 2 375mm dia RCP	5	m	\$250.00	\$1,250.00	
10.2	Supply & Install Junction Pits	1	No.	\$2,500.00	\$2,500.00	
10.3	Supply & Install SEP's (1.5m x 600 x 450)	2	No.	\$2,500.00	\$5,000.00	
<b>11</b>	<b>PAVEMENT CONSTRUCTION</b>					<b>\$980,880.00</b>
11.1	Lump Sum Item for Pavement construction	200	Item	\$50.00	\$10,000.00	
11.2	Construct granular pavement, including double application seal (550mm depth)	3700	m2	\$200.00	\$740,000.00	
11.3	Rip, Mix & Compact Existing Pavement to 250mm	3700	m2	\$60.00	\$222,000.00	
11.4	Construct Private Entrances (concrete pavement)	74	No.	\$120.00	\$8,880.00	
<b>12</b>	<b>STRUCTURES &amp; CONCRETE WORKS</b>					<b>\$148,300.00</b>
12.1	Remove Kerb and Channel	560	m	\$40.00	\$22,400.00	
12.2	Supply & Cast Kerb & Channel (SM2 & SM3)	630	m	\$130.00	\$81,900.00	
12.3	Construct Bicycle/Pedestrian Path	300	m2	\$130.00	\$39,000.00	
12.4	Relocate Bus Shelter	1	No	\$5,000.00	\$5,000.00	
<b>13</b>	<b>TRAFFIC SIGNALS &amp; LIGHTING</b>					<b>\$291,955.00</b>
13.1	New Signal Pedestal - 2B	5	each	\$10,000.00	\$50,000.00	
13.2	New Signal Pedestal - JUMA	3	each	\$20,000.00	\$60,000.00	
13.3	Lanterns - 3 aspect	10	each	\$1,500.00	\$15,000.00	
13.4	Lanterns - 6 aspect	6	each	\$2,000.00	\$12,000.00	
13.5	Lanterns - Pedestrian	6	each	\$1,500.00	\$9,000.00	
13.6	Detector Loops - Standard (vehicle)	10	each	\$1,250.00	\$12,500.00	
13.7	Conduit Pit (standard)	8	each	\$2,500.00	\$20,000.00	
13.8	Conduit - Bore under road, supply & Install 1/100mm Underground Conduit, B&	65	m	\$250.00	\$16,250.00	
13.9	Conduit - Open trench through footpath/paved area, supply & Install 1/100mm	45	m	\$200.00	\$9,000.00	
13.10	New Controller - Signals	1	each	\$18,205.00	\$18,205.00	
13.11	New Lighting Pole (all inclusive)	4	No.	\$15,000.00	\$60,000.00	
13.12	Conduit Pit (standard)	4	each	\$2,500.00	\$10,000.00	
<b>14</b>	<b>SIGNAGE, LINEMARKING, ROAD FURNITURE</b>					<b>\$62,850.00</b>
14.1	RRPM's - Supply & Install	70	each	\$15.00	\$1,050.00	
14.2	Manufacture & Erect New Signing	10	Each	\$300.00	\$3,000.00	
14.3	Standard stripe	630	m	\$10.00	\$6,300.00	



#### 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

14.4	Continuity Stripes 100mm wide	410 m	\$10.00	\$4,100.00
14.5	Straight ahead arrows	4 each	\$100.00	\$400.00
14.6	Turn arrows	10 each	\$100.00	\$1,000.00
14.7	Large Bicycle Symbol	10 each	\$100.00	\$1,000.00
14.8	Water blasting	1400 Item	\$20.00	\$28,000.00
14.9	Reconstruct Kerb Ramp & Install TGSI	6 No.	\$3,000.00	\$18,000.00
<b>15</b>	<b>MAINTENANCE</b>			<b>\$118,486.90</b>
15.1	Traffic signal maintenance fee (10 years)	1 Item	\$101,427.00	\$101,427.00
15.2	Street lighting maintenance fee (10 years)	13 Item	\$1,312.30	\$17,059.90
	<b>SUBTOTAL</b>			<b>\$2,366,147.90</b>
	<b>BASE RISK ALLOCATION</b>		1.98%	<b>\$46,852.00</b>
	<b>CONTINGENCY</b>		9.59%	<b>\$227,000.00</b>
	<b>PROJECT CONSTRUCTION COST ESTIMATE</b>			<b>\$2,639,999.90</b>



#### 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

**RD07 - Widen Fisher Street carriageway to 15m (parallel parking & bike lanes both sides) between Beach Rd and Zeally Bay Rd**  
- cost estimate by Tomkinson, 18 May 2017

ITEM	DESRPTION OF WORK	QUANTITY	UNIT	RATE (Tomkinson) \$	AMOUNT \$	SUMMARY \$
1	GENERAL ITEMS					\$85,000.00
1.1	Site establishment, management & other fixed costs		item		\$15,000.00	
1.2	Setting out of works		item		\$1,000.00	
1.3	Traffic management (6 weeks)	6	weeks	\$4,000.00	\$24,000.00	
1.4	Environmental Management Plan		item	\$5,000.00	\$5,000.00	
1.5	Cultural Heritage Management Plan		item	\$25,000.00	\$25,000.00	
1.6	Heritage Overlay and Vegetation assessment for taylor Park		item		\$15,000.00	
2	DEMOLITION & EXCAVATION (Removal & Disposal)					\$105,900.00
2.1	Excavation of all materials to limits of work, including concrete, & diposal to app	960	m3	\$40.00	\$38,400.00	
2.2	Import and place fill as required	200	m3	\$40.00	\$8,000.00	
2.3	Removal & trimming of trees	1	Item	\$8,000.00	\$8,000.00	
2.4	Saw Cutting		Item	\$1,500.00	\$1,500.00	
2.5	Removal & relocation of signs & other street furniture		item		\$0.00	
2.6	Removal of redundant linemarking		item		\$0.00	
2.7	Vegitatin offsets	1	item	\$50,000.00	\$50,000.00	
3	STANDARD ROAD PAVEMENT (Materials Supplied, Spread & Compacted)					\$288,000.00
3.1	LOWER SUB-BASE SHAPING	3200	m2	\$18.00	\$57,600.00	
	Preparation of sub-grade - 5% lime stabilisation					
3.2	SUB-BASE course	3200	m2	\$25.00	\$80,000.00	
	Class 3 20mmFCR, 200mm depth (Full depth pavement)					
3.3	BASE COURSE	3200	m2	\$15.00	\$48,000.00	
	Class 2 20mm FCR, 100mm depth (Full depth pavement)					
3.4	ASHPHALT WEARING COURSE	3200	m2	\$28.00	\$89,600.00	
	Asphalt overlay / regulation 50mm depth. 10mm size R type					
3.5	PRIME	3200	m2	\$4.00	\$12,800.00	
4	DRAINAGE (Materials Supplied, Placed & Backfilled)					\$53,000.00
4.1	Install side entry pits and connect to drain	7	Item	\$3,000.00	\$21,000.00	
4.2	Install 375 dia pipe	200	Lm	\$160.00	\$32,000.00	
5	CONCRETE & PAVING WORKS (Inc. Bedding & Placement)					\$49,200.00
5.1	Barrier Kerb & Channel	540	m	\$80.00	\$43,200.00	
5.2	Kerb Ramp	4	Item	\$1,000.00	\$4,000.00	
5.3	Reconstruct Splitter Island (Incl. Hatch & Line Marking)	2	Item	\$1,000.00	\$2,000.00	
5.4	Footpath Installation	1025	m2			
6	LANDSCAPING WORKS (Materials Supplied & Placed)					\$25,000.00
6.1	General Landscaping works, including spreading topsoil, and hydroseeded grass on all natur		Item	\$5,000.00	\$5,000.00	
6.2	Post & BOLLARD fence	400	m	\$50.00	\$20,000.00	
7	SIGNS, LINEMARKING & DELINEATION (Supplied & Placed)					\$7,300.00
7.1	Line-marking		Item	\$5,000.00	\$5,000.00	
7.2	Raised pavement markers inc adhesive		Item		\$800.00	
7.3	Traffic Signs (Inc supply, remove, relocate)			\$1,500.00	\$1,500.00	
8	SERVICE UTILITIES - PROVISIONAL ITEMS ONLY (Supplied, Placed and Backfilled)					\$22,500.00
8.1	Alteration to stormwater drainage pits	5	Item	\$2,500.00	\$12,500.00	
8.2	Alteration to gas services assets		Item		\$0.00	
8.3	Alteration to water services assets		Item		\$0.00	
8.4	Alteration to sewer services assets		Item		\$0.00	
8.5	Alteration to telecommunication assets	2	Item	\$5,000.00	\$10,000.00	
8.6	Alteration / addition to existing underground power services		Item		\$0.00	
9	POWER & LIGHTING (Suplied, Placed & Connected)					\$0.00
9.1	Alteration / addition to existing street lighting (upgrade)		Item		\$0.00	
9.2	Power pole relocation		Item		\$0.00	
10	SURVEY & DESIGN					\$63,590.00
10.1	Feature survey		%	2.00%	\$12,718.00	
10.2	Detailed design inc RSA & other sub consultants		%	8.00%	\$50,872.00	
SUBTOTAL						\$699,490.00
PROJECT MANAGEMENT				8.00%		\$55,959.20
CONTINGENCY				10.00%		\$69,949.00
PROJECT CONSTRUCTION COST ESTIMATE						\$825,398.20



#### 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment



#### 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

**RD09 - Upgrade Sth Beach Rd to connector road standard (urban south side / rural north side) and incorporate turning lanes at the Fischer Street T intersection.**

- cost estimate by Tomkinson, 19 May 2017

ITEM	DESCRIPTION OF WORK	QUANTITY	UNIT	RATE (Tomkinson) \$	AMOUNT \$	SUMMARY \$
<b>1</b>	<b>ACTUAL COST INCURRED</b>					<b>\$2,129,600.00</b>
1.1	Actual cost incurred				\$2,129,600.00	
<b>1</b>	<b>GENERAL ITEMS</b>					<b>\$195,400.00</b>
2.1	Remaining contracted works		item	\$108,900.00	\$108,900.00	
2.2	Footpath		item	\$40,000.00	\$40,000.00	
2.3	Batter works		item	\$25,000.00	\$25,000.00	
2.4	Tree planting		item	\$20,000.00	\$20,000.00	
2.5	Weed spray prior to hand over		item	\$1,500.00	\$1,500.00	
	<b>SUBTOTAL</b>					<b>\$2,325,000.00</b>
	<b>PROJECT MANAGEMENT</b>			0.00%		<b>\$0.00</b>
	<b>CONTINGENCY</b>			0.00%		<b>\$0.00</b>
	<b>PROJECT CONSTRUCTION COST ESTIMATE</b>					<b>\$2,325,000.00</b>



4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

RD10 - Widen The Esplanade between Horseshoe Bend Rd and Darian Rd to a 13.6m carriageway with bicycle lanes  
- Surf Coast Shire Council, July 2018

ITEM	DESRPTION OF WORK	QUANTITY	UNIT	RATE \$ (Council)	AMOUNT \$	SUMMARY \$
1	Land Cost					\$574,450.00
1.1	Actual cost incurred	1	item	\$574,450.00	\$574,450.00	
	SUBTOTAL					\$574,450.00
	PROJECT MANAGEMENT			0.00%		\$0.00
	CONTINGENCY			0.00%		\$0.00
	PROJECT CONSTRUCTION COST ESTIMATE					\$574,450.00



4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

RD11 - Widen the full length of Coombes Rd to a 7.0m carriageway and extend pavement widening  
- cost estimate by Tomkinson, 18 May 2017

ITEM	DESCRIPTION OF WORK	QUANTITY	UNIT	RATE (Tomkinson) \$	Stage 1	Stage 2	Stage 3	AMOUNT \$	SUMMARY \$
1	<b>QUALITY SYSTEM</b>				\$2,000.00	\$2,000.00	\$2,000.00	\$6,000.00	\$6,000.00
1.1	Plan, develop and maintain a documented Quality System								
1.2	specific to this project and in accordance with the contract								
1.3	specification								
2	<b>ENVIRONMENTAL MANAGEMENT PLAN</b>				\$3,500.00	\$3,500.00	\$3,500.00	\$10,500.00	\$10,500.00
2.1	The contractor is to develop a project specific Environmental Management Plan (EMP) in the stipulated format as directed by the Surfcoast Shire, including implementation of the approved plan, maintenance of all measures through the term of the contract and removal of measures at the conclusion of the project, also including approved reinstatement of all disturbed areas.								
3	<b>SITE PREPARATION/TRAFFIC CONTROL</b>								\$89,697.60
3.1	Erection and maintenance of warning signs, lights and barriers and traffic control for the duration of the contract, including allowance for portable traffic signals (2 No)			\$10,405.20	\$10,405.20	\$10,405.20		\$31,215.60	
3.2	Establishment of site facilities including accommodation and toilet			\$1,334.00	\$1,334.00	\$1,334.00		\$4,002.00	
3.3	Clearing, grubbing, trimming, & removal of vegetation as specified, including disposal of all rubbish and old construction materials. (All relevant tipping fees are the responsibility of the contractor).			\$15,360.00	\$15,360.00	\$15,360.00		\$46,080.00	
3.4	On-site mulching is encouraged and no on-site burning is permitted. Removal of trees - Supply all materials, plant and labour to fell, grub and remove from site individual trees as indicated on plans. (All relevant tipping fees are the responsibility of the contractor).					\$8,400.00			
	On-site mulching is encouraged and no on-site burning is permitted. Trees up to 800mm dia.							\$8,400.00	
4	<b>DEMOLITION WORKS</b>								\$63,184.10
4.1	<b>SAW CUT</b>				\$750.00			\$750.00	
	Supply all materials, plant and labour to saw cut existing asphalt seal, including disposal of seal								
4.2	<b>BREAK OUT EXISTING SEAL</b> (drive ways)					\$291.71	\$278.39	\$570.10	
	Supply all plant and labour to remove existing drive way seal as detailed on construction plans								
4.2	<b>REMOVE EXISTING DRAINAGE LINES</b>				\$6,840.00	\$8,604.00	\$9,270.00	\$24,714.00	
	Supply all plant labour and material to remove existing 300 - 375 dia. drainage lines and piped drive way crossings from site, including reinstating trench with compacted 20mm class 3 crushed rock, all in accordance with the Surfcoast Shire specification.								
4.3	<b>REMOVE DRIVABLE END WALLS</b>				\$800.00			\$800.00	
	Supply all plant and labour to remove and salvage for re-use existing drivable end wall								
4.4	<b>REMOVE END WALLS &amp; DRIVABLE END WALLS</b>								
	Supply all plant and labour to remove and salvage for re-use existing end walls and drivable end wall								
4.4.1	300 dia. Pipe drivable end wall					\$3,600.00	\$2,000.00	\$5,600.00	
4.4.2	450 dia. Pipe drivable end wall					\$400.00		\$400.00	
4.4.3	300 dia. Pipe end wall					\$500.00	\$500.00	\$1,000.00	
4.4.4	1200 x 600 box culvert end wall and base slab					\$1,000.00		\$1,000.00	
4.5	<b>REMOVE CONCRETE PAVEMENT</b>					\$18,405.00		\$18,405.00	
	Supply all plant and labour to remove from site existing reinforced patterned concrete road pavement as detailed on construction plans.								
4.6	<b>REMOVE CONCRETE KERB AND CHANNEL</b>					\$3,735.00	\$6,210.00	\$9,945.00	
	Supply all plant and labour to remove from site existing reinforced patterned concrete road pavement as detailed on construction plans.								
5	<b>EARTHWORKS</b>				\$42,372.00	\$43,010.00	\$31,525.34	\$116,907.34	\$116,907.34
5.1	Earthworks including excavation of pavement widening areas for stabilized lower sub-base material, filling, forming, boxing out, trimming and compaction of subgrade, removal and disposal of excess spoil, grading and blending of nature strips to match surroundings, including stockpiling of topsoil, all as specified. Cut 508cu.m. (solid approx.) Fill 1418 cu.m. (solid approx.)								
6	<b>FLEXIBLE ROAD PAVEMENT</b>								\$972,731.24
	Construction of flexible road pavement including supply of all materials, plant and labour, all as specified.								
6.1	<b>BREAK UP AND SPREAD OUT EXISTING SEAL AND PAVEMENT</b>				\$10,279.71	\$12,575.75	\$10,117.71	\$32,973.16	
	Supply all plant, labour and material to profile/rotary hoe existing seal and pavement material evenly across the proposed pavement seal width (Existing width 6m, proposed pavement width 9m) including preparation of broken up pavement material for stabilising. (all unsuitable chunks of old seal and pavement material is to be broken down to suitable partial sizes for stabilising), all as detailed on construction plans and soil report No 160985 prepared by LR Pardo & Associates.								
6.2	<b>LOWER SUB-BASE SHAPING</b>				\$24,230.75	\$138,420.00	\$110,826.00	\$273,476.75	
	Supply all plant, labour and material to spread and compact lower sub-base material in preparation for stabilising including importing additional 20mm class 3 crushed rock to make up the short fall in material. (approximate total compacted depth of 150mm) Contractor to Allow 465 cu.m. (solid.) of imported 20mm class 3 fine crushed rock. (rate per cu.m solid \$.....)								
	(Contractor to be paid only for volume of material actually replaced.)								
6.3	<b>SUB-BASE STABILIZATION</b>				\$17,622.36	\$46,093.86	\$36,905.06	\$100,621.28	
	Stabilize 150mm depth of existing subgrade with 1% cement as specified.								
6.4	<b>Base Course</b>				\$74,895.03	\$87,066.18	\$69,709.55	\$231,670.76	
	150mm compacted depth of 20mm fine crushed rock (Class 2), including preparation for sealing								
6.5	<b>Prime</b>				\$17,622.36	\$20,486.16	\$16,402.25	\$54,510.77	
	Prime (SP30 or equivalent) using 5mm basaltic grit, all as specified. (Grit to be broomed and removed prior to application of first coat.)								
6.6	<b>Bituminous double Seal</b>								
	Supply all materials, plant and labour to prepare and spray bitumen at the application rate as specified.								
6.6.1	First seal using 7 and 14mm basaltic aggregate, all as specified in Soil report No 160985.				\$39,650.31	\$46,093.86	\$36,905.06	\$122,649.23	
6.6.2	Final seal using 7 and 14mm basaltic aggregate, all as specified in Soil report No 160985.				\$39,650.31	\$46,093.86	\$36,905.06	\$122,649.23	
6.6.3	<b>CRUSHED ROCK DRIVE-WAY</b>				\$8,250.00	\$2,250.00	\$15,750.00	\$26,250.00	
	Supply all plant labour and material to re-construct existing crushed rock drive way to match into proposed pavement levels. Minimum 150mm compacted depth of 20mm class 3 fine crushed rock								
6.7	<b>CRUSHED ROCK ROAD-WAY</b>				\$1,500.00			\$1,500.00	
	Supply all plant labour and material to re-construct existing crushed rock road way to match into proposed pavement levels. Minimum 200mm compacted depth of 20mm class 3 fine crushed rock								
6.8	<b>ASPHALT DRIVEWAYS</b>					\$3,296.70	\$3,133.36	\$6,430.06	
	Supply all plant labour and material to construct asphalt drive way, including 150mm compacted depth of 20mm class 2 crushed rock base layer, including preparation for seal								
7	<b>DRAINAGE PIPES (F.C.R. Backfill)</b>								\$45,900.00
	Supply, excavate, bed, lay, joint and backfill with fine crushed rock as specified, the following reinforced concrete drainage pipes:								
7.1	300mm dia. (class 2) rubber ring jointed. Up to 1.2m deep.				\$1,500.00	\$6,787.50	\$16,975.00	\$25,262.50	
7.2	375mm dia. (class 2) rubber ring jointed. Up to 1.2m deep.				\$3,240.00			\$3,240.00	
7.3	1200 x 600 box culvert units and base slab. Up to 1.2m deep. (each unit is 1.22m long)					\$2,070.00		\$2,070.00	
	<b>DRAINAGE PIPES (drive way crossings)</b>								
	Supply, excavate, bed, lay, joint and backfill the following reinforced concrete drainage pipes:								
7.4	300mm dia. (class 2) rubber ring jointed. Up to 1.5m deep.				\$3,936.00	\$6,470.00	\$1,080.00	\$11,486.00	
7.5	375mm dia. (class 2) rubber ring jointed. Up to 1.5m deep.				\$1,760.00			\$1,760.00	
	<b>DRAINAGE PIPES (Select Backfill)</b>								
7.6	300mm dia. (class 2) rubber ring jointed. Up to 1.2m deep.					\$1,394.00		\$1,394.00	
7.7	450mm dia. (class 2) rubber ring jointed. Up to 1.2m deep.					\$687.50		\$687.50	
8	<b>CONCRETE WORKS</b>								\$66,347.50
	Supply all materials, plant and labour and construct the following concrete works all to Surfcoast Shire standard plans and specifications.								
8.1	<b>SEMI-MOUNTABLE KERB AND CHANNEL</b>					\$18,150.00	\$4,867.50	\$23,017.50	
	Concrete semi-mountable kerb and channel to Surfcoast Shire standard plans, including bedding, all as specified.								
8.2	<b>COLOURED PATTERNED CONCRETE PAVEMENT</b>					\$40,950.00		\$40,950.00	
	Construct coloured, patterned concrete road pavement 150mm thick reinforced with 2 x SL82 mesh top and bottom with minimum of 40mm cover, on minimum compacted depth of 100mm, 20mm class 3 fine crushed rock bedding layer, Coloured and finished with "faux brick" surface or an approved equivalent.								
7.2	<b>300mm WIDE CONCRETE EDGE STRIP</b>						\$2,380.00	\$2,380.00	
	Concrete Edge strip 200mm wide to Surfcoast Shire standard plans, including bedding, all as specified.								
10	<b>DRAINAGE PITS</b>								\$90,421.91
	Construct concrete drainage pits as detailed in vicroad and Surfcoast Shire standard drawings including excavation, forming, supply and placing of concrete, stripping of forms, backfilling, supply and placing of lids, linels, grates and step irons where required, all as specified.								
	<b>DRIVABLE END WALL</b>								
10.1	Construct concrete drivable end wall for 300 dia pipe at drive ways				\$9,000.00	\$17,250.00	\$10,500.00	\$36,750.00	
10.2	Construct concrete drivable end wall for 375 dia pipe at drive ways				\$1,700.00			\$1,700.00	
10.3	Construct concrete drivable end wall for 450 dia pipe at drive ways					\$950.00		\$950.00	
	<b>END WALL</b>								
10.4	Construct concrete end wall for 300 dia pipe road crossings				\$432.90	\$2,600.00		\$3,032.90	
10.5	Construct concrete end wall for 375 dia pipe road crossings				\$999.00			\$999.00	
10.6	Construct concrete drivable end wall for 450 dia pipe at drive ways					\$3,500.00		\$3,500.00	
10.7	<b>ROCK BEACHING</b>				\$719.28	\$719.28	\$999.00	\$2,437.56	
	Supply all plant labour and material to construct rock beach around drainage end walls as detailed on construction plans, including geotech fabric liner. (allow for average of 4.2 sq.m / lin.m of open drain). (road drainage crossings)								
10.7	<b>OPEN DRAIN</b>				\$6,420.24	\$5,834.16	\$3,516.48	\$15,770.88	
	Supply all plant labour and material to cleanout and reconstruct existing open drains to match proposed pavement levels, all as detailed on construction plans.								
10.8	<b>JUNCTION PITS</b>								
	Construct concrete junction pit 900mm x 600mm (I.D.) to Surfcoast Shire standard plan. Up to 1.5m deep. (pit.....)					\$4,500.00	\$3,000.00	\$7,500.00	
10.9	<b>MODIFY EXISTING PITS</b>					\$3,750.00	\$12,750.00	\$16,500.00	
	Supply all plant labour and material to modify existing drainage pit to match proposed pavement levels and alignments, including supply of covers and adjustment of walls.								



4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

10.1	<b>DRAINAGE CHUTE</b> Construct concrete drainage chute in proposed semi-mountable kerb and channel, including concrete, 1 layer of SL72 mesh on a min. compacted depth of 20mm class 3 fine crushed rock bedding layer, all as detailed on construction plans.		\$850.00		\$850.00
10.11	<b>NEW OPEN DRAIN</b> Supply all plant labour and material to construct new open drains to match proposed pavement levels, all as detailed on construction plans.		\$431.57		\$431.57
11	<b>PREPARATION OF NATURE STRIPS</b> Prepare rural type nature strips and other disturbed areas with approved selected loam won from stockpile on site or imported, to a depth of 75mm, levelled, raked, fertilized and sown with an approved seed mixture, all as specified.	\$9,657.00	\$10,856.80	\$8,556.10	\$29,070.90
12	<b>SIGNING</b>				\$12,520.04
10.1	<b>RELOCATE EXISTING STREET SIGNS</b> Remove and relocate existing street signs.	\$900.00	\$3,000.00	\$3,150.00	\$7,050.00
10.2	<b>RELOCATE EXISTING OD SIGNS</b> Remove and relocate existing over dimensional signs.	\$500.00			\$500.00
10.2	<b>TRAFFIC CONTROL SIGNS</b> Supply and place standard VicRoads traffic control signs including supply and erect G.I. standard Road narrow sign (W4-3A)	\$560.00 \$1,082.25	\$560.00 \$1,168.83	\$560.00 \$1,038.96	\$1,680.00 \$3,290.04
10.3	<b>GUIDE POSTS</b> Supply, place and paint 100mm x 50mm red gum guide posts to VicRoads standard SD3001 including reflectors.				
11	<b>LINEMARKING</b>				\$3,496.50
11.1	<b>LINEMARKING</b> Mark out and paint with approved white road marking paint, traffic control lines as detailed on construction plans. (Beadings to be applied to all line marking.)	\$1,165.50	\$1,165.50	\$1,165.50	\$3,496.50
11.2	<b>LINEMARKING</b> Supply and place RRPMS.				
12	<b>LAND ACQUISITION</b> Acquire land from private property to re-align road reserve to match road alignment between Ghazeepore Road and messmate Road. Including perches price, legal transfer of ownership, establishment of title and all fees.		\$16,650.00		\$16,650.00
	<b>PROVISIONAL ITEMS</b>				\$297,691.03
	The following items are classified as provisional item and may or may not be required in part or full. The contractor will only be paid for the actual works done at the rate specified. The quantities under this section are to be used as a guide only.				
	<b>ASPHALT REGULATION</b> Supply all plant, material and labour to lay asphalt regulation course over existing seal to improve drainage, as detailed on contract plan (approx. 3 tonnes of asphalt) Contractor to supply rate per tonne and is to be paid only for actual tonnage used Rate per tonne = \$	\$5,000.00	\$284.72	\$284.72	\$5,569.43
	<b>SUBGRADE IMPROVEMENT - Road Mix</b> Supply all plant, labour and materials for the excavation and removal of unsuitable subgrade material and backfilling with approved road mix, compacted as specified. Allow 40 cu.m. (solid) (Contractor to be paid only for volume of material actually replaced.)	\$1,132.20	\$1,132.20	\$1,132.20	\$3,396.60
	<b>NATURE-STRIP FILL MATERIAL</b> Supply, spread and compact suitable nature-strip fill material as required to make up short fall in design earth works levels. material must be approved by the Surfcoast Shires Engineering Department prior to delivery on site. (approx. 910 cu.m (solid)) Contractor to supply rate cu.m(solid) and is to be paid only for actual quantity used Rate per cu.m (solid) = \$	\$27,300.00	\$19,350.00	\$600.00	\$47,250.00
	<b>SOFT ROCK EXCAVATION</b> The contractor is to supply a cu.m rate for the excavation and removal of easily fractured and excavated rock. (Rate only) (Contractor to be paid only for rock actually excavated.)				
	<b>HARD ROCK EXCAVATION</b> The contractor is to supply a cu.m rate for the excavation and removal of harden rock that requires specialised equipment to break up and excavate. (Rate only) (Contractor to be paid only for rock actually excavated.)	\$4,995.00	\$3,330.00	\$13,320.00	\$21,645.00
	<b>TELSTRA</b> adjustment of existing Telstra assets. Subject to confirmation of locating and depthing of services within the extent of works. (Contractor to be paid actual amount charged by Telstra. Plus contractors processing and organising Fees ..... %)				
	<b>BARWON WATER</b> Adjustment and protection of existing Barwon Water Assets as specified. Subject to confirmation of locating and depthing of services within the extent of works. (Contractor to be paid actual amount charged by Telstra. Plus contractors processing and organising Fees ..... %)		\$80,000.00	\$60,000.00	\$140,000.00
	<b>SP AUSNET (GAS)</b> Adjustment and protection of existing SP Ausnet (GAS) Assets as specified. Subject to confirmation of locating and depthing of services within the extent of works. (Contractor to be paid actual amount charged by Telstra. Plus contractors processing and organising Fees ..... %)		\$40,000.00	\$10,000.00	\$50,000.00
	<b>BARWON WATER</b> Adjustment and protection of existing Barwon Water Assets as specified. Subject to confirmation of locating and depthing of services within the extent of works. (Contractor to be paid actual amount charged by Telstra. Plus contractors processing and organising Fees ..... %)				
	<b>POWERCOR</b> Adjustment and protection of existing PowerCor Assets as specified. Subject to confirmation of locating and depthing of services within the extent of works. (Contractor to be paid actual amount charged by Telstra. Plus contractors processing and organising Fees ..... %)		\$25,000.00	\$3,330.00	\$28,330.00
	<b>PRIVATE WATER CONNECTION</b> Supply all plant labour and material to alter existing private water main connection as detailed on construction plans.	\$1,500.00			\$1,500.00
	<b>SUB-TOTAL - Total Cost of Works Including GST</b>				\$1,821,118.15
11	<b>PROVISIONAL ITEMS</b>				\$366,118.04
	<b>PROVISIONAL SUM</b> Only to be expended pursuant to Clause 11 of Australian Standard AS 2124 - General Conditions of Contract	10.00%	\$40,056.14	\$84,231.23	\$57,824.44
	<b>CONTRACT ADMINISTRATION</b>	2.00%	\$8,011.23	\$16,846.25	\$11,564.89
	<b>SURVEY/DESIGN/ADMINISTRATION</b>	7.50%	\$30,042.10	\$63,173.42	\$43,368.33
	<b>SUBTOTAL</b>				\$2,176,236.19
	<b>PROJECT MANAGEMENT</b>	8.00%			\$174,098.90
	<b>CONTINGENCY</b>	10.00%			\$217,623.62
	Actual costs incurred				\$60,800.00
	<b>PROJECT CONSTRUCTION COST ESTIMATE</b>				\$2,628,758.70



#### 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

**RD12 - Land and construct a large diameter roundabout at the Coombes Road / Messmate Road intersection.**  
- Surf Coast Shire Council, July 2018

ITEM	DESCRIPTION OF WORK	QUANTITY	UNIT	RATE \$ (Council)	AMOUNT \$	SUMMARY \$
<b>1</b>	<b>QUALITY SYSTEM</b>		<b>Item</b>		<b>\$2,000.00</b>	<b>\$2,000.00</b>
1.1	Plan, develop and maintain a documented Quality System					
1.2	specific to this project and in accordance with the contract					
1.3	specification					
<b>2</b>	<b>ENVIRONMENTAL MANAGEMENT PLAN</b>		<b>item</b>		<b>\$3,500.00</b>	<b>\$3,500.00</b>
	The contractor is to develop a project specific Environmental Management Plan (EMP) in the stipulated format as directed by the Surfcoast Shire, including implementation of the approved plan, maintenance of all measures through the term of the contract and removal of measures at the conclusion of the project. also including approved reinstatement of all disturbed areas.					
<b>3</b>	<b>SITE PREPARATION/TRAFFIC CONTROL</b>					<b>\$19,239.20</b>
3.1	Erection and maintenance of warning signs, lights and barriers and traffic control for the duration of the contract. Including allowance for portable traffic signals (4 No)		item		\$10,405.20	
3.2	Establishment of site facilities including accommodation and toilet.		item		\$1,334.00	
3.3	Clearing, grubbing, trimming, & removal of vegetation as specified, including disposal of all rubbish and old construction materials. (All relevant tipping fees are the responsibility of the contractor). On-site mulching is encouraged and no on-site burning is permitted.		item		\$7,500.00	
<b>4</b>	<b>DEMOLITION WORKS</b>					<b>\$9,374.70</b>
4.1	<b>SAW CUT</b> Supply all materials, plant and labour to saw cut existing asphalt seal, including disposal of seal	40.5	lin.m.	\$12.50	\$0.00	
4.2	<b>BREAK OUT EXISTING SEAL (drive ways)</b> Supply all plant and labour to remove existing drive way seal as detailed on construction plans	101.5	sq.m.	\$4.00	\$135.20	
4.3	<b>REMOVE EXISTING DRAINAGE LINES</b> Supply all plant labour and material to remove existing 300 dia. drainage lines and piped drive way crossings from site, including reinstating trench with compacted 20mm class 3 crushed rock, all in accordance with the Surfcoast Shire specification.	40.8	lin.m	\$90.00	\$3,672.00	
4.4	<b>REMOVE END WALLS &amp; DRIVABLE END WALLS</b> Supply all plant and labour to remove and salvage for re-use existing end walls and drivable end wall					
4.4.1	300 dia. Pipe drivable end wall	3	No	\$200.00	\$600.00	
4.4.2	300 dia. Pipe end wall	1	No	\$250.00	\$250.00	
4.5	<b>REMOVE DRAINAGE PITS</b> Supply all plant and labour to remove existing drainage pits as detailed on construction plans, including reinstatement of excavated area with compacted 20mm class 3 crushed rock.	2	No	\$750.00	\$1,500.00	
4.6	<b>REMOVE CONCRETE KERB AND CHANNEL</b> Supply all plant and labour to remove from site existing reinforced patterned concrete road pavement as detailed on construction plans.	71.5	lin.m	\$45.00	\$3,217.50	
<b>5</b>	<b>EARTHWORKS</b>	<b>317</b>	<b>cu.m</b>	<b>\$55.00</b>	<b>\$17,435.00</b>	<b>\$17,435.00</b>
	Earthworks including excavation of pavement widening areas for stabilized lower sub-base material, filling, forming, boxing out, trimming and compaction of subgrade, removal and disposal of excess spoil, grading and blending of nature strips to match surroundings, including stockpiling of topsoil, all as specified. Cut 189cu.m. (solid approx.)					
<b>6</b>	<b>FLEXIBLE ROAD PAVEMENT</b>					<b>\$254,113.29</b>
	Construction of flexible road pavement including supply of all materials, plant and labour, all as specified.					
	<b>BREAK UP AND SPREAD OUT EXISTING SEAL AND PAVEMENT</b> Supply all plant, labour and material to profile/rotary hoe existing seal and pavement material evenly across the proposed pavement seal width (Existing width 6m, proposed pavement width 9m) including preparation of broken up pavement material for stabilising. (all unsuitable chunks of old seal and pavement material is to be broken down to suitable particle sizes for stabilising), all as detailed on construction plans and soil report No 160985 prepared by LR Pardo & Associates.	320	sq.m.	\$12.00	\$1,278.72	
	<b>STANDARD ROAD PAVEMENT</b>					
6.1	<b>LOWER SUB-BASE SHAPING</b> Supply all plant, labour and material to spread and compact lower sub-base material in preparation for stabilising including importing additional 20mm class 3 crushed rock to make up the short fall in material. (approximate total compacted depth of 150mm) Contractor to Allow 25 cu.m. (solid.) of imported 20mm class 3 fine crushed rock. (rate per cu.m solid \$.....) (Contractor to be paid only for volume of material actually replaced.)	320	sq.m.	\$15.00	\$4,800.00	
6.2	<b>SUB-BASE STABILIZATION</b> Stabilize 150mm depth of existing subgrade with 1% cement as specified.	320	sq.m.	\$9.00	\$959.04	
6.3	Base Course 150mm compacted depth of 20mm fine crushed rock (Class 2), including preparation for sealing.	320	sq.m.	\$17.00	\$1,811.52	
6.5	Prime Prime (SP30 or equivalent) using 5mm basaltic grit, all as specified. (Grit to be broomed and removed prior to application of first coat.)	320	sq.m.	\$8.00	\$852.48	
6.6	Bituminous double Seal Supply all materials, plant and labour to prepare and spray bitumen at the application rate as specified.					
6.6.1	First seal using 7 and 14mm basaltic aggregate, all as specified in Soil report No 160985.	320	sq.m.	\$9.00	\$959.04	
6.6.2	Final seal using 7 and 14mm basaltic aggregate, all as specified in Soil report No 160985.	320	sq.m.	\$9.00	\$959.04	
	<b>ROUNDOABOUT PAVEMENT</b>					
6.6	lower Sub-base Course 160mm compacted depth of 20mm fine crushed rock (Class 3), including section under kerb and channel.	1755	sq.m.	\$22.00	\$38,610.00	
6.6	upper Sub-base Course 100mm compacted depth of 20mm fine crushed rock (Class 3), including section under kerb and channel.	1755	sq.m.	\$17.50	\$30,712.50	
6.7	Base Course 100mm compacted depth of 20mm fine crushed rock (Class 2), including preparation for sealing.	1755	sq.m.	\$20.00	\$35,100.00	
6.8	<b>PRIMER SEAL</b> Primer seal (emulsion or equivalent) using 7mm basaltic aggregate, all as specified	2031	sq.m.	\$8.50	\$17,263.50	
6.9	Structural Course	1911	sq.m.	\$30.00	\$57,330.00	



## 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

6.1	Asphalt structural course . Supply all materials, plant and labour and lay 50mm compacted depth of 14mm granitic asphalt type SI, including the sealing of joints at junctions with existing adjacent asphalt or sprayed seals in accordance with the specification. Asphalt Wearing course Asphalt wearing course. Supply all materials, plant and labour and lay 50mm compacted depth of 14mm granitic asphalt type V, including the sealing of joints at junctions with existing adjacent asphalt or sprayed seals in accordance with the specification.	2031	sq.m.	\$30.00	\$60,930.00
6.7	<b>ASPHALT DRIVE WAYS</b> Supply all plant labour and material to construct asphalt drive way, including 150mm compacted depth of 20mm class 2 crushed rock base layer, including preparation for seal	102	sq.m.	\$75.00	\$2,547.45
<b>7</b>	<b>CONCRETE WORKS</b>				<b>\$64,667.50</b>
	Supply all materials, plant and labour and construct the following concrete works all to SurfCoast Shire standard plans and specifications.				
7.1	<b>SEMI-MOUNTABLE KERB AND CHANNEL</b> Concrete semi-mountable kerb and channel to Surfcoast Shire standard plans, including bedding, all as specified.	357	lin.m.	\$60.00	\$21,420.00
7.2	<b>SEMI-MOUNTABLE KERB ONLY</b> Concrete semi-mountable kerb only to Surfcoast Shire standard plans, including bedding, all as specified.	179	lin.m.	\$45.00	\$8,055.00
7.3	<b>FULLY MOUNTABLE KERB AND TRAY</b> Concrete fully-mountable kerb and tray to Surfcoast Shire standard plans, including bedding, all as specified.	47.5	lin.m.	\$55.00	\$2,612.50
7.4	<b>COLOURED CONCRETE ISLAND INFILL</b> Supply all plant labour and material to construct 125mm thick, reinforced SL72 mesh centrally located, coloured concrete traffic island infill on a min. 100mm compacted depth of 20mm class 3 fine crushed rock bedding layer. all as detailed on construction plans.	174	sq.m	\$120.00	\$20,880.00
7.5	<b>CENTRE ISLAND CONCRETE PAVEMENT AREA</b> Supply all plant labour and material to construct 150mm thick, reinforced 2 x SL82 mesh min. cover of 40mm, island concrete pavement on a min. 100mm compacted depth of 20mm class 3 fine crushed rock bedding layer. all as detailed on construction plans.	78	sq.m	\$150.00	\$11,700.00
<b>8</b>	<b>DRAINAGE PIPES (F.C.R. Backfilled)</b>				<b>\$21,412.50</b>
	Supply, excavate, bed, lay, joint and backfill with fine crushed rock as specified, the following reinforced concrete drainage pipes:				
8.1	300mm dia. (class 2) rubber ring jointed. Up to 1.2m deep.	42	lin.m.	\$125.00	\$5,250.00
8.2	375mm dia. (class 2) rubber ring jointed. Up to 1.2m deep.	16.5	lin.m.	\$150.00	\$2,475.00
	<b>DRAINAGE PIPES (Select Backfilled)</b> Supply, excavate, bed, lay, joint and backfilled with selected material as specified, the following reinforced concrete drainage pipes:				
	300mm dia. (class 2) rubber ring jointed. Up to 1.2m deep.	50.3	lin.m.	\$125.00	\$6,287.50
	375mm dia. (class 2) rubber ring jointed. Up to 1.2m deep.	46	lin.m.	\$150.00	\$6,900.00
	<b>DRAINAGE PIPES (drive way crossings)</b> Supply, excavate, bed, lay, joint and backfill with fine crushed rock as specified, the following reinforced concrete drainage pipes:				
8.2	300mm dia. (class 2) rubber ring jointed. Up to 1.5m deep.	5	lin.m.	\$100.00	\$500.00
<b>9</b>	<b>DRAINAGE PITS</b>				<b>\$28,400.65</b>
	Construct concrete drainage pits as detailed in VicRoads and Surfcoast Shire standard drawings including excavation, forming, supply and placing of concrete, stripping of forms, backfilling, supply and placing of lids, lintels, grates and step irons where required, all as specified.				
9.1	<b>DRIVABLE END WALL</b>				
9.1.1	Construct concrete drivable end wall for 300 dia pipe at drive ways	4	No	\$750.00	\$3,000.00
9.1.2	Construct concrete drivable end wall for 375 dia pipe at drive ways	1	No	\$850.00	\$850.00
	<b>END WALL</b>				
9.1.3	Construct concrete end wall for 300 dia pipe road crossings	1	No	\$650.00	\$650.00
9.2	<b>GRATING PIT (VICROADS SD1321)</b> Construct concrete grating pit 1000mm x 750mm (I.D.) to Vicroads standard plan. Up to 1.5m deep. (pit .....)	4	no.	\$2,200.00	\$8,800.00
9.3	<b>GRATING SIDE ENTRY PIT</b> Construct concrete grating side entry pit 900mm x 600mm (I.D.) to Surfcoast Shire standard plan. Up to 1.5m deep. (pit .....)	4	no.	\$2,500.00	\$10,000.00
9.4	<b>JUNCTION PITS</b> Construct concrete junction pit 900mm x 600mm (I.D.) to Surfcoast Shire standard plan. Up to 1.5m deep. (pit .....)	1	no.	\$1,500.00	\$1,500.00
9.5	<b>MODIFY EXISTING PITS</b> Supply all plant labour and material to modify existing drainage pit to match proposed pavement levels and alignments, including supply of gatic covers and adjustment of walls.	1	no.	\$750.00	\$750.00
9.4	<b>ROCK BEACHING</b> Supply all plant labour and material to construct rock beach around drainage end walls as detailed on construction plans, including geotech fabric liner. (allow for average of 4.2 sq.m / lin.m of open drain). (road drainage	24	lin.m.	\$120.00	\$959.04
9.5	<b>OPEN DRAIN</b> Supply all plant labour and material to construct open drains to match proposed pavement levels, refer to construction plans.	125	lin.m.	\$12.00	\$1,500.00
9.6	<b>OPEN DRAIN (reshape)</b> Supply all plant labour and material to cleanout and reconstruct existing open drains to match proposed pavement levels, all as detailed on construction plans.	147	lin.m.	\$8.00	\$391.61
<b>10</b>	<b>PREPARATION OF NATURE STRIPS</b>	<b>892.5</b>	<b>sq.m.</b>	<b>\$5.00</b>	<b>\$1,486.01</b>
	Prepare rural type nature strips and other disturbed areas with approved selected loam won from stockpile on site or imported, to a depth of 75mm, levelled, raked, fertilized and sown with an approved seed mixture, all as specified.				
<b>11</b>	<b>SIGNING</b>				<b>\$17,431.81</b>
11.1	<b>REMOVE EXISTING STREET SIGNS</b> Supply all plant and labour to remove existing street signs gal. standard and footings, including reinstating footing hole with compacted 20mm class 3 fine crushed rock.	6	no.	\$150.00	\$900.00
11.2	<b>TRAFFIC CONTROL SIGNS</b> Supply and place standard VicRoads traffic control signs including supply and erect G.I. standard.				
11.2.1	Roundabout (R1-3A)	8	no.	\$280.00	\$2,240.00
11.2.2	Roundabout ahead (W2-7A) and Advisory Speed "30km/h" (W8-2A) on same standard	8	no.	\$520.00	\$4,160.00
11.2.3	Keep Left (R2-3A)	8	no.	\$280.00	\$2,240.00
11.2.4	Unidirectional Hazard marker (D4-1-1A)	4	no.	\$280.00	\$1,120.00
11.2.5	Street name sign (SurfCoast Shire standard street name sign) 4 No in the centre island on the same standard.	1	no.	\$540.00	\$540.00
11.2.6	Rural Road name sign (G3-5)	4	no.	\$320.00	\$1,280.00
11.3	<b>GUIDE POSTS</b>	20	no.	\$65.00	\$867.10



#### 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

11.4	Supply, place and paint 100mm x 50mm red gum guide posts to VicRoads standard SD3001 including reflectors. <b>LINEMARKING</b> Mark out and paint with approved white road marking paint, traffic control lines as detailed on construction plans. (Beading to be applied to all line marking.)	1	item	\$5,500.00	\$3,668.50	
11.4.1	Supply and place RRPm's.	52	no.	\$12.00	\$416.21	
<b>12</b>	<b>LIGHTING</b>					<b>\$0.00</b>
	Supply and install standard street lighting for the proposed intersection treatment. As detailed on Contract plan No ..... 1 x change existing light bracket to a 5.8m long bracket and redirect it over the proposed traffic island. Install 7x new light, poles and brackets, including underground supply to existing power pole to the North.		Item			
<b>13</b>	<b>LAND ACQUISITION</b>	1	item	<b>\$25,000.00</b>	<b>\$25,000.00</b>	<b>\$25,000.00</b>
	Acquire land from private property for the proposed roundabout to improve sight distance, construction batters and kerb alignment. Including perches price, legal transfer of ownership, establishment of title and all fees.					
	<b>PROVISIONAL ITEMS</b>					<b>\$195,414.83</b>
	The following items are classified as provisional item and may or may not be required in part or full. The contractor will only be paid for the actual works done at the rate specified. The quantities under this section are to be used as a guide only.					
	<b>ASPHALT REGULATION</b> Supply all plant, material and labour to lay asphalt regulation course over existing seal to improve drainage, as detailed on contract plan (approx. 25 tonnes of asphalt) Contractor to supply rate per tonne and is to be paid only for actual tonnage used Rate per tonne = \$	25	tonne	\$285.00	\$2,372.63	
	<b>SUBGRADE IMPROVEMENT - Road Mix</b> Supply all plant, labour and materials for the excavation and removal of unsuitable subgrade material and backfilling with approved road mix, compacted as specified. Allow 40 cu.m. (solid.) (Contractor to be paid only for volume of material actually replaced.)	40	cu.m.	\$85.00	\$1,132.20	
	<b>NATURE-STRIP FILL MATERIAL</b> Supply, spread and compact suitable nature-strip fill material as required to make up short fall in design earth works levels. material must be approved by the Surfcoast Shires Engineering Department prior to delivery on site. (approx. 150 cu.m (solid)) Contractor to supply rate cu.m(solid) and is to be paid only for actual quantity used Rate per cu.m (solid) = \$	150	cu.m.	\$35.00	\$5,250.00	
	<b>SOFT ROCK EXCAVATION</b> The contractor is to supply a cu.m rate for the excavation and removal of easily fractured and excavated rock. (Rate only) (Contractor to be paid only for rock actually excavated.)		cu.m.	\$120.00		
	<b>HARD ROCK EXCAVATION</b> The contractor is to supply a cu.m rate for the excavation and removal of harden rock that requires specialised equipment to brake up and excavate. (Rate only) (Contractor to be paid only for rock actually excavated.)		cu.m.	\$160.00		
	<b>TELSTRA</b> adjustment of existing Telstra assets. Subject to confirmation of locating and depthing of services within the extent of works. (Contractor to be paid actual amount charged by Telstra. Plus contractors processing and organising Fees ..... %)		item.		\$6,660.00	
	<b>BARWON WATER</b> Adjustment and protection of existing Barwon Water Assets as specified. Subject to confirmation of locating and depthing of services within the extent of works. (Contractor to be paid actual amount charged by Telstra. Plus contractors processing and organising Fees ..... %)		item.		\$75,000.00	
	<b>SP AUSNET (GAS)</b> Adjustment and protection of existing SP Ausnet (GAS) Assets as specified. Subject to confirmation of locating and depthing of services within the extent of works. (Contractor to be paid actual amount charged by Telstra. Plus contractors processing and organising Fees ..... %)		item.		\$30,000.00	
	<b>POWERCOR</b> Adjustment and protection of existing PowerCor Assets as specified. Subject to confirmation of locating and depthing of services within the extent of works. (Contractor to be paid actual amount charged by Telstra. Plus contractors		item.		\$75,000.00	
	<b>CONTRACT WORKS SUB-TOTAL - Total Cost of Works Including GST</b>					<b>\$659,475.48</b>
	<b>PROVISIONAL COSTS</b>					<b>\$128,597.71</b>
	<b>PROVISIONAL SUM</b> Only to be expended pursuant to Clause 11 of Australian Standard AS 2124 - General Conditions of Contract	10.00%			\$65,947.55	
	<b>CONTRACT ADMINISTRATION</b>	2.00%	Item		\$13,189.51	
	<b>SURVEY/DESIGN/ADMINISTRATION</b>	7.50%	Item		\$49,460.65	
	<b>SUBTOTAL</b>					<b>\$788,073.19</b>
	<b>PROJECT MANAGEMENT</b>			6.00%		<b>\$47,284.39</b>
	<b>CONTINGENCY</b>			10.00%		<b>\$78,807.32</b>
	Actual cost incurred					<b>\$328,138.00</b>
	<b>PROJECT CONSTRUCTION COST ESTIMATE</b>					<b>\$1,242,302.90</b>



4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

RD14 - Construct a roundabout at the Horseshoe Bend Rd / South Beach Rd intersection.  
- Surf Coast Shire Council, July 2018

ITEM	DESRPTION OF WORK	QUANTITY	UNIT	RATE \$ (Council)	AMOUNT \$	SUMMARY \$
1	Construction					\$970,000.00
1.1	Actual cost incurred	1	item	\$970,000.00	\$970,000.00	
	SUBTOTAL					\$970,000.00
	PROJECT MANAGEMENT			0.00%		\$0.00
	CONTINGENCY			0.00%		\$0.00
	PROJECT CONSTRUCTION COST ESTIMATE					\$970,000.00



#### 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

**RD15 - Construct intersection turning lanes in Duffields Road at approach to Grossmans intersection.**  
- Surf Coast Shire Council, July 2018

ITEM	DESCRIPTION OF WORK	QUANTITY	UNIT	RATE \$ (Council)	AMOUNT \$	SUMMARY \$
1	General Items					\$50,500.00
1.1	Traffic management and proposed signage	8	weeks	\$4,000.00	\$32,000.00	
1.2	Site establishment, management & other fixed costs		item	\$15,000.00	\$15,000.00	
1.3	Setting out of works		item	\$500.00	\$500.00	
1.4	Cultural Heritage Management Plan		item		\$0.00	
1.5	Environmental Management Plan		item	\$3,000.00	\$3,000.00	
2	DEMOLITION & EXCAVATION (Removal & Disposal)					\$54,500.00
2.1	Excavation of all materials to limits of work, including concrete	280	m3	\$50.00	\$14,000.00	
2.2	Remove vegetation	1	Item	\$15,000.00	\$15,000.00	
2.3	Removal & trimming of trees					
2.4	SAW CUTTING	1	Item	\$7,500.00	\$7,500.00	
	Saw cutting of concrete &/or asphalt paving, Inc disposal of seal					
2.5	Removal & relocation of signs & other street furniture	1	item	\$2,500.00	\$2,500.00	
2.6	Removal of redundant linemarking	1	item	\$5,500.00	\$5,500.00	
2.7	Import and place fill as required	1	m3	\$10,000.00	\$10,000.00	
3	STANDARD ROAD PAVEMENT (Materials Supplied, Spread & Compacted)					\$91,630.00
3.1	IT Prime	560	m2	\$4.00	\$2,240.00	
3.2	Asphalt - 30mm depth	2030	m2	\$25.00	\$50,750.00	
3.3	Sub-base 200mm Class 3	560	m2	\$30.00	\$16,800.00	
3.4	Base course - 150mm Class 2	560	m2	\$27.00	\$15,120.00	
3.5	Subgrade prep	560	m2	\$12.00	\$6,720.00	
4	DRAINAGE (Materials Supplied, Placed & Backfilled)					\$33,400.00
4.1	300mm Reinforced concrete pipe	120	m	\$150.00	\$18,000.00	
4.2	Reinforced Concrete Pits	7	No	\$2,200.00	\$15,400.00	
5	CONCRETE & PAVING WORKS (Inc. Bedding & Placement)					\$82,500.00
5.1	Kerb & channel	400	m	\$80.00	\$32,000.00	
5.2	Shared Pathway	150	m	\$240.00	\$36,000.00	
5.3	Splitter Island	1	No.	\$4,500.00	\$4,500.00	
5.4	Pram Crossings and connections	1	item	\$10,000.00	\$10,000.00	
6	LANDSCAPING WORKS					\$10,000.00
6.1	Spread topsoil and hydroseed grass on all nature strips and reserves		Item	\$10,000.00	\$10,000.00	
6.2	Garden bed reinstatement		Item		\$0.00	
7	SIGNS, LINEMARKING & DELINEATION (Supplied & Placed)					\$9,200.00
7.1	Erection of permanent traffic signs & posts	1	Item	\$2,500.00	\$2,500.00	
7.3	Line-marking	1	Item	\$5,500.00	\$5,500.00	
7.4	Raised pavement markers inc adhesive	1	Item	\$1,200.00	\$1,200.00	
8	SERVICE UTILITIES - PROVISIONAL ITEMS ONLY (Supplied, Placed and Backfilled)					\$135,000.00
8.1	Alteration to private water supply		No.		\$0.00	
8.2	Alteration to private gas supply		No.		\$0.00	
8.3	Alteration to water services assets		Item	\$75,000.00	\$75,000.00	
8.4	Alteration to sewer services assets		Item		\$0.00	
8.5	Alteration to telecommunication assets		Item	\$60,000.00	\$60,000.00	
8.6	Alteration to gas services assets		Item		\$0.00	
9	POWER & LIGHTING (Suplied, Placed & Connected)					\$115,000.00
9.1	Alteration / addition to existing street lighting (upgrade)		Item	\$75,000.00	\$75,000.00	
9.2	Power pole relocation		Item		\$40,000.00	
10	SURVEY DESIGN & PROJECT MANAGEMENT					\$58,173.00
10.1	Feature survey	% of total cost		2.00%	\$11,634.60	
10.2	Detailed design inc RSA & other sub consultants	% of total cost		8.00%	\$46,538.40	
10.3	Project administration inc permits & approvals	% of total cost				
10.4	Project management	% of total cost				
SUBTOTAL						\$639,903.00
PROJECT MANAGEMENT				8.00%		\$51,192.24
CONTINGENCY				10.00%		\$63,990.30
PROJECT CONSTRUCTION COST ESTIMATE						\$755,085.54



4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

CY01a - Torquay North Early Learning Centre (Land)  
- Surf Coast Shire Council, July 2018

ITEM	DESCRIPTION OF WORK	QUANTITY	UNIT	RATE \$ (Council)	AMOUNT \$	SUMMARY \$
<b>1</b>	<b>Land Cost</b>					<b>\$180,930.88</b>
1.1	Purchase of 0.289ha	0.288755	ha	\$626,589.60	\$180,930.88	
	<b>SUBTOTAL</b>					<b>\$180,930.88</b>
	<b>PROJECT MANAGEMENT</b>			0.00%		<b>\$0.00</b>
	<b>CONTINGENCY</b>			0.00%		<b>\$0.00</b>
	<b>PROJECT CONSTRUCTION COST ESTIMATE</b>					<b>\$180,930.88</b>



4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

CY01b - Torquay North Early Learning Centre  
- Surf Coast Shire Council, July 2018

ITEM	DESRPTION OF WORK	QUANTITY	UNIT	RATE \$ (Council)	AMOUNT \$	SUMMARY \$
1	Construction					\$6,875,000.00
1.1	Actual cost incurred	1	item	\$6,875,000.00	\$6,875,000.00	
	SUBTOTAL					\$6,875,000.00
	PROJECT MANAGEMENT			0.00%		\$0.00
	CONTINGENCY			0.00%		\$0.00
	PROJECT CONSTRUCTION COST ESTIMATE					\$6,875,000.00



4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

CY03 - Sports Stadium  
- Surf Coast Shire Council, June 2018

ITEM	DESRPTION OF WORK	QUANTITY	UNIT	RATE \$ (COUNCIL)	AMOUNT \$	SUMMARY \$
1	BUILDING WORKS					\$9,759,010.00
1.1	Recreation centre building works	5000	item	\$1,951.80	\$9,759,010.00	
2	OTHER					\$1,644,990.00
2.1	Landscaping	1	Item	\$293,000.00	\$293,000.00	
2.2	Roads & services	1	Item	\$98,000.00	\$98,000.00	
2.3	Construction supervision	1	Item	\$40,000.00	\$40,000.00	
2.4	Design	1	Item	\$969,000.00	\$969,000.00	
2.5	Power Upgrade	1	Item	\$244,990.00	\$244,990.00	
3	PRICE ADJUSTMENT					\$792,160.60
3.1	Price adjustment to June 2019			\$792,160.60	\$792,160.60	
	SUBTOTAL					\$12,196,160.60
	PROJECT MANAGEMENT			1.89%		\$230,000.00
	CONTINGENCY			8.80%		\$1,073,839.40
	PROJECT CONSTRUCTION COST ESTIMATE					\$13,500,000.00



4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

CY04 - Torquay North Community Meeting Spaces  
- Surf Coast Shire Council, July 2018

ITEM	DESRPTION OF WORK	QUANTITY	UNIT	RATE \$ (Council)	AMOUNT \$	SUMMARY \$
1	Construction					\$2,101,051.00
1.1	Actual cost incurred	1	item	\$2,101,051.00	\$2,101,051.00	
	SUBTOTAL					\$2,101,051.00
	PROJECT MANAGEMENT			0.00%		\$0.00
	CONTINGENCY			0.00%		\$0.00
	PROJECT CONSTRUCTION COST ESTIMATE					\$2,101,051.00



4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

**CY05a - Purchase part of Surf City site for expansion of the public library**  
- Surf Coast Shire Council, July 2018

ITEM	DESCRIPTION OF WORK	QUANTITY	UNIT	RATE \$ (Council)	AMOUNT \$	SUMMARY \$
<b>1</b>	<b>Construction</b>					<b>\$1,635,308.00</b>
1.1	Actual cost incurred	1	item	\$1,635,308.00	\$1,635,308.00	
	<b>SUBTOTAL</b>					<b>\$1,635,308.00</b>
	<b>PROJECT MANAGEMENT</b>			0.00%		<b>\$0.00</b>
	<b>CONTINGENCY</b>			0.00%		<b>\$0.00</b>
	<b>PROJECT CONSTRUCTION COST ESTIMATE</b>					<b>\$1,635,308.00</b>



4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

CY05b - Expand the public library (146m2)  
- Surf Coast Shire Council, July 2018

ITEM	DESRPTION OF WORK	QUANTITY	UNIT	RATE \$ (Council)	AMOUNT \$	SUMMARY \$
1	Construction					\$412,820.00
1.1	Actual cost incurred	1	item	\$412,820.00	\$412,820.00	
	SUBTOTAL					\$412,820.00
	PROJECT MANAGEMENT			0.00%		\$0.00
	CONTINGENCY			0.00%		\$0.00
	PROJECT CONSTRUCTION COST ESTIMATE					\$412,820.00



4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

CY05c - Expand the public library (1002m2)  
- Surf Coast Shire Council, July 2018

ITEM	DESRPTION OF WORK	QUANTITY	UNIT	RATE \$ (Council)	AMOUNT \$	SUMMARY \$
1	Construction					\$4,890,331.55
1.1	Upper floor extension	1002	m2	\$4,880.57	\$4,890,331.55	
	SUBTOTAL					\$4,890,331.55
	PROJECT MANAGEMENT			0.00%		\$0.00
	CONTINGENCY			25.00%		\$1,222,582.89
	PROJECT CONSTRUCTION COST ESTIMATE					\$6,112,914.44



#### 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

OR-01 - Develop Torquay Central and Torquay North passive public open spaces with playgrounds, parking & landscaping  
- Surf Coast Shire Council, July 2018

ITEM	DESCRIPTION OF WORK	QUANTITY	UNIT	RATE \$ (Council)	AMOUNT \$	SUMMARY \$
<b>SCHEDULE OF COSTS PER HA PASSIVE OPEN SPACE</b>						
<b>1</b>	<b>BUILDING WORKS</b>					<b>\$327,366.69</b>
1.1	Design		item	\$18,391.39	\$18,391.39	
1.2	Playground equipment		item	\$91,956.93	\$91,956.93	
1.3	Installation		item	\$14,713.11	\$14,713.11	
1.4	Softfall & edging		item	\$24,521.85	\$24,521.85	
1.5	Pathways		item	\$24,521.85	\$24,521.85	
1.6	BBQ & shelter		item	\$36,782.77	\$36,782.77	
1.7	Park furniture incl seats, drink fountain, bollards etc		item	\$36,782.77	\$36,782.77	
1.8	Landscaping & planting		item	\$73,565.55	\$73,565.55	
1.9	Signage		item	\$6,130.46	\$6,130.46	
<b>CONTINGENCY</b>				8.6%		<b>\$28,200.13</b>
<b>PROJECT CONSTRUCTION COST ESTIMATE PER HA</b>						<b>\$355,566.81</b>
<b>2</b>	<b>PLAYGROUNDS</b>					<b>\$1,162,502.14</b>
2.1	Playground - F2	1	Ha	\$232,000.00	\$232,000.00	
2.2	Playground - F3	0.1	Ha	\$355,566.81	\$35,556.68	
2.3	Playground - F4	1	Ha	\$140,000.00	\$140,000.00	
2.4	Playground - F5	1.007	Ha	\$355,566.81	\$382,945.46	
2.5	Playground - F6	1	Ha	\$140,000.00	\$140,000.00	
2.6	Playground - F7	1	Ha	\$232,000.00	\$232,000.00	
<b>SUBTOTAL</b>						<b>\$1,162,502.14</b>
<b>3</b>	<b>LINEAR OPEN SPACE RESERVES - TORQUAY NORTH (6.5ha)</b>					<b>\$1,002,482.83</b>
3.1	SCHwy - Hillside Pde to South Beach Road	0.35	Ha	\$123,600.00	\$43,383.60	
3.2	SCHwy - College Lane to Hillside Pde (actual cost)	0.29	Ha	\$290,000.00	\$82,795.00	
3.3	SCHwy - Merrijig to Smith Way	0.60	Ha	\$133,020.07	\$79,812.04	
3.4	SCHwy - Smith Way to Coombes Rd	0.52	Ha	\$133,020.07	\$68,904.40	
3.5	SCHwy - Coombes Rd to Deep Creek Reserve	0.41	Ha	\$133,020.07	\$54,937.29	
3.6	Nth East-West Link - SCHwy to White St	0.00	Ha	\$133,020.07	\$0.00	
3.7	Nth East-West Link - White St to Fischer St (actual cost)	0.65	Ha	\$290,000.00	\$188,239.00	
3.8	Nth East-West Link - Fischer St to Horseshoe Bend Rd	1.05	Ha	\$123,600.00	\$129,780.00	
3.9	Nth East-West Link - Horseshoe Bend Rd to The Sands	2.67	Ha	\$133,020.07	\$354,631.51	
<b>4</b>	<b>LINEAR OPEN SPACE RESERVES - TORQUAY CENTRAL (10.4ha)</b>					<b>\$1,282,844.40</b>
4.1	Surf Views Estate: east west pathway (northern arm - tributary).	5.16	Ha	\$123,600.00	\$637,776.00	
4.2	Surf Views Estate: main east west pathway		Ha	\$123,600.00	\$148,320.00	
4.3	Surf Views Estate: main north south pathway	1.2	Ha	\$123,600.00	\$148,320.00	
4.4	Deep Creek West	4.019	Ha	\$123,600.00	\$496,748.40	
<b>SUBTOTAL</b>						<b>\$2,285,327.23</b>
<b>PROJECT CONSTRUCTION COST ESTIMATE</b>						<b>\$3,447,829.37</b>



#### 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

**OR02 - Construct 2 football/cricket ovals, 3 soccer fields and 4 netball courts with associated parking, landscaping, lighting etc at the Torquay North Civic & Community Precinct**  
- Surf Coast Shire Council, July 2018

ITEM	DESCRIPTION OF WORK	UNIT	RATE \$ (Council)	AMOUNT \$ (item)	AMOUNT \$	SUMMARY \$
<b>1</b>	<b>General Items</b>					<b>\$7,263,978.37</b>
1.1	Stage 1 (2011/12 works) - AFL	item		\$1,056,423.00	\$1,056,423.00	
1.2	Stage 1 (2011/12 works) - Soccer	item		\$667,215.00	\$667,215.00	
1.3	Stage 1 (2011/12 works) - Netball	item		\$238,282.00	\$238,282.00	
1.4	Stage 1 (2011/12 works) - Parks	item		\$70,789.00	\$70,789.00	
1.5	CCP Recreation Facilities	item		\$1,315.00	\$1,315.00	
1.6	CCP Stage 3 - Soccer Pitch	item		\$806,851.31	\$806,851.31	
1.7	CCP Recreation Facilities	item		\$14,479.27	\$14,479.27	
1.8	CCP Grenville Oval	item		\$39,089.90	\$39,089.90	
1.9	CCP Recreation Facilities	item		\$1,449.12	\$1,449.12	
1.10	CCP Grenville Oval	item		\$933,254.77	\$933,254.77	
1.11	CCP Grenville Oval	item		\$520,629.00	\$520,629.00	
1.12	Grenville Oval Road & Car Park	item		\$1,549,974.00	\$1,549,974.00	
1.13	Grenville Oval Road & Car Park	item		\$187,722.00	\$187,722.00	
1.14	Yuurok Soccer Pitch and Lighting	item		\$526,573.00	\$526,573.00	
1.15	Yuurok Soccer Pitch and Lighting	item		\$649,932.00	\$649,932.00	
<b>SUBTOTAL</b>						<b>\$7,263,978.37</b>
<b>PROJECT CONSTRUCTION COST ESTIMATE</b>						<b>\$7,263,978.37</b>



4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

**OR03 - Construct a sports pavilion at the Torquay North Civic & Community Precinct.**  
- Surf Coast Shire Council, July 2018

ITEM	DESCRIPTION OF WORK	QUANTITY	UNIT	RATE \$ (Council)	AMOUNT \$	SUMMARY \$
<b>1</b>	<b>Construction</b>					<b>\$1,970,251.00</b>
1.1	Actual cost incurred	1	item	\$1,970,251.00	\$1,970,251.00	
	<b>SUBTOTAL</b>					<b>\$1,970,251.00</b>
	<b>PROJECT MANAGEMENT</b>			0.00%		<b>\$0.00</b>
	<b>CONTINGENCY</b>			0.00%		<b>\$0.00</b>
	<b>PROJECT CONSTRUCTION COST ESTIMATE</b>					<b>\$1,970,251.00</b>



#### 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment



4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

OR05 - Upgrade Grass Tree Park (District Park) with protection and improvement works  
- Surf Coast Shire Council, July 2018

ITEM	DESRPTION OF WORK	QUANTITY	UNIT	RATE \$ (Council)	AMOUNT \$	SUMMARY \$
1	Construction					\$158,929.00
1.1	Actual cost incurred	1	item	\$143,250.00	\$143,250.00	
1.2	Budget cost for 2019	1	item	\$15,679.00	\$15,679.00	
SUBTOTAL						\$158,929.00
PROJECT MANAGEMENT				0.00%		\$0.00
CONTINGENCY				0.00%		\$0.00
PROJECT CONSTRUCTION COST ESTIMATE						\$158,929.00



4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

OR06 - Upgrade Deep Creek linear reserve with protection and improvement works.  
- Surf Coast Shire Council, July 2018

ITEM	DESRPTION OF WORK	QUANTITY	UNIT	RATE \$ (Council)	AMOUNT \$	SUMMARY \$
1	Construction					\$466,100.00
1.1	Pathways (upgrade southern link on eastern arm, and single track path on western arm)	1	item	\$150,000.00	\$150,000.00	
1.3	New bridge as per the masterplan	1	item	\$250,000.00	\$250,000.00	
1.4	Cultural Heritage Management Plan	1	item	\$35,000.00	\$35,000.00	
1.5	Tables & chairs (1 no.)	1	item	\$3,000.00	\$3,000.00	
1.6	Bollards (30 no)	30	item	\$70.00	\$2,100.00	
1.7	Engineering & drainage (treating tunnel erosion etc)	1	item	\$26,000.00	\$26,000.00	
SUBTOTAL						\$466,100.00
PROJECT MANAGEMENT				6.00%		\$27,966.00
CONTINGENCY				10.00%		\$46,610.00
PROJECT CONSTRUCTION COST ESTIMATE						\$540,676.00



4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

OR07 - Spring Creek Recreation Reserve  
- Surf Coast Shire Council, July 2018

ITEM	DESRPTION OF WORK	QUANTITY	UNIT	RATE \$ (Council)	AMOUNT \$	SUMMARY \$
1	Construction					\$542,930.90
1.1	Distributed WSUD system in lieu of wetland	1	item	\$100,000.00	\$100,000.00	
1.2	Screen planting to BW pump station	1	item	\$7,500.00	\$7,500.00	
1.3	Seal car park near scout hall	1	item	\$231,612.60	\$231,612.60	
1.4	Redesign linked space inc sellers and picnic area (between scout hall and netball courts)	1	item	\$75,000.00	\$75,000.00	
1.5	Screen planting between top terrace and highway	1	item	\$25,000.00	\$25,000.00	
1.6	Third set of steps	1	item	\$47,763.30	\$47,763.30	
1.7	Drainage improvements on oval perimeter	1	item	\$56,055.00	\$56,055.00	
SUBTOTAL						\$542,930.90
PROJECT MANAGEMENT				6.00%		\$32,575.85
CONTINGENCY				10.00%		\$54,293.09
ACTUAL COST INCURRED					\$486,430.00	\$486,430.00
PROJECT CONSTRUCTION COST ESTIMATE						\$1,116,229.84



#### 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment



4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

OR09 - Develop Whites Beach foreshore linear reserve as per the Whites Beach Masterplan.  
- Surf Coast Shire Council, July 2018

ITEM	DESCRIPTION OF WORK	QUANTITY	UNIT	RATE \$ (Council)	AMOUNT \$	SUMMARY \$
<b>1</b>	<b>Construction</b>					<b>\$377,328.00</b>
1.1	Actual cost incurred	1	item	\$377,328.00	\$377,328.00	
	<b>SUBTOTAL</b>					<b>\$377,328.00</b>
	<b>PROJECT MANAGEMENT</b>			0.00%		<b>\$0.00</b>
	<b>CONTINGENCY</b>			0.00%		<b>\$0.00</b>
	<b>PROJECT CONSTRUCTION COST ESTIMATE</b>					<b>\$377,328.00</b>



#### 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

**OR10 - Upgrade Bells Beach Recreation Reserve as per the Bells Beach Coastal Management Plan & Master Plan.**  
- Surf Coast Shire Council, July 2018

ITEM	DESCRIPTION OF WORK	QUANTITY	UNIT	RATE \$ (Council)	AMOUNT \$	SUMMARY \$
<b>Land Acquisition</b>						
	Easement		m2			
	Legal & transfer fees					
<b>Total Land Acquisition</b>						
<b>Quantity</b>						
	Winki Car Park	3450	m2			
	Bells beach car park	4300	m2			
	Wave car park	1250	m2			
	Winki carpark footpath	180	m			
	Kerb and Channel	960	m			
<b>Timber Works</b>						
	Bells Beach Steps	45	m			
	Bells Viewing Stairs/Platforms	50	m			
	Winki West Stairs	40	m			
	Winki East Stairs	70	m			
<b>Landscape Works</b>						
	garden beds	950	m2			
<b>1</b>	<b>Construction</b>					<b>\$32,500.00</b>
1.1	Site establishment, management & other fixed costs	1	item	\$5,000.00	\$5,000.00	
1.2	Setting out of works	1	item	\$2,500.00	\$2,500.00	
1.3	Traffic management and proposed signage	1	item	\$2,500.00	\$2,500.00	
1.4	Cultural Heritage Management Plan	1	item	\$20,000.00	\$20,000.00	
1.5	Environmental Management Plan	1	item	\$2,500.00	\$2,500.00	
<b>2</b>	<b>DEMOLITION &amp; Earthworks (Removal &amp; Disposal)</b>					<b>\$51,250.00</b>
2.1	Excavation of all materials to limits of work	1350	m3	\$25.00	\$33,750.00	
2.2	Removal & trimming of trees	1	item	\$2,500.00	\$2,500.00	
2.3	Demolition of existing infrastructure	1	m	\$1,500-\$5,000	\$5,000.00	
2.4	Removal & relocation of signs & other street furniture	1	item	\$1,500-\$5,000	\$5,000.00	
2.5	Removal of redundant linemarking	1	item	\$1,500-\$5,000	\$5,000.00	
2.6	import and place fill as required		m3	\$24.00		
<b>3</b>	<b>STANDARD ROAD PAVEMENT (Materials Supplied &amp; Compacted)</b>					<b>\$225,000.00</b>
3.1	Lower sub-base shaping		m2			
3.2	Sub-base stabilisation		m2			
3.3	Base Course		m2			
3.4	Ashphalt wearing course	9000	m2	\$25.00	\$225,000.00	
<b>4</b>	<b>DRAINAGE (Materials Supplied, Placed &amp; Backfilled)</b>					<b>\$17,280.00</b>
4.1	Sub-soil drain - 150mm fin type PVC, supplied & placed	960	m	\$18.00	\$17,280.00	
4.2	375mm dia RC pipe, supplied, laid, jointed & back-filled		m			
4.3	SE pit, 900mm x 600mm, 1.5m - 2.0m deep, Gatic type cover		item			
4.4	SE pit, 900mm x 600mm, < 1.5m deep, Gatic type cover		item			
4.5	Renewal of existing drainage pipes/pits		item			
4.6	Rebuild or modify existing drainage pit		item			
<b>5</b>	<b>CONCRETE &amp; PAVING WORKS (Inc. Bedding &amp; Placement)</b>					<b>\$129,000.00</b>
5.1	Semi-mountable kerb		m	\$80.00		
5.2	Barrier kerb and channel	960	m	\$80.00	\$76,800.00	
5.3	3m wide footpath installation	180	m	\$290.00	\$52,200.00	
5.4	Existing footpath upgrade (TBC council scope for upgrage of gravel)		m			
5.5	Pram Crossing		item	\$1,200.00		
<b>6</b>	<b>LANDSCAPING WORKS (Materials Supplied &amp; Placed)</b>					<b>\$23,750.00</b>
6.1	Spread topsoil and hydroseed grass on all nature strips and reserves		m	\$8.00		
6.2	Reinstating garden beds as required (inc mulch etc)	950	m2	\$25.00	\$23,750.00	
6.3	Construct viewing platform		item			
6.4	fencing works		item			
6.5	Picnic tables		item			
6.6	Rubbish bins		item			
<b>7</b>	<b>SIGNS, LINEMARKING &amp; DELINEATION (Supplied &amp; Placed)</b>					<b>\$23,500.00</b>
7.1	Erection of permanent shared path signs & posts	1	item	\$1,500-\$3,000	\$3,000.00	
7.2	Tactile ground surface indicator tiles		item		\$2,500.00	
7.3	General Line-marking	1	item	\$1,500-\$3,000	\$3,000.00	
7.4	Misc feature signage	1	item	\$15,000.00	\$15,000.00	
<b>8</b>	<b>SERVICE UTILITIES - PROVISIONAL ITEMS ONLY (Supplied, Placed &amp; Backfilled)</b>					<b>\$31,500.00</b>
8.1	Alteration to private water supply		item			



#### 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

8.2	Alteration to private gas supply		item		
8.3	Alteration to water services assets	1	item	\$9,500.00	
8.4	Alteration to sewer services assets	1	item	\$22,000.00	
8.5	Alteration to telecommunication assets		item		
<b>9</b>	<b>Toilet relocation</b>				<b>\$750,000.00</b>
9.1	Relocation Costs			\$750,000.00	
<b>10</b>	<b>Stormwater treatment</b>				<b>\$170,000.00</b>
10.2	Water sensitive urban design implementation			\$170,000.00	
<b>11</b>	<b>Timber Works</b>				<b>\$237,500.00</b>
11.1	Bells Beach Steps				
11.2	Bells Viewing Stairs/Platforms				
11.3	Winki West Stairs		m	\$2,500.00	\$112,500.00
11.3	Winki East Stairs		m	\$2,500.00	\$125,000.00
<b>12</b>	<b>Design and Consultants</b>				<b>\$116,302.40</b>
12.1	Feature survey of site				
12.2	Detailed design inc RSA & other sub consultants				
12.3	Project administration inc permits & approvals by relevant authorities		%	1.00%	\$14,537.80
12.4	Project management		%	7.00%	\$101,764.60
	<b>SUBTOTAL</b>				<b>\$1,807,582.40</b>
	<b>PROJECT MANAGEMENT</b>		%	6.00%	<b>\$108,454.94</b>
	<b>CONTINGENCY</b>		%	10.00%	<b>\$180,758.24</b>
	<b>ACTUAL COST INCURRED</b>			\$534,585.95	<b>\$534,585.95</b>
	<b>PROJECT CONSTRUCTION COST ESTIMATE</b>				<b>\$2,631,381.53</b>



#### 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment



ITEM	DESCRIPTION OF WORK	QUANTITY	UNIT	RATE \$ (Council)	AMOUNT \$	SUMMARY \$
<b>1</b>	<b>Surf Coast Highway Path</b>					<b>\$502,089.51</b>
1.1	Hillside Pde to South Beach Road(220m)		item	\$78,990.67	\$78,990.67	
1.2	College Lane to Hillside Pde(190m)		item	\$46,800.00	\$46,800.00	
1.3	College Lane to Merrijig Drive (345m)		item	\$75,585.00	\$75,585.00	
1.4	Merrijig Drive to Smith Way (412m)		item	\$121,236.02	\$121,236.02	
1.5	Smith Way to Coombes Rd (430m)		item	\$126,532.74	\$126,532.74	
1.6	Coombes Rd to Deep Creek Reserve (270m)		item	\$7,945.08	\$7,945.08	
1.7	Surf Coast Hwy to KMCC (constructed by SCS)(145m)		item	\$45,000.00	\$45,000.00	
<b>2</b>	<b>Northern E-W Link</b>					<b>\$609,177.93</b>
2.1	Surf Coast Hwy to White St (363m)		item	\$89,983.00	\$89,983.00	
2.2	White St to Fischer Street (Stretton) (410m)		item	\$98,400.00	\$98,400.00	
2.3	Fischer St to Horseshoe Bend Rd (Stretton) (970m)		item	\$285,434.33	\$285,434.33	
2.4	Horseshoe Bend Rd to The Sands (Zeally Sands) (460m)		item	\$135,360.61	\$135,360.61	
<b>3</b>	<b>Southern E-W Link</b>					<b>\$219,813.86</b>
3.1	Rosser Blvd - Surf Coast Highway to Marine Drive		item	\$107,405.70	\$107,405.70	
3.2	Marine Drive - Rosser Blvd to Scott St		item	\$112,408.16	\$112,408.16	
	<b>SUBTOTAL</b>					<b>\$1,331,081.30</b>
	<b>PROJECT CONSTRUCTION COST ESTIMATE</b>					<b>\$1,331,081.30</b>



4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

PC03 - Construct Regional Bike Route 1 (PP1079 & PP1068) along Horseshoe Bend Road, The Esplanade and Bell St, between Lower Duneed Rd and Great Ocean Road  
- Surf Coast Shire Council, July 2018

ITEM	DESCRIPTION OF WORK	QUANTITY	UNIT	RATE \$ (Council)	AMOUNT \$	SUMMARY \$
1	Construction					\$2,644,380.00
1.1	Actual cost incurred	1	item	\$2,644,380.00	\$2,644,380.00	
	SUBTOTAL					\$2,644,380.00
	PROJECT MANAGEMENT			0.00%		\$0.00
	CONTINGENCY			0.00%		\$0.00
	PROJECT CONSTRUCTION COST ESTIMATE					\$2,644,380.00



4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

PC04 - Construct Regional Bike Route 2 (PP1444) along Great Ocean Road, including bridge widening, between Bell St and Torquay Golf club  
- Surf Coast Shire Council, July 2018

ITEM	DESRPTION OF WORK	QUANTITY	UNIT	RATE \$ (Council)	AMOUNT \$	SUMMARY \$
1	Construction					\$311,564.00
1.1	Actual cost incurred	1	item	\$311,564.00	\$311,564.00	
	SUBTOTAL					\$311,564.00
	PROJECT MANAGEMENT			0.00%		\$0.00
	CONTINGENCY			0.00%		\$0.00
	PROJECT CONSTRUCTION COST ESTIMATE					\$311,564.00



#### 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment



4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

OR11 - Torquay front beach masterplan landscape works.  
- Surf Coast Shire Council, July 2018

ITEM	DESCRIPTION OF WORK	QUANTITY	UNIT	RATE \$ (Council)	AMOUNT \$	SUMMARY \$
1	Construction					\$285,180.00
1.1	Torquay Jan Juc DCP (June 2011) cost	1	item	\$285,180.00	\$285,180.00	
	SUBTOTAL					\$285,180.00
	PROJECT MANAGEMENT			0.00%		\$0.00
	CONTINGENCY			0.00%		\$0.00
	INDEXATION (to June 2018)			22.01%		\$62,780.27
	PROJECT CONSTRUCTION COST ESTIMATE					\$347,960.27



4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

OR12 - Torquay front beach access steps and ramps.  
- Surf Coast Shire Council, July 2018

ITEM	DESCRIPTION OF WORK	QUANTITY	UNIT	RATE \$ (Council)	AMOUNT \$	SUMMARY \$
1	Construction					\$130,000.00
1.1	Ramps and stairs as per Torquay Foreshore Masterplan Costs	1	item	\$130,000.00	\$130,000.00	
	SUBTOTAL					\$130,000.00
	PROJECT MANAGEMENT			0.00%		\$0.00
	CONTINGENCY			20.00%		\$26,000.00
	INDEXATION (to June 2018)			22.01%		\$34,342.25
	PROJECT CONSTRUCTION COST ESTIMATE					\$190,342.25



4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

OR13 - Torquay front beach masterplan landscape works.  
- Surf Coast Shire Council, July 2018

ITEM	DESRPTION OF WORK	QUANTITY	UNIT	RATE \$ (Council)	AMOUNT \$	SUMMARY \$
1	Construction					\$79,480.00
1.1	Actual cost incurred	1	item	\$79,480.00	\$79,480.00	
	SUBTOTAL					\$79,480.00
	PROJECT MANAGEMENT			0.00%		\$0.00
	CONTINGENCY			0.00%		\$0.00
	PROJECT CONSTRUCTION COST ESTIMATE					\$79,480.00



4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

OR14 - White's beach toilet  
- Surf Coast Shire Council, July 2018

ITEM	DESRPTION OF WORK	QUANTITY	UNIT	RATE \$ (Council)	AMOUNT \$	SUMMARY \$
1	Construction					\$95,049.00
1.1	Actual cost incurred	1	item	\$95,049.00	\$95,049.00	
	SUBTOTAL					\$95,049.00
	PROJECT MANAGEMENT			0.00%		\$0.00
	CONTINGENCY			0.00%		\$0.00
	PROJECT CONSTRUCTION COST ESTIMATE					\$95,049.00



4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

OR15 - Yellow Bluff playground car park upgrade  
- Surf Coast Shire Council, July 2018

ITEM	DESCRIPTION OF WORK	QUANTITY	UNIT	RATE \$ (Council)	AMOUNT \$	SUMMARY \$
<b>1</b>	<b>Construction</b>					<b>\$227,670.00</b>
1.1	Actual cost incurred	1	item	\$227,670.00	\$227,670.00	
	<b>SUBTOTAL</b>					<b>\$227,670.00</b>
	<b>PROJECT MANAGEMENT</b>			0.00%		<b>\$0.00</b>
	<b>CONTINGENCY</b>			0.00%		<b>\$0.00</b>
	<b>PROJECT CONSTRUCTION COST ESTIMATE</b>					<b>\$227,670.00</b>



4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

OR16 - Darian Road car park upgrade.  
- Surf Coast Shire Council, July 2018

ITEM	DESRPTION OF WORK	QUANTITY	UNIT	RATE \$ (Council)	AMOUNT \$	SUMMARY \$
1	Construction					\$429,054.00
1.1	Actual cost incurred	1	item	\$429,054.00	\$429,054.00	
	SUBTOTAL					\$429,054.00
	PROJECT MANAGEMENT			0.00%		\$0.00
	CONTINGENCY			0.00%		\$0.00
	PROJECT CONSTRUCTION COST ESTIMATE					\$429,054.00



4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

PC06 - Construct shared pathway along Torquay Foreshore from Gilbert Street to Horseshoe Bend Road.  
- Surf Coast Shire Council, July 2018

ITEM	DESRPTION OF WORK	QUANTITY	UNIT	RATE \$ (Council)	AMOUNT \$	SUMMARY \$
1	Construction					\$146,856.00
1.1	Actual cost incurred	1	item	\$146,856.00	\$146,856.00	
	SUBTOTAL					\$146,856.00
	PROJECT MANAGEMENT			0.00%		\$0.00
	CONTINGENCY			0.00%		\$0.00
	PROJECT CONSTRUCTION COST ESTIMATE					\$146,856.00



4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

DCP-01 - Consulting costs to review DCP and infrastructure list and implement development contributions software  
- Surf Coast Shire Council, July 2018

ITEM	DESRPTION OF WORK	QUANTITY	UNIT	RATE \$ (Council)	AMOUNT \$	SUMMARY \$
1	Construction					\$79,600.00
1.1	Consulting fees and software purchase	1	item	\$79,600.00	\$79,600.00	
	SUBTOTAL					\$79,600.00
	PROJECT MANAGEMENT			0.00%		\$0.00
	CONTINGENCY			0.00%		\$0.00
	PROJECT CONSTRUCTION COST ESTIMATE					\$79,600.00







#### 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment





#### **4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment**

##### **APPENDIX 3 DRAFT EXPLANATORY REPORT**



*Planning and Environment Act 1987*

## **SURF COAST PLANNING SCHEME**

### **AMENDMENT CXX**

#### **EXPLANATORY REPORT**

##### **Who is the planning authority?**

This amendment has been prepared by Surf Coast Shire which is the planning authority for this amendment.

The amendment has been made at the request of Surf Coast Shire.

##### **Land affected by the amendment**

The amendment applies to all land within the boundaries of the 26 'charging areas' designated in Map 1 of schedule 2 to clause 45.06 – Torquay-Jan Juc Development Contributions Plan Area.

Land and development identified in Map 1 of Schedule 2 to Clause 45.06 as excluded from the Torquay Jan-Juc Development Contributions Plan is exempt from this DCP.

A mapping reference table is attached at Attachment 1 to this Explanatory Report.

##### **What the amendment does**

The amendment proposes to amend the Torquay-Jan Juc Development Contributions Plan (DCP) by updating Clause 45.06 (Development Contributions Plan Overlay) and replacing the DCP as an Incorporated Document in the Surf Coast Shire Planning Scheme.

Specifically, the amendment proposes to:

- Amend Schedule 2 to Clause 45.06; and
- Replace the incorporated Document titled *Torquay-Jan Juc Development Contributions Plan 2011* into the Surf Coast Planning Scheme and amend the Schedule to Clause 72.04 to include the new Incorporated Document *Torquay-Jan Juc Development Contributions Plan 2021*.

The updated DCP includes 43 infrastructure items with a total value of \$80.3m across the infrastructure categories of roads and traffic management, community facilities, open space, pathways and other.

The cost of each DCP item is apportioned to existing and new residential, business and industrial development based on the catchment that each item is designed to service, resulting in separate levies for each land use across 26 Charge Areas.

New development will contribute approximately 28% of the cost of the DCP infrastructure items, with the balance to be funded by Council on behalf of the existing community.

The DCP will apply until the end of 2034.

##### **Strategic assessment of the amendment**

##### **Why is the amendment required?**

The existing DCP has been in effect since 2013. In 2017, Council commenced a review of the content of the DCP to ensure that the infrastructure funded by the DCP remains relevant to community needs, is accurately costed, and is transparent in the way infrastructure is described and levies calculated.

The review identified several changes to infrastructure items and costs required, and recommended changes to the way levies are calculated and changes to some administrative provisions,



#### 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

necessitating updates to the DCP and resulting levies. The review did not recommend any changes to the way costs are apportioned, meaning that the revised DCP is based on the same cost apportionment principles as the existing DCP.

The amendment is therefore required to update the Torquay-Jan Juc DCP to reflect the changes recommended by the review in the Surf Coast Planning Scheme.

The amendment is supported by the revised DCP and technical descriptions of the necessary scope of work and cost estimates for each infrastructure project.

The amendment is needed to ensure that the infrastructure delivered through the DCP meets changing community needs and reflects changing infrastructure delivery circumstances, and to provide greater transparency to the community, developers and Council regarding the infrastructure to be funded, how levies are calculated and how the DCP will be implemented.

##### **How does the amendment implement the objectives of planning in Victoria?**

The objectives of planning in Victoria are:

- (a) to provide for the fair, orderly, economic and sustainable use, and development of land;
- (b) to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;
- (c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- (d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- (e) to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;
- (f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);
- (fa) to facilitate the provision of affordable housing in Victoria;
- (g) to balance the present and future interests of all Victorians.

The amendment implements these objectives by supporting the provision of infrastructure which secures a pleasant, efficient and safe working, living and recreational environment for residents and visitors to Surf Coast Shire, and by enabling the orderly provision of public infrastructure for the benefit of the community.

The updated DCP supports the fair, orderly, economic and sustainable use and development of land by providing certainty regarding levies payable, by equitably apportioning infrastructure costs between all beneficiaries, by improving the transparency of the DCP, and by clarifying how the DCP will be implemented by Council.

##### **How does the amendment address any environmental, social and economic effects?**

The amendment facilitates an update to the existing DCP and therefore does not introduce any material new effects.

The levies payable are at levels which are similar to the existing levies payable under the existing DCP (as indexed) and will not negatively impact investment or housing affordability.

The changes to the DCP will improve the ability of Council and development proponents to ensure the orderly and timely provision of civil infrastructure commensurate to community and business expectations across residential and employment areas, a practice which contributes to the economic well-being of the municipality and supports the ongoing attractiveness of the Shire as a residential and employment location.

Adjustments to the community and recreation facilities funded by the DCP will support positive social outcomes for a broad cross-section of the Surf Coast community.



## 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

Several infrastructure programs included in the original DCP support environmental objectives, such as encouraging active transport. These benefits are retained in the revised DCP.

### **Does the amendment address relevant bushfire risk?**

The amendment will not result in any changes to the locations in which land use or development is permitted and therefore will not increase bushfire risk.

### **Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment is consistent with the Ministerial Direction on the Preparation and Content of Development Contribution Plans made under the Planning and Environment Act 1987 and the Ministerial Direction on the Form of Content of Planning Scheme under section 7(5) of the Planning and Environment Act 1987.

### **How does the amendment support or implement the Planning Policy Framework and any adopted State policy?**

The amendment ensures that the DCP continues to implement state planning policy objectives regarding infrastructure provision and development contributions.

Clause 11.02S seeks to "manage the sequence of development in areas of growth so that services are available from early in the life of new communities", including by requiring "new development to make a financial contribution to the provision of infrastructure such as community facilities, public transport and roads."

Clause 19.03-1S seeks to "facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans and infrastructure contributions plans", including by preparing "development contributions plans and infrastructure contributions plans to manage contributions towards infrastructure."

Clause 19.03-1S references the Development Contributions Guidelines (2003, amended 2007), a policy document to be considered as relevant. The Guidelines encourage regular review of the content of DCPs so that updates can be made if necessary.

### **How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The amendment implements local planning policy objectives regarding infrastructure provision.

Clause 19.02-4L seeks to "distribute services and facilities among the established and new growth areas in Torquay-Jan Juc to cater for the needs of people in different life stages".

### **How does the amendment support or implement the Municipal Planning Strategy?**

The amendment directly implements the Municipal Planning Strategy at Clause 02 relating to provision of community and development infrastructure.

Clause 02.03-9 states that Council seeks to "facilitate the provision of development infrastructure in a timely manner" and to "facilitate the timely provision of a range of community and recreation facilities including public open space".

Clause 02.03-9 states that Council seeks to "Integrate walking and cycling pathways with public transport and public open space" and "facilitate a pedestrian and cycling network that improves connectivity between and within settlements and access to the foreshore".



## 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

### Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victorian Planning Provisions by continuing to apply the Development Contributions Plan Overlay to land in Torquay and Jan Juc and updating the content of the DCP and DCP Overlay to ensure its relevance and currency.

### How does the amendment address the views of any relevant agency?

During preparation of the DCP Review, the following agencies and stakeholders were consulted:

- The Great Ocean Road Coastal Committee (as part of its role as Development Agency for certain infrastructure items);
- The Department of Environment, Land, Water and Planning; and
- Major developers and landowners in Torquay Jan-Juc.

The views of these stakeholders informed the recommendations of the DCP Review and subsequently the Amendment where possible.

### Does the amendment address relevant requirements of the Transport Integration Act 2010?

There are no particular requirements of the Transport Integration Act 2010 that are of relevance to the introduction of this amendment.

There are no applicable statement of policy principles of the Transport Integration Act 2010 that are of relevance to the introduction of this amendment.

### Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment is expected to reduce overall resource costs to Council by updating infrastructure cost estimates to accurately reflect expected costs, thereby reducing the likelihood of Council being required to provide additional funding to cover a cost shortfall.

Council has been responsible for the ongoing administration of the existing DCP, including levy collection, accounting, reporting and delivery of infrastructure. The amendment is expected to result in a reduction in Council's administrative and legal costs as a result of the greater transparency in the revised DCP regarding infrastructure projects, levy calculation, indexation and implementation of works in-kind.

### Where you may inspect this amendment

The amendment can be inspected free of charge at the Surf Coast Shire website at [\[Insert Council's website\]](#)

And

The amendment is available for public inspection, free of charge, during office hours at the following places:

[\[Insert Council's details\]](#)

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection).

### Submissions



#### 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by [insert submissions due date].

A submission must be sent to: [insert Council's address]

##### **Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: [insert directions hearing date]
- panel hearing: [insert panel hearing date]



#### 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

ATTACHMENT 1 –Affected land

Location	Land /Area Affected	Map Reference
Surf Coast Shire	All land within the boundaries of the 26 'charging areas' designated in Map 1 of schedule 2 to Clause 45.06 – Torquay-Jan Juc Development Contributions Plan Area.	015DCPO 016DCPO 019DCPO 020DCPO 021DCPO 022DCPO



**4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment**

**APPENDIX 4 DRAFT DCPO SCHEDULE 2**



SURF COAST PLANNING SCHEME

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**SCHEDULE 2 TO CLAUSE 45.06 DEVELOPMENT CONTRIBUTIONS  
PLAN OVERLAY**

Shown on the planning scheme map as DCPO2.

**TORQUAY-JAN JUC DEVELOPMENT CONTRIBUTIONS PLAN**

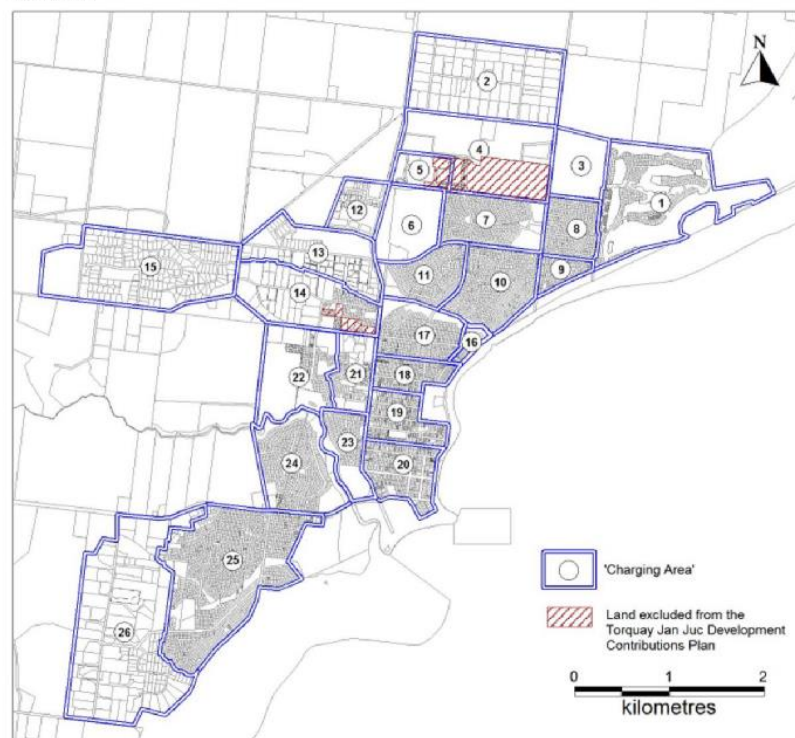
**1.0**

**Area covered by this development contributions plan**

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The Development Contributions Plan applies to all land within the boundaries of the 26 'charging areas' designated in Map 1 of this schedule – Torquay-Jan Juc Development Contributions Plan Area.

**Map 1 of Schedule 2 to Clause 45.06 – Torquay-Jan Juc Development Contributions  
Plan Area**





## 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

### SURF COAST PLANNING SCHEME

#### 2.0 Summary of costs

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Facility	Total cost \$	Time of provision	Actual cost contribution attributable to development \$	Proportion of cost attributable to development %
Roads and traffic management	\$21,076,476	Refer to DCP	\$6,575,186	31.2%
Community facilities	\$30,818,024	Refer to DCP	\$7,572,929	24.6%
Open space	\$20,964,896	Refer to DCP	\$5,724,370	27.3%
Pathways	\$7,358,006	Refer to DCP	\$2,929,319	39.8%
Other	\$79,600	Refer to DCP	\$14,955	18.8%
<b>TOTAL</b>	<b>\$80,297,003</b>		<b>\$22,816,759</b>	<b>28.4%</b>



## 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

### SURF COAST PLANNING SCHEME

#### 3.0 Summary of contributions

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Facility	Levies payable by the development (\$)			
	Development infrastructure			Community infrastructure
	Residential	Business	Industrial	Residential
	Per dwelling	per 100 sqm floorspace	per 100 sqm floorspace	Per dwelling
Area 001	\$5,344.93	\$10,524.86	\$2,033.21	\$1,150.00
Area 002	\$5,216.19	\$10,020.00	\$1,935.68	\$1,150.00
Area 003	\$7,279.06	\$10,524.86	\$2,033.21	\$1,150.00
Area 004	\$7,390.38	\$10,961.41	\$2,117.55	\$1,150.00
Area 005	\$5,436.21	\$3,298.00	\$637.11	\$1,150.00
Area 006	\$7,941.42	\$13,122.35	\$2,535.00	\$1,150.00
Area 007	\$3,630.82	\$3,802.86	\$734.64	\$1,150.00
Area 008	\$3,925.09	\$4,956.86	\$957.58	\$1,150.00
Area 009	\$3,925.09	\$4,956.86	\$957.58	\$1,150.00
Area 010	\$3,115.99	\$963.45	\$186.12	\$1,150.00
Area 011	\$5,492.46	\$10,282.94	\$1,986.48	\$1,150.00
Area 012	\$469.07	\$22.04	\$4.26	\$578.73
Area 013	\$6,798.73	\$15,733.25	\$3,039.38	\$1,150.00
Area 014	\$7,680.65	\$8,857.61	\$1,711.13	\$1,150.00
Area 015	\$3,345.00	\$7,253.33	\$1,401.21	\$1,150.00
Area 016	\$1,972.59	\$1,871.33	\$361.51	\$1,150.00
Area 017	\$1,955.17	\$1,803.02	\$348.31	\$1,150.00
Area 018	\$2,899.52	\$4,992.71	\$964.50	\$1,150.00
Area 019	\$2,694.27	\$4,187.80	\$809.01	\$1,150.00
Area 020	\$1,974.83	\$1,366.47	\$263.98	\$1,150.00
Area 021	\$3,396.32	\$6,940.94	\$1,340.86	\$1,150.00
Area 022	\$7,333.65	\$12,047.29	\$2,327.32	\$1,150.00
Area 023	\$2,582.95	\$3,751.25	\$724.67	\$1,150.00
Area 024	\$3,793.02	\$2,970.75	\$573.89	\$1,150.00
Area 025	\$2,515.80	\$1,626.31	\$314.17	\$1,150.00
Area 026	\$1,700.89	\$1,626.31	\$314.17	\$1,150.00
<b>TOTAL</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>

*Note:* Should a development proposal technically fall outside of the Residential, Business and Industrial classifications used in this DCP, Surf Coast Shire Council shall determine the most appropriate development charge to be used for the development. Such developments may require a case-by-case assessment of the number of demand units that they represent. This assessment may occur at the time a planning permit is applied for, or at the time a building permit is registered with the Council.

The development infrastructure contribution amounts are current as at 1 July 2018. They will be adjusted at least annually to cover inflation, by applying the indexation method stated below.



## 4.5 Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment

### SURF COAST PLANNING SCHEME

The Development Contribution for each demand unit must be adjusted as follows:

- In relation to the costs associated with all infrastructure items other than land, the cost must be adjusted and the contribution amounts recalculated according to the following method:
  - The capital costs of each infrastructure item must be adjusted by reference to the Building Price Index (Melbourne) published by Rawlinsons, or similar index if not available.
  - The revised infrastructure costs and the adjustment of the contributions must be calculated as at 1 July in each year.
- In relation to the cost of land to be acquired under the DCP, the land value must be adjusted by adopting a revised land value for each parcel to be acquired based on the same valuation principles. Once a land item has been purchased, the cost of the item will be indexed by CPI (All Groups Melbourne) for subsequent years.
- The revised land value and the adjustment of the contributions must be calculated as of 1 July in each year.
- Within 14 days of the adjustments being made, the responsible authority must publish a notice of the amended contributions on its website.

The CIL cap (\$1,150 per dwelling for the 2018-19 financial year) is indexed annually on July 1 by the Minister for Planning and is published on the department website. Council reserves the right to increase the CIL in this DCP to allow for cost escalation in accordance with the indexation method in this DCP up to any new CIL cap. The higher levy will be collected from the date the new CIL cap is introduced.

If the collecting agency adjusts the amount of the CIL payment under this DCP, the collecting agency will publish the adjusted amount of the CIL payable under this DCP on its website.

#### 4.0 Land or development excluded from development contributions plan

--4-1--

Land and development identified in Map 1 as excluded from the Torquay Jan-Juc Development Contributions Plan is exempt from this DCP.

*Note: This schedule sets out a summary of the costs and contributions prescribed in the development contributions plan. Refer to the incorporated development contributions plan for full details.*



#### 4.6 Annual Performance Reporting Against the Council Plan (Incorporating the Health and Wellbeing Plan) - End of Year 2021

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

**Department:** Governance & Risk

**File No:** F16/850-3

**Division:** Governance & Infrastructure

**Trim No:** IC21/1276

**Appendix:**

1. Council Plan Year Four Action Plan (D20/111057)
2. Council Plan Summary 2017-21 (D17/51596)
3. Performance reporting against year four actions (D21/127999)
4. Performance reporting against strategic indicators (D21/127973)

**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 present the 2020-21 performance report for the Council Plan (incorporating the Health and Wellbeing Plan) 2017-21 (the Plan).

#### Summary

The *Local Government (Planning and Reporting) Regulations 2014* mandates Council's performance reporting requirements which includes reporting against the Plan.

Council adopted the Plan in June 2017 (summary at appendix 1) and the year four action plan to deliver its objectives in July 2020 (appendix 2). The report presented at appendix 3 outlines the progress of each of the year four actions and how uncompleted actions will be addressed moving forward.

Council adopted 10 strategic indicators as a part of the Plan, which are intended to assist in monitoring the achievement of the Plan's objectives (appendix 1). The report presented at appendix 4 provides an update on each of these indicators. This report will also be included in Council's 2020-21 Annual Report.

#### Recommendation

That Council receives and notes the 2020-21 performance reporting on the Council Plan (incorporating the Health and Wellbeing Plan) 2017-21, including year four actions and strategic indicators as per appendices 3 and 4.

#### Council Resolution

##### **MOVED Cr Rose Hodge, Seconded Cr Kate Gazzard**

That Council receives and notes the 2020-21 performance reporting on the Council Plan (incorporating the Health and Wellbeing Plan) 2017-21, including year four actions and strategic indicators as per appendices 3 and 4.

CARRIED 9:0

Cr Gazzard left the meeting at 7:51pm.



#### 4.6 Annual Performance Reporting Against the Council Plan (Incorporating the Health and Wellbeing Plan) - End of Year 2021

##### Report

##### **Officer Direct or Indirect Interest**

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

##### **Background**

Reporting against the Plan is a requirement outlined in the *Local Government (Planning and Reporting) Regulations 2014*. Council has previously received six-monthly reporting against the Plan, which includes updates on strategic indicators and each year's actions.

##### **Discussion**

In addition to statutory reporting requirements, at the beginning of each financial year Council adopts actions which guide how the Plan will be delivered throughout the upcoming year. The endorsed action plan informs organisational work plans and provides transparent performance reporting to the community.

Council's year four actions were adopted in July 2020 and a summary of action outcomes is grouped by themes and objectives in appendix 3. Of the 73 actions adopted, 39 are considered as 'met' (54%), 28 as 'work in progress' (38%) and 6 as 'not met' (8%). Each action that is considered as 'work in progress' or 'not met' is further reported on, with officers providing a comment which explains the status of each action. As this year's performance reporting will be the final reporting period for the Plan, with an aim to promote accountability and transparency, each action that has not yet been finalised has been categorised based on how it will be addressed moving forward. These categories include – to be incorporated into 2021-25 Council Plan; continue action separate to 2021-25 Council Plan; or discontinue (through Council resolution).

Strategic indicators were determined when the Plan was created and their intention is to assist in monitoring the achievement of the Plan's objectives. Appendix 4 shows the results of these indicators from 2017-2021. Out of the 10 indicators, three are no longer able to be reported on, five are reported as 'met or exceeded', two as 'work in progress' and one as 'not met'. Each indicator includes comments to provide further information about the results.

New indicators and actions will be created to align with the 2021-25 Council Plan (incorporating the Health and Wellbeing Plan) and six-monthly reporting will continue to be presented to Council.

##### **Council Plan**

Theme 5 High Performing Council

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

##### **Reporting and Compliance Statements:**

*Local Government Act 2020 – LGA 2020*

<b>Implications</b>	<b>Applicable to this Report</b>
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020 and Council's Community Engagement Policy SCS-017 )	No
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	No



#### 4.6 Annual Performance Reporting Against the Council Plan (Incorporating the Health and Wellbeing Plan) - End of Year 2021

<b>Service Performance</b> (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)**

Reporting against the Plan ensures compliance with relevant legislation, promotes accountability and ensures public transparency through open reporting.

##### **Policy/Relevant Law**

The *Local Government (Planning and Reporting) Regulations 2014* requires that Council can demonstrate compliance with its Council Plan reporting requirements as follows:

1. Governance and Management Checklist - Item 17  
Council Plan reporting (report reviewing the performance of the Council against the Council Plan, including the results in relation to the strategic indicators, for the first six months of the financial year).
2. Report of Operations  
The Annual Report must contain a statement that reviews the performance of the Council against the Council Plan, including results achieved in relation to the strategic indicators including in the Council Plan under section 125(2)(c) of the Act.

The *Public Health and Wellbeing Act 2008* does not specify any reporting requirements against the Health and Wellbeing Plan.

##### **Public Transparency**

Six-monthly reporting to Council ensures a transparent and accountable reporting framework to Council, the community and officers, as it outlines specifically how the objectives in the Plan have been addressed and how outcomes have been achieved.

##### **Communication**

This report will be available on [Council's website](#) prior to and following the Council Meeting (within the agenda and minutes). Performance reporting is also incorporated into the Annual Report which is available to the public in October.

##### **Options**

Option 1 – Council receives and notes the report as per the recommendation.

This option is recommended by officers as it ensures compliance with legislation and promotes transparency and accountability by providing the community with an update on Council's performance against the Plan.

Option 2 – Council does not receive and note the report as per the recommendation.

This option is not recommended by officers as it would not be compliant with legislation and does not provide the community with an update on the performance of the Plan.

##### **Conclusion**

While Council has statutory requirements to report against key strategic plans, it embraces the opportunity to engage more comprehensively with the community by reporting against annual actions, as this provides an opportunity to strengthen the community's understanding of how Council achieves its strategic objectives outlined in the Plan.



**4.6 Annual Performance Reporting Against the Council Plan (Incorporating the Health and Wellbeing Plan) - End of Year 2021**

**APPENDIX 1 COUNCIL PLAN YEAR FOUR ACTION PLAN**



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

Strategic Objective	Strategy No.	Strategy Description (What we will do - actions / programs )	Year 4 Action
<b>COMMUNITY WELLBEING</b>			
Support people to participate in and contribute to community life	1	Develop and implement a program to support communities of place and interest, and to provide opportunities for them to identify and achieve their community aspirations	1. Establish and implement a Community Development Policy, Framework and Action Plan
			2. Administer the COVID-19 Recovery Assistance Grants Program
	2	Facilitate and support high levels of volunteering in the community	3. Provide advice and training to Volunteer Involving Organisations to promote best practice volunteering
	3	Work in partnership with the community to review, update and continue to implement the heritage, arts and culture strategy	4. Undertake further planning for a Cultural Facility and Library
			5. Implement Actions in the Arts Culture and Heritage Strategy - 'Creative Places'
			6. Complete the Winchelsea Memorial Cairns project
Support people to be healthy and active	4	Develop and implement local programs to support Healthy Eating and Active Living	7. Complete an evaluation of the 2018 - 2021 Healthy Eating and Active Living Action Plan with partners and stakeholders
			8. Implement key Female Friendly Facilities projects including Grant Pavilion Upgrade and Stribling Reserve Pavilions Projects
	5	Implement health and wellbeing impact assessments as part of infrastructure and project planning	No action year four.
	6	Develop and implement an alcohol, tobacco and drug strategy based on local evidence and best practice	9. Complete an evaluation of the 2018 - 2021 Alcohol and Other Drug (AOD) Action Plan with partners and stakeholders
	7	Reinforce policies to manage electronic gaming machines	10. Review the Gaming Policy



#### 4.6 Annual Performance Reporting Against the Council Plan (Incorporating the Health and Wellbeing Plan) - End of Year 2021

Strategic Objective	Strategy No.	Strategy Description (What we will do - actions / programs )	Year 4 Action
Improve community safety	8	Understand community safety issues and needs, and design an appropriate local response	Complete
	9	Continue to build community resilience to prepare for emergencies	11. Facilitate the development of new multi-agency township bushfire response plans for three high risk townships
			12. Undertake collaborative and multi-faceted community engagement programs to help improve community knowledge and resilience to emergencies.
Provide support for people in need	10	Work in partnership with community and agencies to improve young people and their families' access to the services and support they need	13. Review Early Years services to ensure they continue to meet the changing needs of the community
			14. Develop a plan for the implementation of funded 3 year old Kindergarten 2022
			15. Deliver Engage and FReeZA Youth Programs
	11	Pursue Age Friendly City status	16. Develop and implement an Age Friendly Communities Strategic Plan
			17. Complete transition of aged care services to new providers
	12	Contribute to the delivery of the Strategic Plan for prevention and addressing violence against women and children in the G21 region	18. Complete an evaluation of the Prevention of Violence Against Women (PVAW) Framework and Action Plan in preparation for the Gender Equality Act 2020
	13	Implement the Accessible and Inclusive Surf Coast Shire Strategic Plan	19. Deliver a program of access improvements in existing Council buildings
			20. Review Council's Accessible and Inclusive strategy.
ENVIRONMENTAL LEADERSHIP			
Drive the use of renewable energy	14	Implement the Renewable Energy Roadmap	21. Work with the community, businesses and relevant organisations to deliver the priority Roadmap actions.
	15	Support the work of the Renewable Energy Taskforce	22. Facilitate the Renewable Energy Task Force in accordance with

D20/111057



#### 4.6 Annual Performance Reporting Against the Council Plan (Incorporating the Health and Wellbeing Plan) - End of Year 2021

Strategic Objective	Strategy No.	Strategy Description (What we will do - actions / programs )	Year 4 Action
			the approved Terms of Reference and regularly report progress to Council.
Improve the re-use of resources	16	Develop and implement organic waste diversion pilot program	23. Roll out the Food Organics Garden Organics (FOGO) program to the balance of the municipality
	17	Develop and implement a waste reduction program to increase the life of the landfill	24. Investigate emerging use of recycled materials in road-making and develop a discussion paper.
			25. Continue an e-waste diversion and recycling service. Tender the e waste collection contract
	18	Review and expand Plastic Wise Program	26. Continue to ensure markets and events are transitioning away from single use plastics.
			27. Develop an action plan to transition away from single use plastics in sporting clubs.
			28. Support local groups championing the transition away from single use plastics.
	19	Work in partnership with relevant stakeholders to investigate the feasibility of recycled water to support agriculture in the Thompson Valley and other rural areas	29. Work with Barwon Water regarding feasibility study into high value options for using recycled water.
Support local food production	20	Develop and implement a local food program in partnership with community	30. Implement priority actions of the local food program in partnership with community.
Retain and enhance rural land for appropriate and sustainable uses	21	Finalise and implement the Rural Hinterland Strategy	31. Implementation of short term actions as outlined in the Hinterland Futures Strategy action plan Progress Hinterland Amendment for inclusion in Planning Scheme
	22	Develop partnerships to better manage interfaces between public and private land	32. Continue to work with Landcare, community groups, private landholders & local businesses on weed & rabbit management and revegetation work



#### 4.6 Annual Performance Reporting Against the Council Plan (Incorporating the Health and Wellbeing Plan) - End of Year 2021

Strategic Objective	Strategy No.	Strategy Description (What we will do - actions / programs )	Year 4 Action
	23	Effectively manage pests, plants and animals on Council land	33. Implement Council's Pest Plant & Animal Strategy
BALANCING GROWTH			
Ensure infrastructure is in place to support existing communities and provide for growth	24	Advocate for better public transport, including buses, and investigate the provision of community transport and transport connections	34. Identify opportunities for improved transport outcomes through the development of a G21 Regional Integrated Transport Plan.
	25	Explore the potential public transport link to Torquay and the level of rail service on the Warrnambool line	35. Leverage advocacy effort for public transport and transit corridor via the G21 Transport Pillar
	26	Conduct a review of the existing pathway strategy and implement recommendations	36. Conduct a review of Council's Pathway Strategy.
	27	Ensure appropriate funding mechanisms are in place to support future growth including developer contributions	37. Prepare a revised Torquay Jan Juc Developer Contribution Plan (DCP) for endorsement by Council
			38. Implement a new Torquay Jan Juc Developer Contribution Plan (DCP) through a planning scheme amendment
	28	Work with the community and stakeholders to implement the Anglesea Futures program	39. Advocate to and work with state government agencies to develop solutions for the filling of water on the old mine site and further development of the area in accordance with the adopted Anglesea Futures Land Use Plan.
	29	Advocate for supporting infrastructure	40. Maintain a schedule of regular meetings with our State and Federal MPs to share mutual priorities and partnerships.
			41. Seek capital funding required to deliver a Surf Coast Aquatic and Health Centre in Torquay
			42. Complete the Torquay/Jan Juc Social Infrastructure Study - Stage 2 Project
Strengthen township boundaries and support unique township	30	Work with the community to identify and define desired town footprints and ensure that	No action year four



#### 4.6 Annual Performance Reporting Against the Council Plan (Incorporating the Health and Wellbeing Plan) - End of Year 2021

Strategic Objective	Strategy No.	Strategy Description (What we will do - actions / programs )	Year 4 Action
character		Township Structure Plans reflect this	
	31	Encourage in-fill development and direct growth to designated areas	43. Participate in the State Government Distinctive Areas and Landscapes Project
	32	Develop a communications strategy to explain the implications of living in different planning zones	44. Update the Rural Living Publication for living in rural areas
Understand and manage the impact of population and visitation growth in neighbouring municipalities and our own shire	33	Advance a Winchelsea and Moriac Development Program	45. Rezone identified growth areas in Moriac and Winchelsea
	34	Advance a strategic plan for Lorne	46. Incorporate the Lorne Community Housing Action Plan into the Lorne Structure Plan Review
	35	Conduct an impact analysis of Torquay's growth including Armstrong Creek	No action year four
	36	Explore the impact of increased traffic on the road network including inland transport routes	47. Review G21 transport plans to affirm impacts on Surf Coast network and identify key initiatives
<b>VIBRANT ECONOMY</b>			
Support the creation and retention of jobs in existing and new businesses to meet the needs of a growing community	37	Support and build capability of businesses and business / tourism groups	48. Complete an annual Business Survey with trader groups and report on findings by June each year.
	38	Investigate how the strategic road network impacts on commercial transport	49. Ensure the currency of the priorities identified in Strategic Road Network Plans on an annual basis to assist in understanding commercial priorities
			50. Advocate and pursue appropriate grants to support identified commercial road network priorities
	39	Facilitate and enable stronger relationships between industry and education	No action year four



#### 4.6 Annual Performance Reporting Against the Council Plan (Incorporating the Health and Wellbeing Plan) - End of Year 2021

Strategic Objective	Strategy No.	Strategy Description (What we will do - actions / programs )	Year 4 Action
	40	Plan for industrial and commercial zones in growing communities	51. Develop Torquay / Jan Juc Retail and Employment Land Strategy
			52. Facilitate the COVID-19 Economic Support Recovery Assistance Grants Program
Facilitate high quality events throughout the year	41	Further develop diverse, major and signature events, communication and promotion program	53. Review and update the Event Grants Program Guidelines and release an annual funding program to support events in Surf Coast Shire
			54. Facilitate and release an annual funding program to support events in Surf Coast Shire
			55. Facilitate high quality events in collaboration with key stakeholders including Cadel Evans Great Ocean Road Race, Rip Curl Pro, Surf Coast Century, and Amy Grand Fondo as part of COVID recovery initiatives.
			56. Complete new event brand
Strengthen the vitality of town centres	42	Identify and support the economic and social drivers of town centres within the shire	57. Implement the Torquay Town Centre urban design project
Support key industry sectors such as surfing, tourism, home-based, construction and rural businesses	43	Work with key stakeholders to encourage visitors to stay longer and spend more in the shire	58. Participate in the Visitor Servicing Project, led by Great Ocean Road Regional Tourism (GORT).
			59. Implement marketing campaigns in conjunction with GORT
	44	Develop and implement an industry development and attraction program	60. Develop a regular series of workshops to assist key industry sectors i.e. marketing, business security, exports etc.
			61. Complete the Prosperous Places Strategy for the Surf Coast Shire
	45	Advocate for and drive the Great Ocean Road visitor economy	62. Develop and undertake campaigns to promote the Surf Coast and its township destinations in conjunction with GORRT as part of COVID recovery initiatives.



#### 4.6 Annual Performance Reporting Against the Council Plan (Incorporating the Health and Wellbeing Plan) - End of Year 2021

Strategic Objective	Strategy No.	Strategy Description (What we will do - actions / programs )	Year 4 Action
	46	Develop and implement an agribusiness strategy	63. Implement actions in the Rural Hinterland Futures Strategy including Actions 2.1, 2.2 & 3.5
<b>HIGH PERFORMING COUNCIL</b>			
Ensure Council is financially sustainable and has the capability to deliver strategic objectives	47	Establish long-term financial principles and incorporate into the long-term financial plan	Complete
	48	Develop and implement an organisational capability and capacity program	64. Establish strategic workforce and capability plan
			65. Progress the employee experience program incorporating COVID-19 recovery
	49	Develop innovative funding partnerships with community, business and government	No action year four
Ensure that Council decision-making is balanced and transparent and the community is involved and informed	50	Build on relationships with agencies and key stakeholders for the benefit of the community	No action year four
	51	Prepare for Local Government Act review recommendations	66. Coordinate implementation of the required changes.
	52	Evolve our community engagement approach to inform strategic Council direction and decision-making	67. Develop new Community Engagement Policy in keeping with the requirements of the new Local Government Act
Provide quality customer service that is convenient, efficient, timely and responsive	53	Use technology to make Council decision-making more accessible	Complete
	54	Implement Digital Transformation Program, including opportunities for customer self-service	68. Implement Online Forms with workflow (integrate to Authority) and online payments
	55	Investigate the feasibility of a certified quality system	Complete
	56	Improve how we manage customer requests and complaints	69. Publish a report twice annually of customer request and complaints handling performance and improvement actions.



#### 4.6 Annual Performance Reporting Against the Council Plan (Incorporating the Health and Wellbeing Plan) - End of Year 2021

Strategic Objective	Strategy No.	Strategy Description (What we will do - actions / programs )	Year 4 Action
	57	Continued reforms in statutory planning service delivery	70. Complete SMART planning reforms of the Local Planning Policy Framework with DELWP
	58	Further update and implement a customer service strategy	71. Improve the uptake of customer service access via digital channels.
Ensure the community has access to the services they need	59	Review Council-delivered services to ensure they are of high quality and delivering best value	Refer strategy 60
	60	Conduct service reviews to identify best service delivery model	72. Deliver annual Business Improvement Program
	61	Advocate for services that are best delivered by others	73. Collaborate with the Municipal Association of Victoria to secure a commitment from the state government to fully fund professional surf lifesaving services.
	62	Review arrangements for governance of the coast	No action year four



**4.6 Annual Performance Reporting Against the Council Plan (Incorporating the Health and Wellbeing Plan) - End of Year 2021**

**APPENDIX 2 COUNCIL PLAN SUMMARY 2017-21**





# COUNCIL PLAN SUMMARY 2017–2021

(Incorporating the Health  
and Wellbeing Plan)

## COUNCIL VISION

An engaged, innovative and sustainable  
community.

## COUNCIL PURPOSE

To help our community and environment  
to thrive.

## ORGANISATION DIRECTION

Our organisation will be:

An innovative and flexible leader,

And a constructive partner,

That values the strengths of others;

A place where people can do their best

And be proud of their achievements





#### 4.6 Annual Performance Reporting Against the Council Plan (Incorporating the Health and Wellbeing Plan) - End of Year 2021

##### COUNCIL PLAN APPROACH

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

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

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

##### ENVIRONMENTAL LEADERSHIP: Preserve and enhance the natural environment

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



#### 4.6 Annual Performance Reporting Against the Council Plan (Incorporating the Health and Wellbeing Plan) - End of Year 2021

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

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

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

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

Healthy & Well (HW)

Safe & Secure (SS)

Capabilities to Participate (CP)

Connected to Culture & Community (CC)

Liveable (L)



#### 4.6 Annual Performance Reporting Against the Council Plan (Incorporating the Health and Wellbeing Plan) - End of Year 2021

##### HIGH PERFORMING COUNCIL:

Deliver valued services to the community

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

Healthy &amp; Well (HW)

Safe &amp; Secure (SS)

Capabilities to Participate (CP)

Connected to Culture &amp; Community (CC)

Liveable (L)

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



**4.6 Annual Performance Reporting Against the Council Plan (Incorporating the Health and Wellbeing Plan) - End of Year 2021**

**APPENDIX 3 PERFORMANCE REPORTING AGAINST YEAR FOUR ACTIONS**



**Table 1 – Year four Council Plan action plan performance summary – 2020-21**

Themes & Objective	Strategies	2020-21 actions*	Progress December year-to-date				Progress 30 June 2021 end of year			
Community Wellbeing			Met	WIP	Not met	No action	Met	WIP	Not met	No action
a) Support people to participate in and contribute to community life	3	6	3	3			5	1		
b) Support people to be healthy and active	4	4		4			2	1	1	
c) Improve community safety	2	2	1	1			2			
d) Provide support for people in need	4	8	4	3		1	4	3	1	
Environmental Leadership										
e) Drive the use of renewable energy	2	2	1	1			2			
f) Improve the re-use of resources	4	7	3	3	1		5	1	1	
g) Support local food production	1	1		1				1		
h) Retain and enhance rural land for appropriate and sustainable use	3	3	1	2				3		
Balancing Growth										
i) Ensure infrastructure is in place to support existing communities and provide for growth	6	9	1	8			2	6	1	
j) Strengthen township boundaries and support unique township character	3	2	1	1			1	1		
k) Understand and manage the impact of population and visitation growth in neighbouring municipalities and our own shire	4	3	1	1	1		1	1	1	
Vibrant Economy										
l) Support the creation and retention of jobs in existing and new businesses to meet the needs of a growing community	5	5	2	3			2	3		
m) Facilitate high quality events throughout the year	1	4	2	2			3	1		
n) Strengthen the vitality of town centres	1	1		1					1	
o) Support key industry sectors such as surfing, tourism, home-based, construction and rural businesses	4	6	3	3			4	2		
High Performing Council										
p) Ensure Council is financially sustainable and has the capability to deliver strategic objectives	4	2		2				2		
q) Ensure that Council decision-making is balanced and transparent and the community is involved and informed	3	2	1	1			1	1		
r) Provide quality customer service that is convenient, efficient, timely and responsive	5	4	4				4			
s) Ensure the community has access to the services they need	4	2		2			1	1		
Total	62	73	28	42	2	1	39	28	6	0

\*2020 – 2021 actions endorsed by Council on 28 July 2020



**Table 2 – ‘WIP’ and ‘not met’ year four Council Plan actions – 2020-21**

Year four actions that have not yet been finalised are categorised below as one of the following:

1. Will be incorporated into 2021-25 Council Plan
2. Will be continued separate to 2021-25 Council Plan
3. Will be discontinued

Objective	Strategy	2020-21 action*	Progress	Future action (1, 2 or 3)	Comment
<b>Support people to participate in and contribute to community life</b>	03. Work in partnership with the community to review, update and continue to implement the heritage, arts and culture strategy	4. Undertake further planning for a Cultural Facility and Library	Work in progress	2	Cultural facility and library concept development and business case is currently underway.
<b>Support people to be healthy and active</b>	04. Develop and implement local programs to support Healthy Eating and Active Living	8. Implement key Female Friendly Facilities projects including Grant Pavilion Upgrade and Stribling Reserve Pavilions Projects	Work in progress	1	Stribling Reserve Netball Pavilion officially opened in April 2021 and Main Pavilion to be completed by December 2021. Grant Pavilion to be completed by January 2022. Mt Moriac Netball and Tennis Pavilion is in progress.
	6. Develop and implement an alcohol, tobacco and drug strategy based on local evidence and best practice.	9. Complete an evaluation of the 2018 - 2021 Alcohol and Other Drug (AOD) Action Plan with partners and stakeholders.	Not met deferred to next year	1	<p>An Alcohol and Other Drug Action Plan was developed and endorsed by Council but only about half has been implemented or explored and deemed unfeasible despite it finishing on the 30th of June 2021. Completed actions include; smoke free beaches, smoke free Council facilities, alcohol supply monitoring project and alcohol and other drug brief intervention service.</p> <p>Five actions were explored but deemed unfeasible for various reasons. These include; restricting density of packaged liquor outlets, smoke and alcohol free events, good sports and alcohol screening with GPs.</p> <p>It was also not possible to implement some actions due to COVID and/or change of staff. These include Hello Sunday Morning, QUIT campaign with dentists and the AOD Community of Practice.</p> <p>Some outstanding viable projects will be completed in 2021-2023 and included in the AOD action plan if prioritised in the Council Plan.</p>



#### 4.6 Annual Performance Reporting Against the Council Plan (Incorporating the Health and Wellbeing Plan) - End of Year 2021

Objective	Strategy	2020-21 action*	Progress	Future action (1, 2 or 3)	Comment
Provide support for people in need	10. Work in partnership with community and agencies to improve young people and their families' access to the services and support they need	13. Review Early Years services to ensure they continue to meet the changing needs of the community	Work in progress	1	Continue to work with external partnerships/agencies to ensure resources are locally available to families. Recently networking with primary and secondary school principals. Altering kindergarten timetable to cater for 3 year old funded position 2022, meeting demand with 3 and 4 year old kindergarten enrolments for 2022. Increase occasional care sessions in 2021 to meet demand for places.
	11. Pursue Age Friendly City status	16. Develop and implement an Age Friendly Communities Strategic Plan	Work in progress	1	Action Plan and projects initiated and in progress.
	12. Contribute to the delivery of the Strategic Plan for prevention and addressing violence against women and children in the G21 region.	18. Complete an evaluation of the Prevention of Violence Against Women (PVAW) Framework and Action Plan in preparation for the Gender Equality Act 2020.	Not met no further action	3	Programs implemented to contribute to the delivery of the Strategic Plan for prevention and addressing violence against women and children include; Baby Makes 3, 16 Days of Activism against Gender Based Violence, updating family violence services on Councils website, internal training for teams on gender equity e.g. early years, international women's day campaign, Mayor attending various gender equity events.  Work has also started on developing a Gender Equity Action Plan and doing Gender Impact Assessments to ensure Council delivers on its new legislative requirements under the Gender Equality Act 2020.  Council will continue to contribute to prevention of violence against women and gender equity but not pursue this specific action due to changes brought by the Gender Equality Act.
	13. Implement the Accessible and Inclusive Surf Coast Shire Strategic Plan	19. Deliver a program of access improvements in existing Council buildings.	Work in progress	1	Five facilities selected for round 1 of DDA Compliance Project implementation from across the Shire, using 2019-20 and 2020-2021 DDA budgets. Selection based on current or proposed future usage as well as level of risks identified by the December 2020 audit: 1. Bob Pettitt Reserve Recreation Centre Jan Juc 2. Globe Theatre Winchelsea 3. Moriac Community Centre 4. Anglesea & District Community House 5. Lorne Seniors Centre



#### 4.6 Annual Performance Reporting Against the Council Plan (Incorporating the Health and Wellbeing Plan) - End of Year 2021

Objective	Strategy	2020-21 action*	Progress	Future action (1, 2 or 3)	Comment
<b>Improve the re-use of resources</b>	18. Review and expand Plastic Wise Program.	27. Develop an action plan to transition away from single use plastics in sporting clubs.	Not met deferred to next year	2	COVID has impacted, and will likely continue to impact progress on this action. The action is still relevant, but hasn't commenced. Some shifts away from single use plastics in sporting clubs have occurred with increased community awareness about these items and a shift to healthier food options. Continued progress has been made on eliminating single use plastics from events.
	19. Work in partnership with relevant stakeholders to investigate the feasibility of recycled water to support agriculture in the Thompson Valley and other rural areas	29. Work with Barwon Water regarding feasibility study into high value options for using recycled water.	Work in progress	1	Commenced feasibility study with Barwon Water - engaged RMCG to carry out study (May 2021 engagement). Proposed study duration - June 2021 - December 2021.
<b>Support local food production</b>	20. Develop and implement a local food program in partnership with community	30. Implement priority actions of the local food program in partnership with community.	Work in progress	2	The Local Food Program Action Plan 2017-2021 is almost completed, with ongoing interest across the Environmental Sustainability, Economic Development and Health and Wellbeing teams. Unlikely that a new Action Plan will be developed, but support for a sustainable local food system will continue across teams in a less formalised way.
<b>Retain and enhance rural land for appropriate and sustainable uses</b>	21. Finalise and implement the Rural Hinterland Strategy	31. Implementation of short term actions as outlined in the Hinterland Futures Strategy action plan Progress Hinterland Amendment for inclusion in Planning Scheme	Work in progress	1	EcoDev led actions underway and/or completed: 1.1 - Ongoing 2.1 - Ongoing/completed 2.2 - Ongoing 2.3 - Ongoing 2.4 - ongoing 2.5 - Completed 2.6 - underway 3.2 - Ongoing 3.3 - Ongoing 3.4 - Completed 3.5 - Ongoing 4.1 - Underway 4.3 - Underway 4.4 - Ongoing 4.5 - Not yet commenced 4.6 - Ongoing 5.1 - Not yet commenced



#### 4.6 Annual Performance Reporting Against the Council Plan (Incorporating the Health and Wellbeing Plan) - End of Year 2021

Objective	Strategy	2020-21 action*	Progress	Future action (1, 2 or 3)	Comment
					5.5 - Ongoing 5.8 - Underway 5.9 – Underway
	22. Develop partnerships to better manage interfaces between public and private land	32. Continue to work with Landcare, community groups, private landholders & local businesses on weed & rabbit management and revegetation work	Work in progress	1	Council owns or manages just over 1% of land in our shire – so partnerships are essential to protect and enhance the natural environment and manage pest plants and animals. An action is included in new Council Plan to continue partnerships with Landcare, community groups, local business and land managers to protect and enhance the natural environment. Also action to explore opportunities and mechanisms to protect native vegetation on private land.
	23. Effectively manage pests, plants and animals on Council land	33. Implement Council's Pest Plant & Animal Strategy	Work in progress	2	Aside from the partnership action noted above, there is no specific action in the new Council Plan focused on pest plants and animal (PPA) management. As with other land owners/managers, Council is legally required to manage PPA on Council owned and managed land. Council also has legal obligations regarding PPA management on municipal roadsides. This core business work will continue.
Ensure infrastructure is in place to support existing communities and provide for growth	24. Advocate for better public transport, including buses, and investigate the provision of community transport and transport connections	34. Identify opportunities for improved transport outcomes through the development of a G21 Regional Integrated Transport Plan.	Work in progress	2	Project brief being developed.
	25. Explore the potential public transport link to Torquay and the level of rail service on the Warrnambool line	35. Leverage advocacy effort for public transport and transit corridor via the G21 Transport Pillar	Work in progress	2	Being considered by G21 Board for inclusion in updated Regional Priorities Plan.
	26. Conduct a review of the existing pathway strategy and implement recommendations	36. Conduct a review of Council's Pathway Strategy.	Work in progress	2	Pathway Strategy review underway. Consultant appointed and final plan to be presented to Council in next financial year.
	27. Ensure appropriate funding mechanisms are in place to support future growth including developer contributions	37. Prepare a revised Torquay Jan Juc Developer Contribution Plan for endorsement by Council	Work in progress	2	Draft revised DCP developed and being presented to Council in August 2021 prior to being prepared for Planning Scheme amendment.



#### 4.6 Annual Performance Reporting Against the Council Plan (Incorporating the Health and Wellbeing Plan) - End of Year 2021

Objective	Strategy	2020-21 action*	Progress	Future action (1, 2 or 3)	Comment
	27. Ensure appropriate funding mechanisms are in place to support future growth including developer contributions	38. Implement a new Torquay Jan Juc DCP through a planning scheme amendment	Not met deferred to next year	2	Awaiting adoption of the revised Torquay/Jan Juc DCP prior to preparing the amendment.
	28. Work with the community and stakeholders to implement the Anglesea Futures program	39. Advocate to and work with state government agencies to develop solutions for the filling of water on the old mine site and further development of the area in accordance with the adopted Anglesea Futures Landuse Plan.	Work in progress	2	Ongoing
	29. Advocate for supporting infrastructure	42. Complete the Torquay/Jan Juc Social Infrastructure Study - Stage 2 Project.	Work in progress	1	Scope expanded to focus on the whole of the Shire. Social Infrastructure Plan on track for completion towards end of 2021.
<b>Strengthen township boundaries and support unique township character</b>	32. Develop a communications strategy to explain the implications of living in different planning zones	44. Update the Rural Living Publication for living in rural areas.	Work in progress	2	Rural Living Document updated. Undergoing final review prior to publication.
<b>Understand and manage the impact of population and visitation growth in neighbouring municipalities and our own shire</b>	34. Advance a strategic plan for Lorne	46. Incorporate the Lorne Community Housing Action Plan into the Lorne Structure Plan Review.	Not met no further action	3	Council resolved to cease work on the Lorne Structure Plan and use \$50k in funds for background work only to inform the Great Ocean Road Strategic Framework Plan.
	36. Explore the impact of increased traffic on the road network including inland transport routes	47. Review G21 transport plans to affirm impacts on Surf Coast network and identify key initiatives	Work in progress	2	G21 Integrated Transport Strategy Project brief being developed.



#### 4.6 Annual Performance Reporting Against the Council Plan (Incorporating the Health and Wellbeing Plan) - End of Year 2021

Objective	Strategy	2020-21 action*	Progress	Future action (1, 2 or 3)	Comment
<b>Support the creation and retention of jobs in existing and new businesses to meet the needs of a growing community</b>	38. Investigate how the strategic road network impacts on commercial transport	49. Ensure the currency of the priorities identified in Strategic Road Network Plans on an annual basis to assist in understanding commercial priorities	Work in progress	2	Road priorities reviewed based on demands on our network. Successful funding for road improvements on key roads recently such as Cape Otway Road (additional stage), Barwon Park Road, Pearl Street intersection. R2R funding to be applied on Horseshoe Bend Road and Fischer Street rehab.
	38. Investigate how the strategic road network impacts on commercial transport	50. Advocate and pursue appropriate grants to support identified commercial road network priorities	Work in progress	2	Grants have been received for Grays Road (\$580k) and Cape Otway Road (\$1040K).
	40. Plan for industrial and commercial zones in growing communities	51. Develop Torquay / Jan Juc Retail and Employment Land Strategy	Work in progress	2	Draft exhibition complete. Report to Council deferred from May to July Council meeting.
<b>Facilitate high quality events throughout the year</b>	41. Further develop diverse, major and signature events, communication and promotion program	55. Facilitate high quality events in collaboration with key stakeholders including Cadel Evans Great Ocean Road Race, Rip Curl Pro, Surf Coast Century, and Amy Gran Fondo as part of COVID recovery initiatives.	Work in progress	1	Continuing to support event organisers in planning, delivering and promoting COVIDSafe events, subject to the constantly changing Public Events Framework.
<b>Strengthen the vitality of town centres</b>	42. Identify and support the economic and social drivers of town centres within the shire	57. Implement the Torquay Town Centre urban design project	Not met deferred to next year	2	On hold pending outcome of the Distinctive Areas and Landscapes Project by DELWP.
<b>Support key industry sectors such as surfing, tourism, home-based, construction and rural businesses</b>	43. Work with key stakeholders to encourage visitors to stay longer and spend more in the shire	58. Participate in the Visitor Servicing Project, led by Great Ocean Road Regional Tourism.	Work in progress	1	Project completed by GORRT. Officers provided requested information.
	45. Advocate for and drive the Great Ocean Road visitor economy	62. Develop and undertake campaigns to promote the Surf Coast and its township destinations in conjunction with GORRT	Work in progress	2	The 52 Great weekend campaign is currently being implemented. A new intrastate campaign (Greatopia) will commence in the coming weeks to promote the Surf Coast in the winter and spring. Filming has commenced. A new website has also been developed to coincide with the campaigns. Full reports will be provided at the completion of the campaigns.



#### 4.6 Annual Performance Reporting Against the Council Plan (Incorporating the Health and Wellbeing Plan) - End of Year 2021

Objective	Strategy	2020-21 action*	Progress	Future action (1, 2 or 3)	Comment
		as part of COVID recovery initiatives.			
<b>Ensure Council is financially sustainable and has the capability to deliver strategic objectives</b>	48. Develop and implement an organisational capability and capacity program	64. Establish strategic workforce and capability plan	Work in progress	2	Project initiated and in progress. On target to deliver within Local Government Act mandated timeframes by end of 2021.
	48. Develop and implement an organisational capability and capacity program	65. Progress the employee experience program incorporating COVID-19 recovery	Work in progress	2	Ongoing role of People & Culture in developing COVIDSafe workplaces and progressing employee experience program, including Agile Workplace Project.
<b>Ensure that Council decision-making is balanced and transparent and the community is involved and informed</b>	51. Prepare for Local Government Act Review	66. Coordinate implementation of the required changes.	Work in progress	1	Work continues in implementing the changes from the LGA. Community consultation has been sought for all newly developed plans/documents such as the Governance Rules, the budget and the ratings and revenue plan.
<b>Ensure the community has access to the services they need</b>	61. Advocate for services that are best delivered by others	73. Collaborate with the Municipal Association of Victoria to secure a commitment from the state government to fully fund professional surf lifesaving services.	Work in progress	2	SCS participation in MAV led workshop "Surf Life-Saving Clubs and Coastguard unit support arrangements". Advocacy ongoing with MAV and LSV for the State Government to fully fund professional lifeguard services. Council recently provided support to Frankston City Council Motion at the MAV State Council Meeting on 21 May 2021 for MAV to advocate to the Victorian Government to provide additional financial support for Council's with coastlines/lifesaving clubs.

\*2020 – 2021 actions endorsed by Council on 28 July 2020



**4.6 Annual Performance Reporting Against the Council Plan (Incorporating the Health and Wellbeing Plan) - End of Year 2021**

**APPENDIX 4 PERFORMANCE REPORTING AGAINST STRATEGIC INDICATORS**



## Council Plan (including the Health and Wellbeing Plan) 2017-2021.

Strategic Indicators – 30 June 2021 end of year performance

Strategic Indicator		Timing	Actual 30 June 2017	Actual 30 June 2018	Actual 30 June 2019	Actual 30 June 2020	Target 30 June 2021	Actual 30 June 2021	Comment
1.	Improvements in overall quality of life and reported on the following cohorts:- People under 25 People over 65 People with disabilities	Annual	To be developed	To be developed	Describing the Surf Coast Liveable = 96% agree Attractive = 88% agree Safe = 87% agree Has potential = 84% agree Exciting = 55% agree	Describing the Surf Coast Liveable = 96% agree Attractive = 88% agree Safe = 87% agree Has potential = 84% agree Exciting = 55% agree	Nil	N/A	Council is no longer pursuing a single measure of quality of life. Instead, Data from over 1400 people was collected in January and February 2021 via the People Place Future Community Engagement Program which resulted in feedback about multiple aspects of living in the Shire. This has enabled a drill down to understand what most influences people's enjoyment of the shire and how these aspects are performing. This data has informed the development of the Council Plan. Outside of this data has been collected which informs plans relating to the cohorts named in this indicator – Municipal Early Years Plan, Age Friendly Community Strategy and Access and Inclusion Plan.
2.	25% of energy is from renewable sources by 2020	Annual	6%	12%	12%	14.6% (to the end of May 2020)	Nil	N/R (Reporting ended in 2020).	This action is complete and was delivered to the best of our ability, within the scope of influence Council has for increasing the uptake of renewable energy in our municipality. Our efforts were focused on the Renewable Energy Task Force, Powered by Positive program, and solar/energy efficiency of council buildings program. (The ambitious 25% by 2020 state target was adopted locally, and Council can only do so much to encourage uptake of renewable energy in private homes, businesses, industry, etc. vs State Government that can invest in large scale renewable energy projects).



#### 4.6 Annual Performance Reporting Against the Council Plan (Incorporating the Health and Wellbeing Plan) - End of Year 2021

Council Plan (including the Health and Wellbeing Plan) 2017-2021.

Strategic Indicator		Timing	Actual 30 June 2017	Actual 30 June 2018	Actual 30 June 2019	Actual 30 June 2020	Target 30 June 2021	Actual 30 June 2021	Comment
3.	An increase in housing in Winchelsea and Moriac.	Annual	<u>Lots per year</u> Moriac = 1 Winchelsea = 5  <u>Housing starts</u> Moriac = 1 Winchelsea = 14	<u>Lots per year</u> Moriac = 1 Winchelsea = 28  <u>Housing starts</u> Moriac = 5 Winchelsea = 31	<u>Lots per year</u> Moriac = 0 Winchelsea = 45  <u>Housing starts</u> Moriac = 3 Winchelsea = 59	<u>Lots per year</u> Moriac = 54 Winchelsea = 52  <u>Housing starts</u> Moriac = 47 Winchelsea = 37	Nil	<u>Lots per year</u> Moriac = 0 Winchelsea = 22  <u>Housing starts</u> Moriac = 44 Winchelsea = 93	Two planning scheme amendments to rezone land at Moriac (29 lots) and Winchelsea (74 lots) prepared and exhibited. Development plan for 135 Austin Street assessed and exhibited to facilitate subdivision of the land. 10 new lots SOC Winchelsea.
4.	Maintain satisfaction in planning for population growth in Torquay / Jan Juc (Annual Community Satisfaction Survey)	Annual	Population Growth 2017 = 51	49	48	Surf Coast 49 Torquay 43	Nil	Surf Coast 51 Torquay 48	Scores have increased in community satisfaction survey.
5.	Increased access to public transport including trains, public buses and community buses.	Annual	To be developed	To be developed	To be developed	To be developed	Develop baseline	N/A	Council is involved in the G21 Transport Pillar to include new public transport needs. Increases in service will improve once upgrade to Waurn Ponds Rail Station. Council will continue to advocate through the G21 Transport Pillar.
6.	Rolling median unemployment rate for the shire does not exceed 3.5%	Twice yearly	Sept. 2017 2.5%	2.43%	2.27%	1.9%	=/ < 3.5%	2.9%	The Small Area Labour Markets (SALM) data has been compiled by the Australian Government National Skills Commission shows that unemployment at December 2020 was 2.9%. Fortunately the earlier estimates of Covid-19 driving unemployment to 10%-14% did not eventuate.



#### 4.6 Annual Performance Reporting Against the Council Plan (Incorporating the Health and Wellbeing Plan) - End of Year 2021

Council Plan (including the Health and Wellbeing Plan) 2017-2021.

Strategic Indicator		Timing	Actual 30 June 2017	Actual 30 June 2018	Actual 30 June 2019	Actual 30 June 2020	Target 30 June 2021	Actual 30 June 2021	Comment
7.	Meet the financial benefits targets in the long term financial plan	Annual	\$453,000	\$550,000	\$642,710	\$600,164	\$500,000	\$371,590	Program complete. Target for Business Improvement program achieved.
8.	Increase in the number of digital transactions with Council including.								Customers are now able to self-service for infringements, Kinder bookings and to make online payments. The recent addition of LiveChat allows customers to interface digitally with Council representatives without needing to call, email or attend the Civic Offices. Development of the online CRM functionality via the Community Portal application has begun and will go live during the next financial year. Work will commence in August on the final customer interface which will integrate with our new payments facilities, online forms, CRM functionality and 3rd party self-service applications to provide a comprehensive solution to customer self-service requirements.
	a. Self-service transactions (number of on-line forms available)	Twice yearly	To be developed	38	N/A	116	Nil	146	
	b. Completion of forms			1,111	N/A	2469	Nil	30,464 (since going live)	Between the 1st of July 2020 and 16th June 2021 we have received 26,325 form applications with the total amount transacted being \$446,178. This is an increase on last year of 8321 applications and \$48,272 with a few weeks to go before end of FY. Work continues to add more applications that will make it easier for customers to transact digitally with council.



#### 4.6 Annual Performance Reporting Against the Council Plan (Incorporating the Health and Wellbeing Plan) - End of Year 2021

Council Plan (including the Health and Wellbeing Plan) 2017-2021.

Strategic Indicator		Timing	Actual 30 June 2017	Actual 30 June 2018	Actual 30 June 2019	Actual 30 June 2020	Target 30 June 2021	Actual 30 June 2021	Comment
9.	Increased performance rating for Customer Service in the Annual Community Satisfaction in Local Government Survey.	Annual	Overall performance 2017 = 61	69	77	76	Nil	73	State-wide average in 2021 was 70 and 68 for comparison, large rural councils.
10.	80% of planning permit applications are determined within 60 statutory days by the end of the term of the plan.	Twice yearly	PPARS result 71.02%	80%	84%	81%	80%	75.12%	Working remotely, being unable to conduct consultation meetings and height pole meetings, recruitment of four vacancies and acting Manager role have presented challenges to achieving target of 80%. In addition, there were 33 VCAT appeals compared to 10 and 16 for the two previous Financial Years. A trial of the two coordinator model to commence in 21/22 FY will also allow for improvements in daily operation/leadership and performance.

**Legend**

N/A = No result available

N/R = Not reported

Work in progress	Met or exceeded	Not met
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#### **4.6 Annual Performance Reporting Against the Council Plan (Incorporating the Health and Wellbeing Plan) - End of Year 2021**



## 5. ENVIRONMENT & DEVELOPMENT

### 5.1 Electric Vehicle Charging Infrastructure - Grant Opportunity

**Author's Title:** Coordinator Environmental Sustainability

**General Manager:** Ransce Salan

**Department:** Environmental Sustainability

**File No:** F21/231

**Division:** Environment & Development

**Trim No:** IC21/1329

**Appendix:**

Nil

**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 present information about Council's application to fund Electric Vehicle charging infrastructure through the state government's 'Destination Charging Across Victoria' program.

#### Summary

Funding for Electric Vehicle (EV) charging infrastructure is available through the State Government's 'Destination Charging Across Victoria' program, closing on 13 August 2021.

Officers have prepared an application to fund the installation of four new charging stations – one each in Anglesea, Aireys Inlet, Lorne and Winchelsea, to improve EV connectivity and uptake across the shire and region.

The grant makes it possible to invest in EV infrastructure through 1:1 funding, with chargers ready for use by July 2023. The proposed project will cost \$140,000 in total, with half funding (\$70,000) to be committed by Council, along with in-kind project management support.

The Climate Emergency Corporate Response Plan 2021-2031 is Council's commitment to long term strategic action and leadership on climate change. By playing a role in promoting EV use, Council acts on its commitments to reduce greenhouse gas emissions, transition away from fossil fuel use and support our community to respond to climate change.

#### Recommendation

That Council:

1. Notes that an application has been made through the State Government's 'Destination Charging Across Victoria' program for \$70,000 to improve electric vehicle connectivity within Surf Coast Shire.
2. Authorises the CEO to enter into the 'Destination Charging Across Victoria' grant agreement if Council's application is successful.
3. Allocates \$70,000 from the Accumulated Unallocated Cash Reserve if Council's application is successful.
4. Reduces the 2022-23 Annual Budget Business Case funding allocation by \$70,000 if Council's application is successful.



## 5.1 Electric Vehicle Charging Infrastructure - Grant Opportunity

### Council Resolution

**MOVED Cr Adrian Schonfelder, Seconded Cr Heather Wellington**

That Council:

1. Notes that an application has been made through the State Government's 'Destination Charging Across Victoria' program for \$70,000 to improve electric vehicle connectivity within Surf Coast Shire.
2. Authorises the CEO to enter into the 'Destination Charging Across Victoria' grant agreement if Council's application is successful.
3. Allocates \$70,000 from the Accumulated Unallocated Cash Reserve if Council's application is successful.
4. Reduces the 2022-23 Annual Budget Business Case funding allocation by \$70,000 if Council's application is successful.

CARRIED 7:1

### Suspension of Standing Orders

#### Council Resolution

**MOVED Cr Adrian Schonfelder, Seconded Cr Mike Bodsworth**

That standing orders be suspended until 8:10pm.

CARRIED 8:0

Standing orders were suspended at 8:00pm and resumed at 8:10pm.



## 5.1 Electric Vehicle Charging Infrastructure - Grant Opportunity

### Report

#### ***Officer Direct or Indirect Interest***

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

#### ***Background***

Uptake of electric vehicles (EVs) is expected to increase significantly in coming years, with improvements in technology and availability, commitments to emissions reduction targets and a global shift away from fossil fuel use.

Reasons to support the transition to EVs:

- Under the Climate Change Act 2017, the Victorian State Government's Climate Change Strategy includes a target of 50% light vehicle sales being EVs by 2030.
- Australia has seen a relatively low uptake of EVs to date, with a lack of public charging infrastructure being one limiting factor. Electric vehicles are expected to approach cost parity with internal combustion engine vehicles by 2025, and their appeal continues to increase with improved distance range between charging.
- Locally, Geelong Sustainability is currently leading an EV bulk buy program offering test drives and second hand EV car sales in our region.
- In Surf Coast Shire, transport is the second largest source of greenhouse gas emissions in both our community and corporate emissions profiles. Transport contributes 28% of community emissions (including tourism-related transport) and around 12% of emissions from Council's operations and services (second to emissions from Anglesea Landfill which make up 79% of Council's emissions).
- Council's Climate Emergency Corporate Response Plan 2021-2031 commits Council to playing a role in reducing greenhouse gas emissions, transitioning away from fossil fuel use and supporting our community to respond to climate change.
- Council's draft Economic Development Strategy 2021-2031 identifies goals for 'Slow and purposeful tourism' and 'An economy with a conscience'. The strategy values environmentally sustainable tourism, responding to the climate emergency and showing others what's possible.

Council currently has one electric vehicle in its fleet (Nissan Leaf) and one public 7kW EV charger located at Lorne Visitor Centre (free to use). This charging station was recently renewed, and is a popular stop on the Great Ocean Road for EVs, however having only a 7kW charging capacity it can take several hours for users to get a full charge.

RACV Torquay Resort offers the only fast charging infrastructure in the region, with four chargers (fee for use). Three additional privately operated chargers in Surf Coast Shire (Winchelsea and Freshwater Creek) are listed on PlugShare, a free online resource that allows EV users to find charging stations, but details of these arrangements are unknown.

#### ***Discussion***

Delivered by the State government, the Destination Charging Across Victoria (DCAV) program aims to establish an EV fast-charging network at key tourist destinations and regional towns across Victoria. The grant closes on 13 August 2021 and requires 1:1 funding contribution from applicants, with works to commence in December 2021 for completion by July 2023.

Councils including the City of Greater Geelong, Mount Alexander Shire Council, Central Goldfields Shire Council, Horsham Rural City Council and Moreland City Council are playing a lead role in progressing the uptake and use of EVs by installing chargers at council owned sites. If successful with this grant application, Surf Coast Shire will also support early adopters of EVs (residents and visitors), to accelerate the emerging market and avoid greenhouse gas emissions associated with a slower transition away from internal combustion engine (fossil fuel powered) cars. Installing more charging stations in the shire will also assist with transitioning Council's fleet to EVs.

Being located at Council sites means the new chargers will be powered by 100% renewable electricity through our involvement in the Victorian Energy Collaboration (VECO) which commenced on 1 July 2021.

A shortlist of locations has been developed based on:



## 5.1 Electric Vehicle Charging Infrastructure - Grant Opportunity

- strategic placement considering the location of EV chargers in neighbouring shires (and their applications for DCAV funding) and tourist access to the Great Ocean Road – through the Barwon South West Climate Alliance;
- suitability for installation, including access to three phase power and existing carpark infrastructure;
- consideration of impacts on the community (i.e. avoiding obstructing or limiting current use of carparks/sites), including businesses, user groups, accessibility, amenity, etc.; and
- cost effectiveness (i.e. minimal electrical or infrastructure works required).

### Project proposal:

- Install one 50kW charging station at Lorne to enhance public charging options along the Great Ocean Road.
- Install three 22kW charging stations – one each in Anglesea, Aireys Inlet and Winchelsea – to enhance coverage across the shire, and connectivity within the region.

The 50kW charger will fill a significant gap in the current fast charging network along the Great Ocean Road and make large sections of the coast and Otways more accessible and practical for EV tourism. The three 22kW charging stations will ensure coverage across the Shire, and offer residents and visitors to these townships publicly available infrastructure. A revenue model is proposed for the 50kW charging station to recover costs of installing and running the four sites, with the three 22kW stations intended to be free to use.

Council officers are receiving increasing requests from local residents and visitors for access to EV charging infrastructure. Surf Coast Energy Group has provided a letter of support for this project.

### Council Plan

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

Theme 4 Vibrant Economy  
Objective 4.3 Strengthen the vitality of town centres  
Strategy Nil

### Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

<b>Implications</b>	<b>Applicable to this Report</b>
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020 and Council's Community Engagement Policy SCS-017 )	Yes
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	Yes
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes
Risk Assessment	Yes
Communication	Yes
Human Rights Charter	Yes



## **5.1 Electric Vehicle Charging Infrastructure - Grant Opportunity**

### ***Governance Principles - Local Government Act 2020 (LGA 2020)***

Installing EV chargers is a demonstration of innovation and continuous improvement, and the grant application has been developed with an understanding of other council's approaches, via the Barwon South West Climate Alliance.

### ***Policy/Relevant Law***

The Climate Change Act 2017 has legislated that a net zero emissions economy must be achieved by 2050. The State Government's Climate Change Strategy aims to have 50% of light vehicle sales as EVs by 2030.

### ***Environmental/Sustainability Implications***

The Climate Emergency Corporate Response Plan 2021-2031 is Council's commitment to long term and strategic action and leadership on climate change. By playing a role in promoting EV use, Council acts on its commitments to reduce greenhouse gas emissions, transition away from fossil fuel use and support our community to respond to climate change.

### ***Community Engagement***

Potential impacts on the community and user groups have been identified and considered in the process of shortlisting sites to install the EV chargers. No external engagement has occurred as yet, but if the grant application is successful, community stakeholders will likely be 'consulted' (IAP2). Community stakeholders include management committees and users of community halls, businesses whose customers utilise nearby carparks, and organisers of events that occur at or nearby the sites (e.g. community markets).

Council's Visitor Information Centres already distribute an EV infrastructure map for the region which will be updated as new chargers are installed.

### ***Public Transparency***

The Destination Charging Across Victoria program is delivered by the Department of Environment, Land, Water and Planning. The proposal to submit an application for this grant funding has been discussed with the Executive Management Team and at Councillor briefing.

### ***Strategies/Plans***

Considerable community input was sought to develop Council's draft Economic Development Strategy 2021-2031, which identifies goals for 'Slow and purposeful tourism' and 'An economy with a conscience'. The strategy values environmentally sustainable tourism, responding to the climate emergency and showing others what's possible.

Council's community climate change survey (402 respondents, January 2021) identified 'transitioning to 100% renewable energy sources' and 'net zero greenhouse gas emissions' in the top three priority areas for action, with increased use of electric vehicles being among the specific actions mentioned in open questions.

### ***Financial Management***

A revenue model is proposed to be established for the 50kW charger to recover Council's costs for installing and operating the four new charging sites. This will ensure no long term liabilities, and generate a return on Council's investment after 5 years. It is common practice for users to pay to use fast chargers, but not for slow charging infrastructure.

### ***Service Performance***

With such limited access to EV chargers in the shire at this time, installing chargers will increase the appeal and practicality of EVs for both residents and visitors. Any user fees applied will be based on value for money and comparison with like services.

### ***Risk Assessment***

There are no identified Workplace Health and Safety implications associated with this report. Qualified installers will be engaged to undertake the works, and signage/traffic safety measures will be put in place around new chargers.

### ***Communication***

If successful in securing this grant funding, Council will engage with external stakeholders to finalise charger locations and timings for installation, promote the state government's announcement of successful projects,



## 5.1 Electric Vehicle Charging Infrastructure - Grant Opportunity

distribute its own media release and update available EV network maps that are online and distributed through Council's Visitor Information Centres. There is also likely opportunity for joint promotion through the Barwon South West Climate Alliance.

### ***Human Rights Charter***

Governments and decision-makers have a responsibility to take action to secure a safe future for generations to come, including responding to the threats of climate change.

### ***Options***

Option 1 – Authorise the CEO to enter into the Destination Charging Across Victoria grant agreement and allocate \$70,000 Council funding to complete the project.

This option is recommended by officers as it offers good value to Council and our community, shows leadership in accelerating the uptake of EVs and reducing greenhouse gas emissions, and is consistent with commitments in Council's Climate Emergency Corporate Response Plan 2021-2031.

Option 2 – Do not accept funding through the Destination Charging Across Victoria program to install electric vehicle chargers in Surf Coast Shire at this time.

This option is not recommended by officers as it is considered unlikely that large amounts of government funding will be available to Council again for this purpose in the near future.

### ***Conclusion***

Council has an opportunity to access funding for electric vehicle (EV) charging infrastructure through the state government's 'Destination Charging Across Victoria' program, closing on 13 August 2021. The grant requires 1:1 funding contribution from applicants, with works to commence in December 2021 for completion by July 2023.

Officers have prepared an application to fund the installation of four new charging stations – one each in Anglesea, Aireys Inlet, Lorne and Winchelsea. A shortlist of Council owned sites (utilising 100% renewable electricity) have been identified for the chargers, and final locations will be determined with input from community stakeholders if the application is successful. The total project cost is \$140,000, including a \$70,000 contribution from Council, along with in-kind project management support.

Playing a role in advancing the uptake of EVs and reducing greenhouse gas emissions demonstrates Council's commitment to its Climate Emergency Corporate Response Plan 2021-2031, and to other strategies including the draft Economic Development Strategy 2021-2031 and Council Plan.



## 5.2 Environment & Development Monthly Report - July 2021

**Author's Title:** Executive Assistant

**General Manager:** Ransce Salan

**Department:** Environment & Development

**File No:** F18/1519-3

**Division:** Environment & Development

**Trim No:** IC21/1150

**Appendix:**

Nil

**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 the Environment & Development monthly activity report for July 2021.

### Summary

The monthly report provides an overview of the Environment & Development Division's key activities undertaken in July 2021.

### Recommendation

That Council receives the Environment & Development Monthly Activity Report for July 2021, and notes the following items:

1. 75.3% of applications were completed within 60 statutory days (compared to Peri-Urban Council average of 60.6% and Rural Council average of 71.8%) for the 2020-21 year.
2. The Planning Compliance team received 9 new investigations in July and whilst 11 investigations were completed.
3. The Torquay-Jan Juc DCP review is complete and a planning scheme amendment to implement the DCP has been drafted. Council will consider requesting Ministerial authorisation at its 24 August meeting, and exhibition of the amendment will occur subsequent to the receipt of authorisation.
4. As part of National Tree Day, approximately 400 native trees, shrubs and ground covers were planted at the Rice Nature Reserve.
5. In early July 2021, Council submitted its [Climate Emergency Corporate Response Plan 2021-2031](#) to the Minister for Energy, Environment and Climate Change, the Hon. Lily, D'Ambrosio. The plan forms our Council's [pledge](#) to reduce emissions in line with the State Government's interim targets.
6. In response to Council declaring a Key Worker Accommodation crisis in May 2021, a Key Worker Demand Survey has been created. This has been shared with all businesses in the Surf Coast to understand difficulties that any business might be having in finding enough staff to operate their business at full capacity.
7. Inspired by Surf Coast' Buy Local Campaign 9 months in! To date on social media, it's reached 483,097 people and over 1.5 million impressions and 27,600 click-throughs to the website.
8. The Lorne Visitor Information Centre recorded a busy month. Despite face-to-face customer services having been on hold for significant periods due to COVID lockdown from 16-27 July, they received more than 4000 information queries for the month.
9. The Australian National Surfing Museum (ANSM) is working to preserve and tell stories of local and national significance through its collections and work will be intensified over coming months following the commissioning of a Collection Significance Assessment to be completed in September /October.
10. The events team continued to develop the Surf Coast Community Events Recovery Support Project, designed to support the recovery of community events within the Surf Coast Shire through marketing and event management support.
11. During July, the Ranger Services team completed 178 CRMs, 99.4% of these were completed in the target time frame. The Building Services team completed 135 CRMs, 99.3% within the target time frame.
12. Community engagement commenced on a project to update the Domestic Animal Management Plan (DAMP) in July. The Pawsome Pets Pawsome People project is seeking feedback via an online



## 5.2 Environment & Development Monthly Report - July 2021

campaign on key actions the community want to see to help better manage the interaction between people and pets in public spaces.

### Council Resolution

#### **MOVED Cr Liz Pattison, Seconded Cr Paul Barker**

That Council receives the Environment & Development Monthly Activity Report for July 2021, and notes the following items:

1. 75.3% of applications were completed within 60 statutory days (compared to Peri-Urban Council average of 60.6% and Rural Council average of 71.8%) for the 2020-21 year.
2. The Planning Compliance team received 9 new investigations in July and whilst 11 investigations were completed.
3. The Torquay-Jan Juc DCP review is complete and a planning scheme amendment to implement the DCP has been drafted. Council will consider requesting Ministerial authorisation at its 24 August meeting, and exhibition of the amendment will occur subsequent to the receipt of authorisation.
4. As part of National Tree Day, approximately 400 native trees, shrubs and ground covers were planted at the Rice Nature Reserve.
5. In early July 2021, Council submitted its [Climate Emergency Corporate Response Plan 2021-2031](#) to the Minister for Energy, Environment and Climate Change, the Hon. Lily, D'Ambrosio. The plan forms our Council's [pledge](#) to reduce emissions in line with the State Government's interim targets.
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CARRIED 8:0



## 5.2 Environment & Development Monthly Report - July 2021

### PLANNING & DEVELOPMENT

#### Measure: 60 Statutory Days

The July 2021 figures are not yet published. These will be available in the August report.

#### Measure: VicSmart (95% completed within 10 business days from the date of lodgement)

The July 2021 figures are not yet published. These will be available in the August report.

#### Measure: ePlanning Portal Applications Received

The percentages of applications lodged via the ePlanning portal for July 2021 is 56.41%. This compares to 54.76% in June.

#### Planning Compliance

The number of new compliance investigations received in July 2021 was 9.

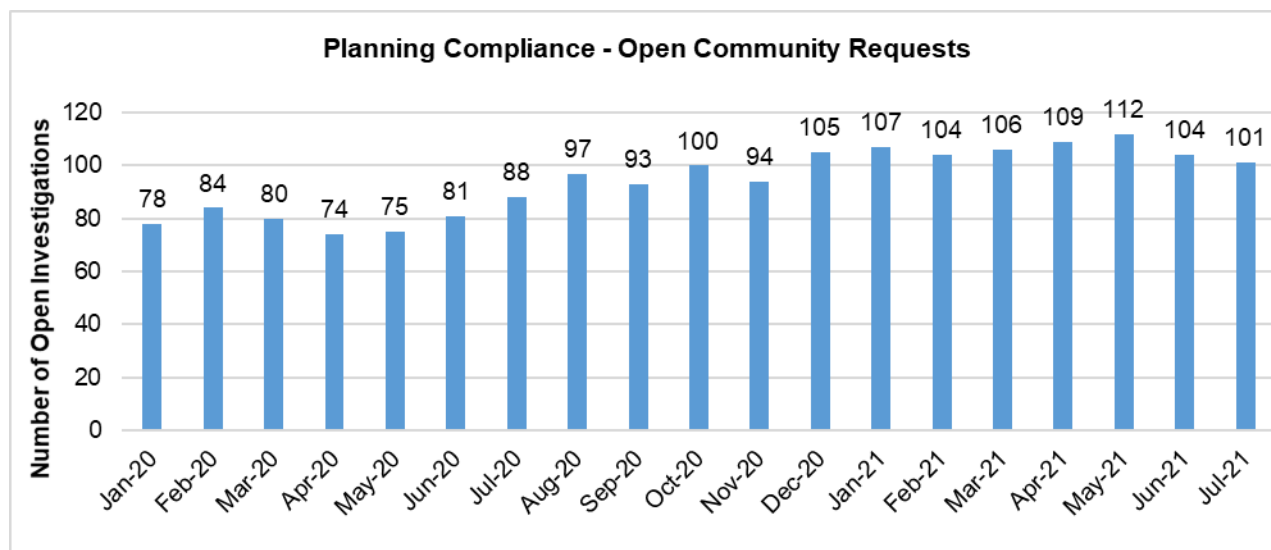
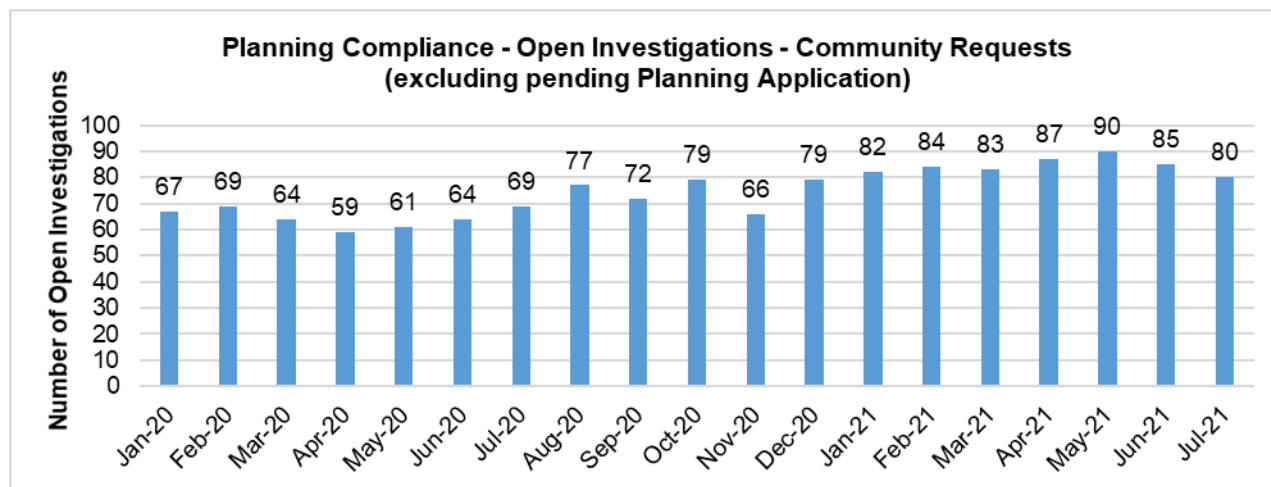


#### Measure: Compliance Open Investigations

The Planning Compliance team completed 11 investigations in July.

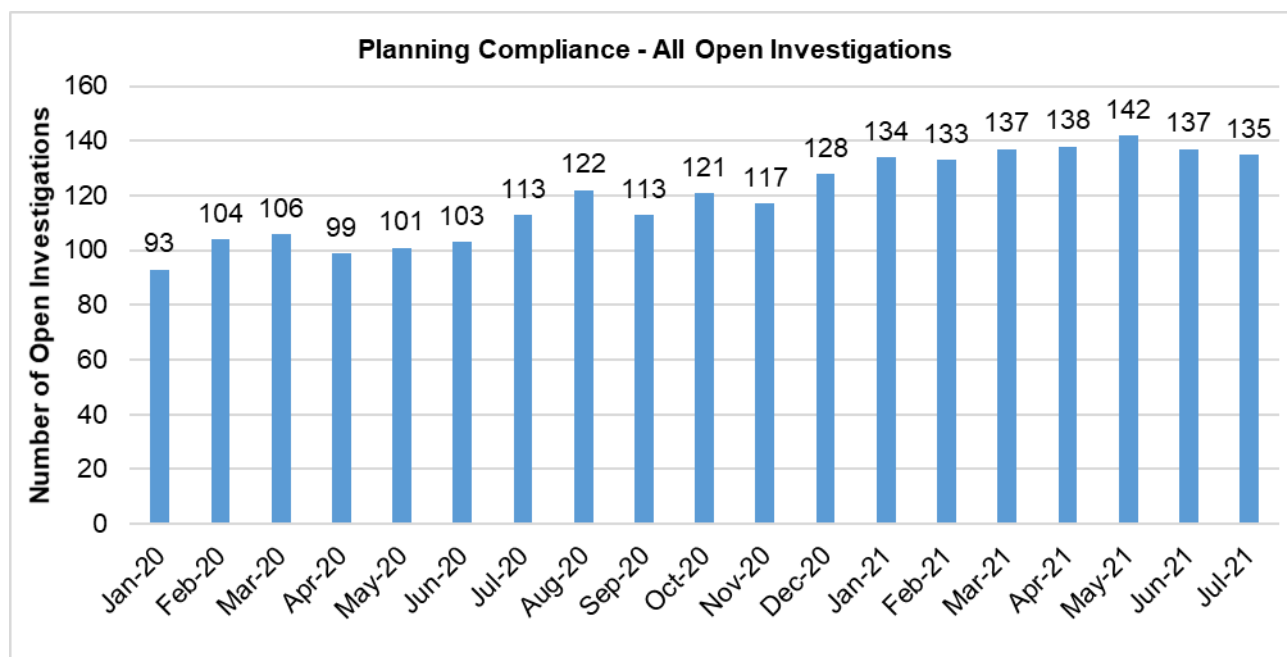


## 5.2 Environment & Development Monthly Report - July 2021





## 5.2 Environment & Development Monthly Report - July 2021



### Victorian Civil and Administrative Appeals Tribunal (VCAT) Decisions

No decisions were determined at appeal during July 2021.

### Current Strategic Planning Projects

- The Surf Coast Distinctive Areas and Landscapes Advisory Committee hearing formally closed on 24 May. The report to the Minister for Planning was due 25 June. However, the Minister decides whether to release the report and that does not usually occur until a decision is made. Council has written to the Minister seeking more information as the deadline for completion of the DAL is quickly approaching. No further response has been received at this stage.
- DELWP has reconvened the Working Group meetings to progress Council requested changes to the Statement of Planning Policy.
- Moriac Structure Plan: Officers are preparing a detailed project plan and draft governance framework, and research to inform a Background Report for the project continues.
- Torquay-Jan Juc Retail and Employment Land Strategy (TJJ RELS): The draft strategy has completed exhibition and a Hearing of Submissions was held on 11 May. Council endorsed the recommendations and direction of the strategy at the July Council meeting and will consider adoption at a future council meeting subject to changes that will clarify matters around height, discount department stores, and the Bell Street corner.

### Planning Scheme Amendments

- An application for the rezoning of land to industrial zone at 25 Cressy Road, Winchelsea has been lodged and is being assessed.
- The Torquay-Jan Juc DCP review is complete and a planning scheme amendment to implement the DCP has been drafted. Council will consider requesting Ministerial authorisation at its 24 August meeting, and exhibition of the amendment will occur subsequent to the receipt of authorisation.
- C124: 600-640 Cape Otway Road, Moriac. This rezoning and subdivision to facilitate a low density residential development with 29 lots was adopted at Council's June meeting and has been lodged with the Minister for Planning for approval.
- C126: 125-135 Strathmore Drive proposed rezoning from Low Density Residential Zone to General Residential Zone is on hold pending DAL project outcomes. DAL currently shows the land as staying low density.
- C127: 2995 Princes Highway, Winchelsea. Section 96A application to rezone Farming zoned land to Low Density Residential Zone and a planning permit application for a 74 lot staged subdivision. The amendment was adopted at the January Council meeting and is awaiting approval by the Minister for Planning.



## 5.2 Environment & Development Monthly Report - July 2021

- C133: Rural Hinterland Futures Amendment implements the planning recommendations of the Rural Hinterland Futures Strategy 2019. Council resolved at its 23 February council meeting to request authorisation from the Minister for Planning and exhibit the amendment. The amendment is currently sitting with the Minister awaiting authorisation.
- GC 183 - Amendment to implement the Heritage Study Stage 2C, including the development of a new heritage policy, is being drafted and reviewed by Council's heritage advisor.
- Preliminary work has commenced on an "anomalies" or correctional amendment to the Surf Coast Planning Scheme. This includes correction of minor mapping and wording errors.

### Development Plans

- 135-235 Austin Street, Winchelsea: this Development Plan was reported to the July Council meeting where Council resolved to approve the plan.
- Briody Drive West Development Plan (amended): applies to land bounded by Grossmans Road, Messmate Road and Illawong Drive in multiple ownership. The development plan was approved by Council in 2017 and an application to amend the plan has been received. The amendment would make significant changes, which include the addition of a retirement village. The implications of the changes are complex and under discussion with the applicants.

### Other (Strategic Planning)

- Officers have participated in the Local Government Advisory Group meetings on streamlining approvals for small business.
- The State Government is progressing background work to develop a draft Great Ocean Road Strategic Framework Plan (GOR SFP). Council officers continue to provide support through the provision of local knowledge and context.
- Participation is continuing in a range of social and affordable housing related forums related to the State Government's announced 'Big Build' initiatives and the G21 Social Housing Strategy.
- The development plan for the Waurm Ponds Stabling Yards has been reviewed by officers and continuing input provided to the Department of Transport.



## 5.2 Environment & Development Monthly Report - July 2021

### ENVIRONMENT & COMMUNITY SAFETY

#### National Tree Day planting

On 15 July 2021, Cr Bodsworth joined almost 20 council officers to plant around 400 native trees, shrubs and ground covers at Rice Nature Reserve to acknowledge National Tree Day. Council officers acknowledge the annual tree planting day as one of the best ways to connect with nature and do something positive for our local environment. Rice Nature Reserve, just off Horseshoe Bend Road, Torquay has been undergoing restoration work for approximately 20 years, including extensive weed removal around its beautiful gums. The plantings of wattles and tussocks will help create havens for wildlife in years to come.



#### Environmental Improvement Works Continue

Council staff and contractors have been working hard to keep our natural areas in good condition:

- priority weeds such as Serrated Tussock have been sprayed on Council land before they have had the opportunity to set seed
- fallen trees and limbs resulting from storm events have been cleared to maintain access and safety
- staff have worked with Victoria Police in the Anglesea area to close down temporary camp areas set up in reserves, associated with the theft of outdoor furniture and graffiti
- rubbish brought into reserves to construct jumps and creek crossings has been cleared.



#### Grasstree Park Nature Reserve Planned Burn Area Responding to Rain

The area of Grasstree Park Nature Reserve where a planned burn was undertaken in May is responding well to the recent rains. The grasstrees have green shoots and the groundcovers are re-sprouting. Council contractors will work in the area regularly to control any weeds that germinate in the spring.





## 5.2 Environment & Development Monthly Report - July 2021

### Plastic Free July

Throughout the month of July Council's internal Green Team program encouraged officers to find ways to reduce their single use plastics. The Green Team shared tips and videos on ways to reduce and avoid plastic use. Officers took their inspiration from Shire resident La-Nee Isherwood. Watch this [this two-minute video featuring La-Nee](#) sharing insights from her inspiring plastic-free journey, with encouraging tips on reducing plastic use and waste.

La-Nee also shares tips on reducing single-use plastics [here](#).

### Council's Emissions Reduction Pledge

The Victorian *Climate Change Act 2017* legislates a target of net zero emissions by 2050. In early July 2021, Council submitted its [Climate Emergency Corporate Response Plan 2021-2031](#) to the Minister for Energy, Environment and Climate Change, the Hon. Lily, D'Ambrosio.

The plan forms our Council's [pledge](#) to reduce emissions in line with the State Government's interim targets. Significant actions in the plan include shifting to use 100% renewable electricity to power Council's facilities and streetlights from 1 July this year and becoming a certified carbon neutral organisation by July 2022.

### Zero Emissions Ideas Fest – by Net Zero Surf Coast

Council's 2021 Community Climate Mobiliser Program has given rise to a newly formed community group – Net Zero Surf Coast. The group is holding its first event, the [Zero Emissions Ideas Fest!](#) at Anglesea Hall on Sunday 22 August 2021. The day will include guest speakers, stalls by local community groups, electric vehicle display, kid's activities and more. In the afternoon, there's a "Getting to Zero" Community Forum – inviting community members to participate in a facilitated session to begin drafting a Zero Emissions Action Plan for Anglesea and Aireys Inlet.



### Successful Grants for Local Renewable Energy Projects

Council provided letters of support to two successful grant applications:

- **Community Power Hub** – a State Government funded program to establish a [Community Power Hub in the Barwon South West Region](#). The application was led by Geelong Sustainability, in collaboration with the Barwon Region Alliance for Community Energy (BRACE), which includes Surf Coast Energy Group. The aim is to empower local communities to lead the planning and development of community energy projects and accelerate the region's transition to renewable energy.
- **Regional and Remote Communities Reliability Fund** – project titled [Active Energy Precincts: Building stronger regional communities](#), led by Monash University's Net Zero Initiative and the former Chair of Surf Coast Shire's Renewable Energy Task Force, Scott Ferraro. This project will explore the feasibility of two microgrid projects for local residents and businesses within Surf Coast Shire, and an additional two projects each in the Yarra Ranges and Wodonga local government areas. The aim is to improve resilience, reduce energy costs and develop investable business case opportunities.

### Keep Victoria Beautiful Sustainable Communities – Tidy Towns 2021 Award Finalists

Two Surf Coast community groups are finalists, with winners being announced at the awards weekend in Hastings from 15-17 October. Read about their fantastic work via the links below:

- [Surf Coast Environmental Action Team](#) (Young Legends category)
- [Aireys Rubbish Rangers](#) (Litter category)

### Building Site Environmental Compliance – Communications Package

Councils Officer for the Protection of Local Environment (OPLE) distributed a building site environmental compliance information package to local building industry operators. The package focused on the recent and significant changes in Victorian environmental legislation, being the new *Environment Protection Act 2017* (EP Act) which has come into effect in Victoria from 1 July 2021.



## **5.2 Environment & Development Monthly Report - July 2021**

Central to the new EP Act is the General Environmental Duty (GED) requiring businesses to take reasonably practicable steps to eliminate or reduce risks of harm to people and the environment from pollution and waste. This means proactively managing the risks of environmental harm as well as dealing with the impacts of pollution and waste if they occur. The preventive focus of the new laws requires builders and trades to proactively ensure controls are implemented to minimise and mitigate risks before harm occurs. Building site waste, litter and sediment run-off have been identified as issues particularly affecting the community and environment in Surf Coast Shire.

It is very important that construction and building operators, including trades at all stages of the build, recognise that waste and pollution from building sites has a significant impact on the local environment and must ensure compliance with the EP Act and council local laws. Authorised officers from the Environment Protection Authority Victoria (EPA) and council Rangers can issue notices and penalty infringements for non-compliance with the relevant laws. Council's OPLE and Ranger Services continue to undertake joint inspections of building sites and provide education and guidance, with the focus on ensuring that waste is handled and managed appropriately, that sites are kept tidy, and that stormwater controls are in place.



## **5.2 Environment & Development Monthly Report - July 2021**

### **ECONOMIC DEVELOPMENT & TOURISM**

#### **Economic Development**

##### **Key Worker Demand Survey**

In response to Council declaring a Key Worker Accommodation crisis in May 2021, a Key Worker Demand Survey has been created. This has been shared with all businesses in the Surf Coast to understand difficulties that any business might be having in finding enough staff to operate their business at full capacity.

The information will assist Council in deciding how we may be able to support businesses in the short term leading up to our peak season.

##### **CovidSafe Business Support Officers**

Our Business Support Team now has two specialist CovidSafe Support Officers who are available for local businesses as a point of contact to assist directly with any queries related to CovidSafe practices. Starting in August, Officers will be providing more timely updates on CovidSafe restrictions and advice via a CovidSafe Business Support newsletter.

##### **'Inspired by Surf Coast' Buy Local Campaign 9 months in!**

We love our Inspired by Surf Coast campaign. It's connecting local customers to local businesses. The stories about all our businesses and what inspires them are a little kick of positivity each time we share them. And it's working!

When the campaign started campaign in September 2020 we could not have anticipated just how far this would reach. To date on social media, it's reached 483,097 people and over 1.5 million impressions and 27,600 click-throughs to the website.

Our mini-campaigns promoting businesses open during lockdown and (earlier) outdoor dining reached 40,318 and 39,178 potential customers respectively. Officers have engaged with more than 500 local businesses and there's still room for plenty more - for free

##### **Visitor Information Services**

The Lorne and Torquay Visitor Information Centre's were closed due to COVID lockdown from 16 to the 27 July, re-opening again on the 28 July. During this time staff continued to receive visitor enquiries via phone and email.

In addition, Visitor Information staff also played a key role in contacting business to gain a better insight into the challenges of the key worker shortage and accommodation shortage. In total 71 surveys were completed with results to be shared shortly.

Our Lorne Visitor Information Centre recorded a busy month. Despite face-to-face customer services having been on hold for significant periods due to COVID lockdown from 16-27 July, they received more than 4000 information queries for the month. Our walks and waterfalls, accommodation enquiries and places to eat continue to be information that is highly sought after.

Tourism staff continue to work collaboratively with Great Ocean Road Tourism on key marketing initiatives over July. This included the launch of the Great Ocean Road Regional Tourism website which features more local destinations and experiences and a revamped user experience. The site will also incorporate a Surf Coast landing page.



## 5.2 Environment & Development Monthly Report - July 2021



Photo: Newly developed Surf Coast landing page on Great Ocean Road Website

Other Great Ocean Road Tourism partnership projects include the '52 Great Weekends' marketing campaign (see - <https://visitgreatoceanroad.org.au/category/52greatweekends/>) and the 'Greatopia', an intrastate marketing campaign which is in development. Surf Coast Shire has secured a strong presence in these and future campaigns through Council's \$75,000 contribution to GORT from the COVID Recovery Assistance Program as part of helping tourism industry recovery.

### Australian National Surf Museum

For some time the Australian National Surf Museum (ANSM) has been working with a Deakin PHD Candidate to create immersive Virtual Reality museum experiences. The research is ground breaking in its approach to developing a framework to guide organisations and individuals towards the most suitable technology to use to help convey the story and or significance of an object or experience.

Early July saw the opportunity for visitors and the local community to experience a VR surfing heritage prototype as part of the action research component of the project. This was very well received. The workshops mark the final phase of research and consultation for the project with findings gathered over the past three years to be presented to Surf Coast Shire, Deakin University and key industry partners in the coming months.

ANSM is delighted to partner with local charity, Ocean Mind to present the film screenings of 'Girl's Cant Surf' in our auditorium. Due to current COVID 19 increased density restrictions, the three booked out sessions scheduled for early August have been postponed until mid-September. This programming format of partnering with local community groups is one that we hope to continue over coming months.

Work to preserve and tell stories of local and national significance through our collections continues and will be intensified over coming months following the commissioning of a Collection Significance Assessment to be completed in September /October and the subsequent commencement of the ANSM Master Planning project later this year.

### Events

July started well on the events front, with Lorne hosting hundreds of participants from around the state in Life Saving Victoria's IRB Championships, held over two days. However, by the middle of the month we had entered our fifth state-wide lockdown, leading to further event cancellations.

Sadly, The Sound Doctor was forced to cancel two weekends of shows in July; the first had already been postponed twice in previous lockdowns, and the second had always been planned for July. Indoor events present additional complexity and challenge with density quotients, which impact the financial viability. It is now unlikely that The Sound Doctor will return until March 2022.

The events team continued to develop the Surf Coast Community Events Recovery Support Project, designed to support the recovery of community events within the Surf Coast Shire through marketing and event management support. The project will commence with COVIDSafe event management workshops, to be held in live and virtual format in August.



## **5.2 Environment & Development Monthly Report - July 2021**

### **Surf Coast Events – July statistics**

Website: 987 users // 739 new users // 1,224 sessions // 3,040 page views // 1:53mins average duration

Facebook: 392 likes, 486 followers










Instagram: 805 followers



## 5.2 Environment & Development Monthly Report - July 2021

### BUSINESS IMPROVEMENT, RANGER SERVICES AND BUILDING COMPLIANCE




#### Departmental critical functions – performance overview

13.	Business Improvement	Ranger Services	Building Compliance	
Financial				Ongoing COVID situation could again impact budgeted infringement revenue
CRMs				303 of the 305 CRMs completed in July were completed on time.
OHS				No issues reported

Key:

 On track       Minor delay/ issue       Off track / identified issue

#### Business Improvement

Deliverable	Overview	Status
Develop 2021/22 Business Improvement Program		Complete
Deliver 2022/22 Program		Underway
Deliver identified savings		Underway

A review of Council's passenger vehicle fleet has commenced. The review is focussed on identifying an operating model that can effectively support the new workplace flexibility policy as staff return to the office. The recommendations alter the passenger fleet mix which results in reduced operating costs and a welcome reduction in the carbon impact of the passenger fleet. Review work continues and further recommendations are expected in late August.

The 2021-22 Business Improvement Program was endorsed by Council and work has commenced on this program.

Council's Business Improvement Officer retired in July and recruitment to replace him was not successful. Initially specialist consultants will be engaged to deliver key service reviews in lieu of this staff member.

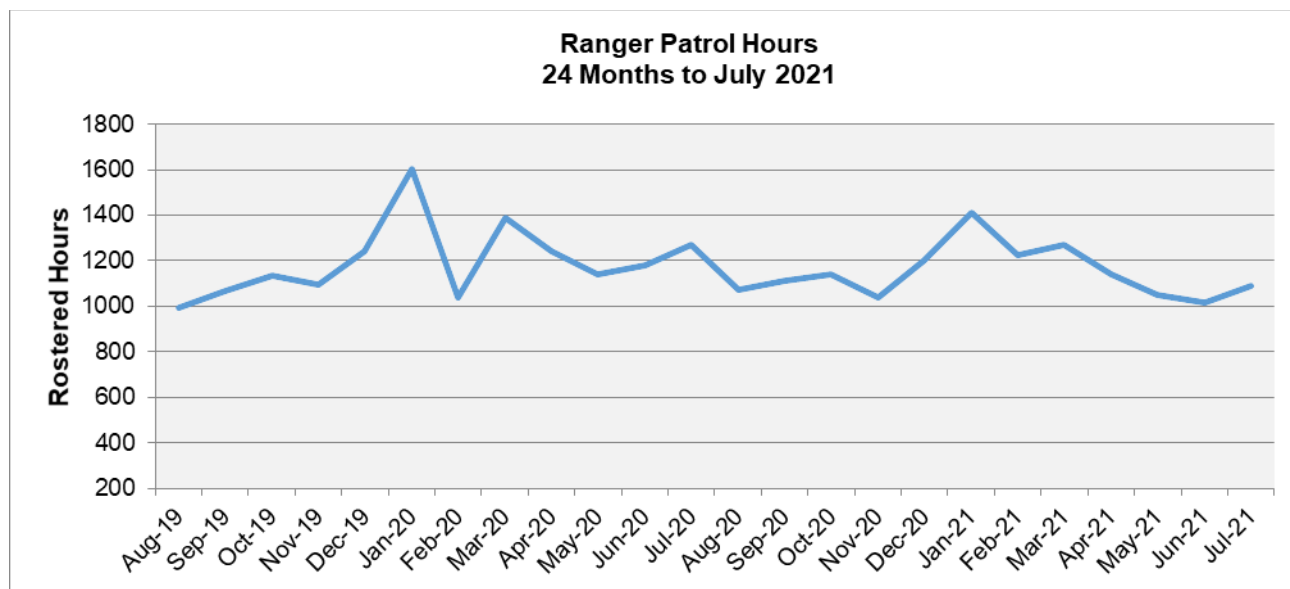


## 5.2 Environment & Development Monthly Report - July 2021

### Ranger Services

The following chart indicates the high volume of Ranger Services resources deployed to deliver services. The chart shows a two year period – this highlights the flexibility in the roster to account for the summer peak.

The roster has now been reduced to only one ranger working on weekends. This will now continue over winter until the September school holidays.



During July, the Ranger Services team completed 178 CRMs, 99.4% of these were completed in the target time frame. At the end of July, there were 20 outstanding CRMs, none of which are overdue.

A list of the top five CRM requests actioned (by volume) in July is shown below. Council received a number of complaints about rubbish dumped on roadsides during the month. Rangers investigated but were unable to identify any of the littering offenders

Category	Number Completed	% Completed on Time
Litter	32	100
Parking	32	100
Admin enquires	17	94.1
Animal complaints	14	100
Animals at large	13	100

Community engagement commenced on a project to update the Domestic Animal Management Plan (DAMP) in July. The Pawsome Pets Pawsome People project is seeking feedback via an online campaign on key actions the community want to see to help better manage the interaction between people and pets in public spaces. A new DAMP is expected to be adopted in December this year.

### Building Compliance

The team continues to work through all of the recently received pool/spa registrations and follow up correspondence. Officers are following up with each customer individually regarding their next steps, in accordance with the new regulations.

### Key Service Statistics

#### CRMs

The Building Compliance team completed 135 CRMs in July, 99.3% of which were completed within the target time frame. At the end of July, there was one open CRM remaining. The response rate to such a high

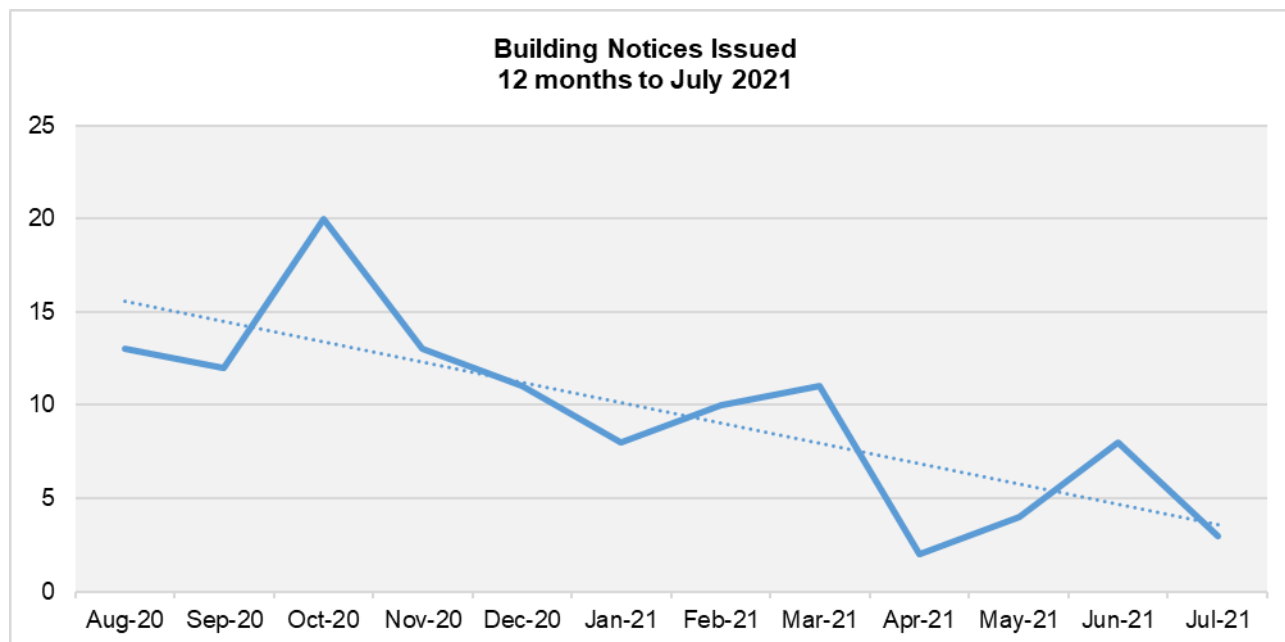


## 5.2 Environment & Development Monthly Report - July 2021

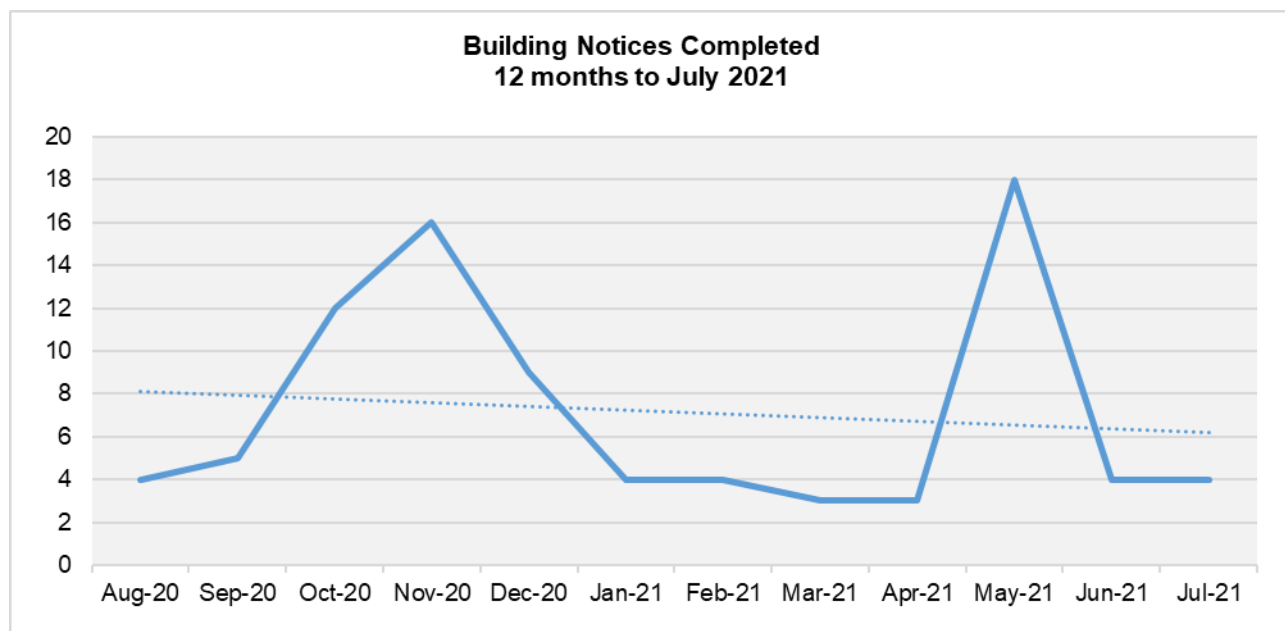
volume of requests demonstrates another excellent customer service outcome for the team. This is a key focus for the team.

### Building Notices

A Building Notice is a show cause notice issued by Council's Building Compliance team when they discover illegal building works that have been carried out without a valid Building Permit. Statistics below show the Building Notice activity 12 months to July 2021.



The team closed out 4 Notices in July. The overall number of open Building Notices now sits at 229.

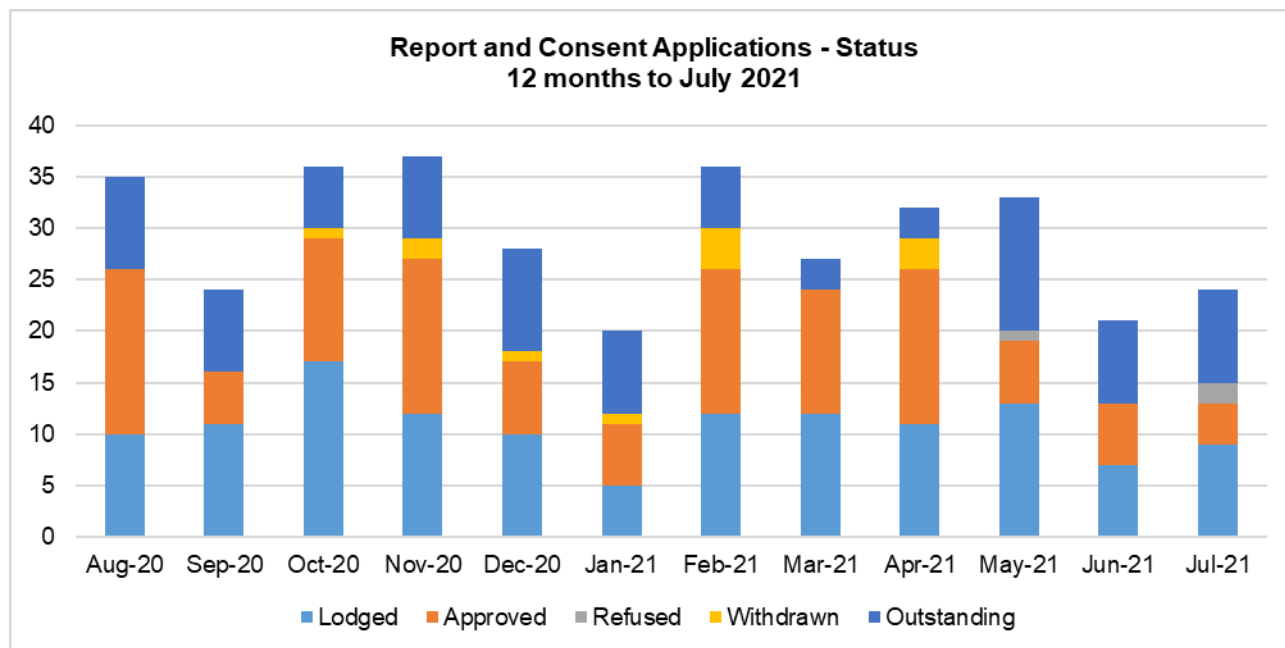


### Report and Consent

An important function of the Building Compliance team is to assess individual applications to vary building regulations. The team is delegated to provide an exemption to some building regulations such as site setbacks and other siting matters. The assessment of report and consent applications includes a range of considerations and often includes discussions with neighbouring properties. The status of applications received in the past 12 month is shown in the chart below.

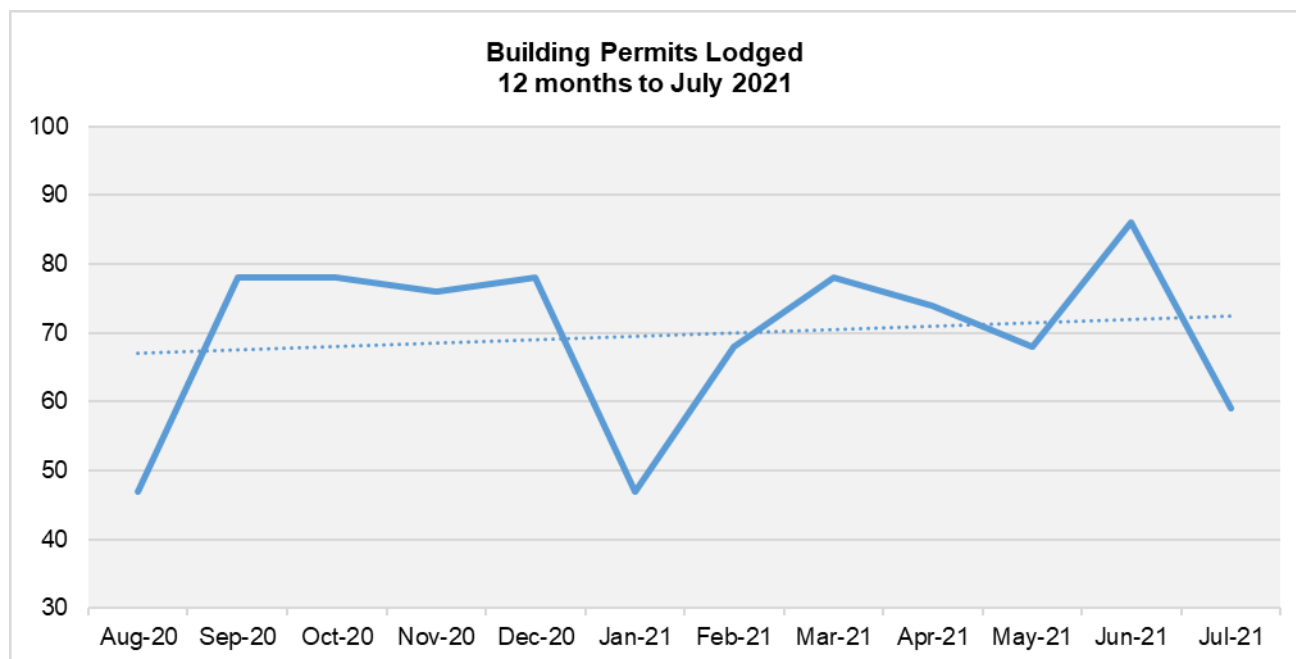


## 5.2 Environment & Development Monthly Report - July 2021



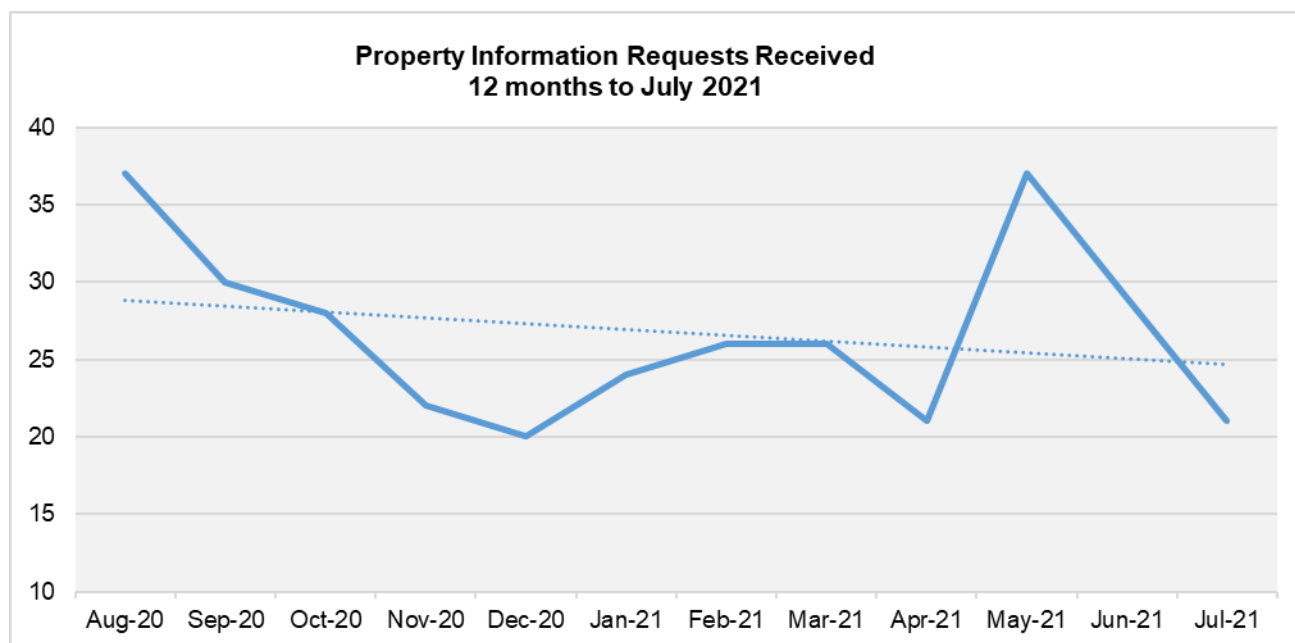
### Other Key Workload Indicators

Other key workload indicators for the Building Compliance team are shown below. These service delivery tasks are generated by the high level of building activity in the Shire. This is a significant workload for officers to manage, particularly the high number of Building Permits that are lodged.





## 5.2 Environment & Development Monthly Report - July 2021





## 6. CULTURE & COMMUNITY

### 6.1 COVID Recovery Program Report - August 2021

**Author's Title:** Manager Economic Development & Tourism      **General Manager:** Chris Pike

**Department:** Economic Development & Tourism      **File No:** F20/425

**Division:** Environment & Development      **Trim No:** IC21/1243

#### Appendix:

1. Project Details Recommended For Funding Above \$5,000 (D21/138601)

#### 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, committing \$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. In recognition of the evolving impact of COVID two sub programs were released in March 2021 being; an Individual Small Business Support Fund and a Creative Communities Fund.

Prior to this report the total funding allocated was \$753,385 (excluding the \$200,000 allocated to the sub programs).

This report notes \$84,786 allocated by officers to 20 additional projects in the Rapid Response (under \$5000) category and \$114,450 recommended towards 7 projects seeking over \$5,000 for determination by Council.

Therefore there is a total of \$199,236 across 27 projects considered in this report.

Table 2 provides headline details of assessments made under:

- the Individual Small Business Support Fund;
- the Creative Communities Fund; and
- the general COVID Assistance Recovery grant program;

Appendix 1 contains greater detail of recommended projects seeking more than \$5,000 from Council.

Should all projects be supported by Council total funding allocated from the COVID -19 Recovery Assistance Program to date will be \$952,621. This would result in a balance of \$47,379 unallocated and available.

Officers are currently considering an additional five applications with a combined funding request of \$33,000. Four of these are to be assessed under the Rapid Response category.



## 6.1 COVID Recovery Program Report - August 2021

### Recommendation

That Council:

1. Notes officers have determined 20 applications under the Rapid Response process totalling \$84,786 (as identified in Table 2) to be successful since the 27 July 2021 report.
2. Approves the following projects, as attached at Appendix 1, to receive funding from the COVID-19 Support Allocation:
  - 2.1 Meaghan Shelton - Artist in residence (Creative Communities Fund) - \$20,000
  - 2.2 Ferne Millen Photography (Creative Communities Fund) - \$20,000
  - 2.3 Little Black Rabbit (Creative Communities Fund) - \$12,000
  - 2.4 Martinich & Curran (Creative Communities Fund) - \$20,000
  - 2.5 RIPPLE B-Corp Business Governance Promotion - \$20,000
  - 2.6 IAMWORTH - Capacity building program - \$14,850
  - 2.7 UNGRIND your Mind – Mental Health seminar - \$7,600
3. Notes that allocations in this resolution in addition to previous decisions of Council brings the total amount drawn from the \$1 million COVID-19 Support Allocation to \$952,621.

Cr Allen was placed in the waiting room at 8:22pm due to his declared conflict of interest resulting from his involvement in Lorne Community Connect .

### Council Resolution

#### **MOVED Cr Mike Bodsworth, Seconded Cr Liz Pattison**

That Council:

1. Notes officers have determined 20 applications under the Rapid Response process totalling \$84,786 (as identified in Table 2) to be successful since the 27 July 2021 report.
2. Approves the following projects, as attached at Appendix 1, to receive funding from the COVID-19 Support Allocation:
  - 2.1 Meaghan Shelton - Artist in residence (Creative Communities Fund) - \$20,000
  - 2.2 Ferne Millen Photography (Creative Communities Fund) - \$20,000
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  - 2.5 RIPPLE B-Corp Business Governance Promotion - \$20,000
  - 2.6 IAMWORTH - Capacity building program - \$14,850
  - 2.7 UNGRIND your Mind – Mental Health seminar - \$7,600
3. Notes that allocations in this resolution in addition to previous decisions of Council brings the total amount drawn from the \$1 million COVID-19 Support Allocation to \$952,621.

CARRIED 6:1



## 6.1 COVID Recovery Program Report - August 2021

### Report

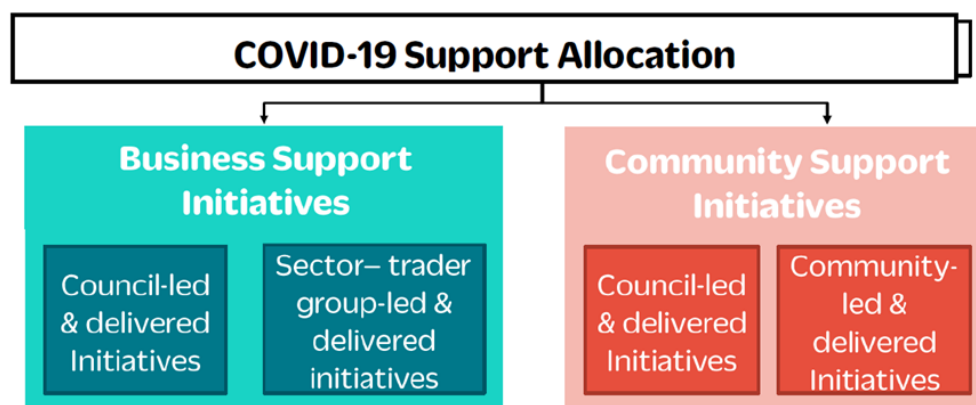
#### ***Officer Direct or Indirect Interest***

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:



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.

The objective of the COVID-19 Recovery Grants Program has been to deliver initiatives that:

- address evidence based issues and deliver a new and better state
- build community skills with a clear return on investment for either community or industry sectors
- demonstrate clear benefits with either economic or social returns
- encourage new partnerships
- are well planned for local residents and are equitable

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.

Council allocated \$50,000 for Rapid Response grants in June 2020 and a further \$50,000 in September 2020. There is a total of \$13,690 remaining for general Rapid Response proposals.

The adopted guidelines identify two focus areas: Business Support and Community Support. In March 2021, Council created two sub programs: the Individual Small Business Fund and the Creative Communities Fund in recognition of the evolving impacts of COVID on the community. Project assessments under these two Funds are contained in this report.

Table 1 below summarises Council's expenditure to date (exclusive of the amounts in Table 2) from the COVID-19 Recovery Assistance Program.



## 6.1 COVID Recovery Program Report - August 2021

**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	Otway Wine Cooperative for the Marketing and Online Sales project.	\$20,000
15 September 2000 Council Meeting	Torquay Community House for the Let's Go Outside project. Financial Support For Users of Council Facilities PORTAL online arts community *	\$20,000 \$100,000 \$30,000
24 November 2000 Council Meeting	Winchelsea Primary School Sensory Garden Feed Me Surf Coast *	\$50,000 \$10,000
8 December 2000 Council Meeting	Torquay/Jan Juc COVID-19 Recovery Shuttle Bus Initiative	\$55,000
19 January 2021 Council Meeting	YMCA Skate to Recovery Youth program 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
23 March 2021 Council Meeting	Ocean Mind program supporting mental health for at risk youth	\$18,260
27 April 2021 Council Meeting	Lorne Sculpture Exhibition Inc Surf Coast Shire COVID-19 Impact Youth Survey	\$30,000 \$50,000
25 May 2021 Council Meeting	Torquay Bike Hub	\$12,330
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. Resurface Month mental health program* 15. COVID safe marquee registration * 16. COVID safe event signage kits * 17. B-Alternative Waste Audit Program * 18. Deans Marsh Festival Stand Project 19. U3A –Computer Upgrade 20. Anglesea Men's Shed check in iPad	\$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 \$5,000 \$2878 \$773



## 6.1 COVID Recovery Program Report - August 2021

	<i>Rapid Response subtotal</i>	<i>\$85,432</i>
	<b>TOTAL</b>	<b>\$753,385</b>
		*acquittal received

### Discussion

Council continues to receive submissions for community and economic support resulting from the impact of COVID-19, with 27 projects totalling \$199,236 either funded under Rapid Response or recommended for funding in this report. Should all projects be supported by Council the balance remaining would be \$47,379.

In March 2021 two sector specific grant streams to the value of \$100,000 each were established to support:

- Individual Small Business Sector
- Creative Community Sector

Guidelines were established for both programs, an expression of interest process introduced and the details of the requirements discussed with each applicant.

An assessment of applications under both Funds has now been undertaken. Table 2 summarises funding allocated by officers under the Rapid Response category as well as recommendations for projects over the value of \$5,000. Note: All projects under the Individual Small Business Fund (and two from the Creative Communities Fund) were assessed under a Rapid Response process as the maximum grant possible was \$5,000.

**Table 2: Officer Endorsed Rapids Response Projects & Recommended Projects Over \$5,000**

Relevant Fund	Project Description	\$ Amount
<b>Individual Small Business Fund (Assessed under Rapid Response process)</b>	1. F45 TORQUAY Fitness	\$5,000
	2. Happy Spaces Group	\$5,000
	3. Summer Skin	\$3,250
	4. Honu Honi	\$5,000
	5. Peggy & Finn	\$5,000
	6. The Hermosa CO	\$5,000
	7. Cara Johnson	\$3,574
	8. Okki and OkkiD	\$5,000
	9. Moksha Project	\$4,345
	10. Anglesea Backpackers	\$3,766
	11. Mideka Gifts	\$2,551
	12. Hillbilby Cultured Food	\$5,000
	13. Kinqwell Designs	\$3,500
	14. AD Architecture	\$5,000
	15. Hastings Ostrich	\$5,000
	16. Great Ocean Road Gin	\$3,800
	17. Bellbrae Wines	\$4,000
	<b>Total</b>	<b>\$73,786</b>



## 6.1 COVID Recovery Program Report - August 2021

<b>Creative Communities</b> (Assessed under Rapid Response process)	1. Juc Media	\$5,000
	2. Lucy O'Grady music	\$5,000
	<b>Total</b>	<b>\$10,000</b>
<b>Creative Communities</b> <b>&gt;\$5,000</b>	1. Meaghan Shelton - Artist in residence	\$20,000
	2. Ferne Millen Photography	\$20,000
	3. Little Black Rabbit	\$12,000
	4. Martinich & Curran	\$20,000
	<b>Total</b>	<b>\$72,000</b>
<b>General COVID Applications</b> (Assessed under Rapid Response process)	1. Torquay Toy Library	\$1,000
<b>General COVID Applications</b> <b>&gt; \$5,000</b>	1. RIPPLE B-Corp Business Governance Promotion	\$20,000
	2. IAMWORTH - Capacity building program	\$14,850
	3. UNGRIND your Mind – Mental health seminar	\$7,600
	<b>Total</b>	<b>\$42,450</b>
<b>Total Funding: Endorsed &amp; Recommended</b>		<b>\$199,236</b>

### 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

<b>Implications</b>	<b>Applicable to this Report</b>
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020 and Council's Community Engagement Policy SCS-017 )	Yes
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes



## 6.1 COVID Recovery Program Report - August 2021

<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	Yes
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
<b>Service Performance</b> (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 Action Networks, 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 to community groups and past grant recipients.

In addition, engagement continues to take place with trader groups, community groups and business sectors to discuss potential recovery projects.

Direct conversations have taken place between officers and prospective applicants since the grants opened. Council officers conducted an online grant writing workshop in August 2020 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



## **6.1 COVID Recovery Program Report - August 2021**

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

Projects assessed and approved as Rapid Response grants are reported to Council via monthly reports.

### ***Strategies/Plans***

Trader Associations, businesses, industry sectors, community groups and associations were engaged in the development of the Guidelines.

As part of the evaluation criteria applicants are requested to identify how their project aligns with Council strategies and plans.

### ***Financial Management***

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.

Prior to this report the total funding allocated was \$753,385 (this excludes the \$200,000 allocated to the sub programs).

This report contains \$84,786 of funding awarded to 20 projects under the Rapid Response category by officers. A further \$114,450 recommended to 7 projects seeking over \$5,000 for determination by Council. This means a total of \$199,236 funding recommendations is contained in this report.

Should all projects be supported by Council the remaining balance would be \$953,651. The remaining available total is therefore \$47,379.

In addition there are currently 5 applications totalling \$33,000 under consideration.

### ***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
- 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.



## 6.1 COVID Recovery Program Report - August 2021

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.

### **Communication**

Successful applicant 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 – Note that officers have determined a total of 20 Rapid Response applications totalling \$84,786 to be successful since the July 2021 report and approve funding for a further 7 projects totalling \$114,450, detailed in Attachment 1 and listed in Table 2 of this report. This option **is recommended** as each application has been assessed under the relevant Guidelines and achieved a score of higher than 60 (the benchmark for support). Failure to support this option would result in several arts related projects (a sector identified as being significantly impacted by COVID) not receiving funding and therefore impeding the recovery of this sector. Further, the 20 Rapid Response Application have already been notified of the successful application.

Option 2 - Note that officers have determined a total of 20 Rapid Response applications totalling \$84,786 to be successful since the July 2021 report and **not** approve funding for a further 7 projects totalling \$114,450, detailed in Attachment 1 and listed in Table 2 of this report. This option is **not recommended** as the 7 projects have demonstrated merit against the Guidelines, attracting a score of above 60. The recommended projects have demonstrated an ability to assist in the broader communities' recovery from COVID including several arts projects that align with the Creative Communities Fund.

### **Conclusion**

Council has created financial capacity to assist with business and community recovery. The funding allocated from the COVID -19 Recovery Assistance Program to date is \$952,621. This means \$47,379 remains unallocated and available.



## **6.1 COVID Recovery Program Report - August 2021**

### **APPENDIX 1 PROJECT DETAILS RECOMMENDED FOR FUNDING ABOVE \$5,000**



## UNGRIND your Mind \$7,600 (General Program)



### Mental health community forum

#### Rationale:

- Need for mental health support services has dramatically increased
- Strengthen partnerships between community members, leaders, business providers, professionals in the mental health sector and non-for-profit organisations. Includes a psychologist, professor, youth workers, diversity advocate and non for profit groups
- Launched on 'World Mental Health Day' Sunday 10 October 2021
- Includes discussion panel with above partners
- Casuarina graduate project



#### Project Objectives

- Demonstrate broad approach to mental health via panel discussion in a safe and inclusive environment
- Provides a cross section of voices and experts
- Prof Tetanya Rocks to discuss healthy gut and mental health
- Fun movement sessions to encourage mind and body
  - Yoga
  - Wild moves – creative dance
- Art therapy session
- Supporting local artist to deliver event

#### Measurable Project Outcomes

- 300 + attendees
- Post event survey to analyse support
  - Number of youth attendees
  - Other identified sub groups
- Identify new connections to mental health services
- Media reviews of the event and ongoing discussion
- Topic and discussion continued through social media channels



## 6.1 COVID Recovery Program Report - August 2021

### #IAMWORTH \$14,850 (General Program)

#### Women focused resilience and educational activities



#### Rationale:

- Confidence building workshops & group events, partnering with businesses, individuals and new leaders in the community who support the mental wellbeing of women
- Focusing on the effects of Covid 19 to help women re- educate to become more resilient and give support for stronger emotional and mental well-being during and after the period of restriction
- Partnering with media companies, property investment education, workshops for young professionals and others

#### Project Objectives

- Partner with organisations to deliver a suite of programs to assist women in the COVID recovery
- Connect with community members new to our region
- Focus on women between ages 14 - 55
- Run workshop, guest speakers, training sessions and recreational classes to educate, inspire and increase resilience.
- Participants to develop a healthier connection and appreciation of self, community well-being, environmental leadership & to encouraging new partnerships

#### Measurable Project Outcomes

- 20-30 women through the program
- 200 online participants through the module
- 12 months of guest presenter workshops
- Mentor walking session
- 20 Local excursions
- Survey on program outcomes for assessment
- Create video documentary of the outcomes
- Environmental projects created



## 6.1 COVID Recovery Program Report - August 2021

### RIPPLE B Corp Surf Coast chapter \$20,000 (General Program)



Certified B Corporations are businesses that meet the highest standards of verified social and environmental performance, public transparency, and legal accountability to balance profit and purpose.

#### Rationale:

- COVID has demonstrated that there is a need for businesses to shift operating models to a more ethical and sustainable way of doing business as part of recovery.
- There is a growing number of local businesses that seek this new way of operating as part of COVID recovery.
- The local Ripple B Corp will form a community of leaders and drive a global movement of people using business as a force for good via a 'Declaration of Interdependence' and in doing so support business to grow back better post COVID.
- To facilitate a long-term shift towards a more socially conscious business environment wherein businesses commit to a sustainable future post COVID.
- Alignment to draft Council Plan and draft Economic Development Strategy



#### Project Objectives

- To accelerate a shift towards a more socially beneficial 'normal' by promoting B Corp as a way forward
- Provide support and resources to advocate for a more sustainable future
- Access to Torrens University BCorps Short Courses
- Connect to local certified BCorps consultants that guide businesses through the certification process

#### Measurable Project Outcomes

- Increase number of certified BCorps business in Surf Coast Shire
- Employ a program coordinator to arrange events and speakers & website creation
- Promote BCorps via Digital and social media advertising
- Establish BCorps mentoring



## 6.1 COVID Recovery Program Report - August 2021

### Lorne Artist in Residence (AIR) \$20,000 (Creative Communities)



Lorne Community Connect (LLC) AIR to promote Lorne as an art destination and to assist emerging artist



#### Rationale:

- Promote arts in the Lorne District
- LLC to host artist and showcase Artist in Residence work to the community
- Develop a template for ongoing artist in residency program
- Increase interest with National and International artists in Lorne
- A Lorne strategy for a post COVID recovery program

#### Project Objectives

- Showcase Meaghan Shelton as a professional artist
- Increase local artist capacity by mentoring and fostering collaboration via workshops with various art groups
- Create awareness of art and artist in the Lorne community by engaging with the community of Lorne
- Attract national and international participants potentially linked to the Lorne Sculpture Exhibition
- Increase cultural awareness of Traditional Owners

#### Measurable Project Outcomes

- Number of workshops conducted
- Number of attendees to AIR art space
- Number of visiting artists from outside the region
- Community engagement
- New partnerships created
- Engagement with Traditional Owners



## 6.1 COVID Recovery Program Report - August 2021

### Martinich & Curran –Art Fair \$20,000 (Creative Communities)



#### Collaboration of Surf Coast Artists exhibiting at the Affordable Art Fair

##### Rationale:

- Artist been financially impacted due to COVID-19
- Art Fair features a mixture of emerging and established artists
- Exhibiting galleries from around Australia and New Zealand
- Showcased to over 10,000 real time audience members + extensive online representation
- Throughout the fair artist will demonstrate techniques including Martinich & Curran to create a large mural installation at the fair.
- Exhibition to be staged in November 2021.



##### Project Objectives

- Secure a large exhibition stand to display 6+ Surf Coast artists
- Engage local artist to create work specifically for the fair
- Opportunity for artist to network with other interstate and international galleries
- Create leads on behalf of Surf Coast Shire artists post fair to secure more sales
- Project manage, curate fair for all Surf Coast participants

##### Measurable Project Outcomes

- Sales of artwork
- Recognition of Local artist on a broader stage
- Lead generation for alternative exhibitions and galleries to sell works
- Ongoing connection in the art world
- Professional development for participating artists



## 6.1 COVID Recovery Program Report - August 2021

### Ferne Millen – Journey on Wadawurrung Country \$20,000



### Journey on Wadawurrung Country Stage II (Creative Communities)



#### Rationale:

- Fosters cultural consultation with Wadawurrung Elders and the Wadawurrung Traditional Owners Aboriginal Corporation
- In consultation with Corrina Eccles from the Wadawurrung Traditional Owners Aboriginal Corporation develop creative assets for a multidisciplinary art project.

#### Project Objectives

- Photograph and Video of Traditional owners, including additional Wadawurrung People & Elders
- A collection of works for future exhibitions
- To create educational content in consultation with Wadawurrung Traditional Owners Aboriginal Corporation which includes but not limited to
  - Print media
  - Gallery showcase
  - Art award entries
  - Other installation methods such as projection on to building spaces
  - Social media platforms
  - Professional portfolio to showcase creative capabilities
- Traditional owners to be compensated financially for their time and contribution

#### Measurable Project Outcomes

- MOU with Wadawurrung Traditional Owners Aboriginal Corporation
- Number of Wadawurrung people involved and paid for their time and involvement
- Number of creative assets developed including recordings and photographs
- Showcase works created in places of cultural appropriateness identified by Wadawurrung Traditional Owners Aboriginal Corporation



## 6.1 COVID Recovery Program Report - August 2021

### Little Black Rabbit Photography \$12,000 (Creative Communities)



### 50 Women aged 50 and over exhibition and celebration

#### Rationale:

- Showcase local photographic artist financially affected due to the lockdowns
- To highlight 50 Surf Coast women aged over 50 in a photographic project
- Make new connections and aid healing whilst living with COVID
- Collaboration with other local businesses



#### Project Objectives

- Artist pivoting to a new style of working
- To produce a photobook and sell individual photographs
- Be inclusive and diverse to acknowledge the contribution of women in the surf coast community
- To look at women over 50 as Elders, not in the traditional sense, but as a way of respecting and celebrating their ongoing contribution
- A pilot project to then create a 50 over 50 male project

#### Measurable Project Outcomes

- 50 Women photographed
- Number of photographs purchase
- A podcast produced during the production to capture stories
- Promotion via social and print media
- A feeling of self worth generated via the project and its outcomes.



## 6.2 All Abilities Advisory Committee Renewal of Terms

**Author's Title:** Access and Inclusion Officer

**General Manager:** Chris Pike

**Department:** Age & Access

**File No:** F18/88-3

**Division:** Culture & Community

**Trim No:** IC21/1144

**Appendix:**

Nil

**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 seek Council endorsement for membership renewal for four All Abilities Advisory Committee members.

### Summary

The All Abilities Advisory Committee (AAAC) members are appointed by resolution of Council. According to the *AAAC Terms of Reference 2021-24*, existing members can re-apply for a total of two further terms of three years without going through an open expression of interest process.

Six existing members are due for renewal. Four have applied for a further three year term, all of whom have made a significant contribution to the Committee in their current tenure:

- Caroline Maplesden
- Richard Porter
- Emmanuel Pimentel
- Michael Chan

Two members, who have also made a significant contribution to the Committee, will not be reapplying:

- Janet Brown
- Helen Shepherd

### Recommendation

That Council:

1. Appoints Caroline Maplesden, Richard Porter, Emmanuel Pimentel, and Michael Chan as All Abilities Advisory Committee members for a further three year term commencing September 2021.
2. Formally acknowledges the contribution of retiring members Janet Brown and Helen Shepherd.
3. Notes officers will commence an expression of interest process to fill vacancies on the Committee in line with the All Abilities Advisory Committee Terms of Reference 2021-24.

### Council Resolution

**MOVED Cr Rose Hodge, Seconded Cr Adrian Schonfelder**

That Council:

1. Appoints Caroline Maplesden, Richard Porter, Emmanuel Pimentel, and Michael Chan as All Abilities Advisory Committee members for a further three year term commencing September 2021.
2. Formally acknowledges the contribution of retiring members Janet Brown and Helen Shepherd.
3. Notes officers will commence an expression of interest process to fill vacancies on the Committee in line with the All Abilities Advisory Committee Terms of Reference 2021-24.

CARRIED 8:0



### 6.3 Bi-Annual Customer Experience Report - January to June 2021

**Author's Title:** Customer Experience Coordinator

**Department:** Community Relations

**Division:** Culture & Community

**Appendix:**

Nil

**Officer Conflict of Interest:**

In accordance with Local Government Act 2020 –  
Section 130:

☐ Yes

☒ No

**Reason:** Nil

**General Manager:** Chris Pike

**File No:** F18/254-3

**Trim No:** IC21/1107

**Status:**

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

☐ Yes

☒ No

**Reason:** Nil

#### Purpose

The purpose of this report is to provide information on Council's customer experience performance in customer requests, complaint handling and feedback metrics for the period 1 January to 30 June 2021.

#### Summary

Council is committed to complete customer requests on time and to a high standard. Council seeks to understand customers' experiences, learn from feedback and continuously develop staff to meet, and where possible exceed customer expectations. Council uses multiple sources of information to improve this understanding including complaint data, customer request data and real time feedback metrics.

Council's Complaint Handling policy makes the commitment that a report on complaints performance will be prepared for Council twice a year.

A customer request is when a customer wants Council to provide something, generally information or a service, or similarly report an issue such as a maintenance request. Customer requests and complaints are managed through the same software system called Authority.

Council's Complaint Handling Policy defines a complaint as: 'An expression of dissatisfaction with:

- The quality of an action taken, decision made, or service provided by Council or its contractor.
- A delay or failure in providing a service, taking and action, or making a decision by Council or its contractor.'

Council officers regularly investigate and review complaints, compliments and real time feedback through a platform called 'Rate it' which provides customer satisfaction ratings called the Customer Experience Score and Net Promoter Score.

In the January to June 2021 period Council's customer experience data was as follows:

- 22,547 customer requests were registered. 93% of customer requests were completed within the nominated timeframe.
- 57 compliments were received.
- 'Rate it' real time customer experience metrics - Customer Experience Score of 9.0 (out of 10) and; Net Promoter Score of +73 (scale of -100 to +100).
- 1892 complaints were registered consisting of.
  - 1054 Missed Bin Service (equating to 0.1% of total possible number of bins emptied)
  - 619 Infringement Reviews (equating to 23% of total infringements issued)
  - 171 Complaints investigated under the Complaint Handling Policy.
  - 46 Overflowing Street Bins
  - 2 Property Valuation Objections



### **6.3 Bi-Annual Customer Experience Report - January to June 2021**

#### **Recommendation**

That Council receives and notes the Customer Experience Bi-Annual Report for the period 1 January to 30 June 2021.

#### **Council Resolution**

##### **MOVED Cr Paul Barker, Seconded Cr Mike Bodsworth**

That Council receives and notes the Customer Experience Bi-Annual Report for the period 1 January to 30 June 2021.

CARRIED 8:0



## 6.3 Bi-Annual Customer Experience Report - January to June 2021

### Report

#### **Officer Direct or Indirect Interest**

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

#### **Background**

Council has undertaken a reform program in recent years to improve the registering and management of customer requests. This has included reviewing and establishing timeframes for all customer request categories, staff training and providing improved channels for customers to lodge a request.

Council adopted the Complaints Policy (SCS-032) on 25 June 2019. The Policy outlines an open and transparent complaint handling system to ensure all complaints are handled fairly and objectively.

Council's Policy is based on the key features outlined in the Victorian Ombudsman's – *Good Practice Guide to Handling Complaints* released in 2016.

In October 2019, the Victorian Ombudsman released a report – *Revisiting Councils and Complaints*. It reveals how councils have changed their practices and what more can be done so that councils:

- Make it easy to complain
- Respond to complaints effectively
- Learn from complaints to improve services.

The 2019 report outlined the performance of Victorian councils against the Ombudsman's good practice guidance. The report identified:

- Some councils in Victoria under-report complaints
- Councils overall can improve how they learn from complaints.

In reviewing Surf Coast Shire Council's policy and processes against the Ombudsman's good practice expectations, Council displays many features of good complaint handling. Executing these processes at an exceptional standard is Council's aim and this presents opportunities for improved performance.

The 2019 Ombudsman's Report guides councils to include sources of customer dissatisfaction such as a missed bin, overflowing street litter bins, infringement appeals and property valuation objections in complaint handling reporting. Surf Coast Shire Council includes these complaints in regular reporting.

Customer requests (including complaints) are registered through a Customer Request Management (CRM) software system called Authority. The customer request management process includes:

- Customers receive a unique reference number and information on when they will receive a response from the relevant action officer.
- Council is committed to completing both customer requests and complaints within the timeframe.
- Council measures the completion rate of requests within the timeframe.

Customer experience performance is measured through a real time feedback platform, called 'Rate It'. We measure;

- Customer Experience (CX) Score – a number on a 0 to 10 scale to understand a customer's overall experience. The overall score for a reporting period is determined by a weighted average where customers relate their experience by selecting the relevant graphic from 'awesome' to 'awful'.



- Net Promoter Score (NPS) is derived from determining how likely a customer will be to speak positively to others about their experience with council. This is measured on a scale of -100 to 100, categorising customers from detractors through to promoters.



### 6.3 Bi-Annual Customer Experience Report - January to June 2021

- The above metrics are widely used across industries to gain an overall understanding of customer expectations, satisfaction and likelihood of positive feedback to peers about services received.

Compliments – where a customer explicitly contacts council to provide praise, applaud or commend the service they received. Compliments are;

- Recorded in a central register.
- Tasked as an action to the department manager to share with the team. Officers respond to the customer to acknowledge the feedback.
- Used to affirm practices or behaviours within teams and shared across teams to promote learning and improved performance in other service areas. They are used to recognise good work done by officers.

Live chat was launched in December 2020. It is a live customer request channel through Council's website.

- It involves a human to human online chat to answer customer queries
- An additional channel to lodge customer requests into our system.
- Removes the need for customers to change channel if unable to find what they're looking for on our website.
- Proactive chat, where an officer introduces themselves to the customer to initiate a chat, makes it easier and helps customers to engage with the channel.
- In the first six months Live chat averaged 20 chats per day.

#### ***Discussion***

##### Customer Requests

In the January to June period 22,547 customer requests were registered through the CRM system Authority.

Of the 22,547 the highest volume areas for customer requests included:

- Waste Management (new residential bin service, bin replacement/repair or general waste enquiry)
- Civil Works (footpath, sealed and unsealed roads)
- Parks and Open Space (recreation reserves, park and tree management)
- Design and Traffic (road safety, street lights and drainage)
- Environment & Development (ranger services, planning and community safety).

93% of Customer Requests captured via the Authority (CRM) system for the period were completed within the nominated timeframe. This compares with the July to December 2020 period when 94% of customer requested were completed in the nominated timeframe.

This compares to the July to December 2020 period when 20,681 customer requests were registered (an 8% increase) and the categories above were again the highest volume categories.

The current reporting period data compares to the same period last year (Jan – June 2020) when 15,344 customer requests were registered. This 32% increase can be attributed to factors including;

- more customer request channels available and more easily accessible channels
- Improved staff processes registering customer requests in the software system
- various communication campaigns encouraging customers to lodge their request with Council
- direct communication with customers to demonstrate ways they can lodge their request with Council.

##### Complaints

In the January to June period 1,892 complaints were registered. The complaint data is made up of the following:

- 1054 Missed Bin Service (equating to 0.1% of total possible number of bins emptied)
- 619 Infringement Reviews (23% of total infringements issued)
- 171 Complaints investigated under the Complaint Handling Policy (complaints resulting from an expression of dissatisfaction from quality, delay or failure of an action taken, decision made, or service provided by Council or its contractor).
- 46 Overflowing Street Bins
- 2 Property Valuation Objections



### 6.3 Bi-Annual Customer Experience Report - January to June 2021

This compares to the July to December 2020 period when complaints totalled 1,048. The majority of complaints in the previous six month period included 514 Missed Bins and 203 Complaints investigated under the Complaint Handling Policy. In the previous period, 26% of the total number of customers who were issued an infringements requested a review.

Of the 171 complaints investigated under the Complaint Handling Policy in this reporting period:

- 65 were upheld
- 24 were partially upheld
- 70 were not upheld.
- 12 complaints are still under investigation.
- 5 internal reviews of complaints were requested by customers.
- 0 complaints registered with the Victorian Ombudsman have resulted in the Ombudsman issuing Council with a proposal for action for the period.

This compares to the July to December 2020 period when 203 complaints were investigated under the Complaint Handling Policy. 110 were upheld, 34 were partially upheld, 51 were not upheld and 8 were still under investigation.

The following table provides a summary of the types of (171) complaints investigated under the Complaint Handling Policy for the period January to June 2021.

% of Complaints	Complaint type
<b>38%</b>	Other - including not satisfied with response/decision, roads/footpaths/road reserves, staff behaviour, road usage, dog complaint, still investigating etc.
<b>30%</b>	Outdoor maintenance, asset management, drainage and facilities
<b>25%</b>	Waste – multiple missed service, glass on road, new waste program
<b>7%</b>	Lack of response, time taken, not kept informed, or delayed response

'Other' is made up of a number of un-related single complaints from across the entire business.

A number of facilities complaints related to dissatisfaction with the cleanliness of public toilets. There was an issue in once public toilet facility where repeated and deliberate unhygienic acts were committed by member(s) of the public resulting in a number of complaints.

Where complaints were upheld (fully or partially) the following remedies were offered to customers:

- Apologies offered
- Clearer communication provided
- Acknowledgement of concerns and advice on what actions are taken to improve performance
- Reimbursement

Officers have implemented improvements from the complaints investigated in the period, examples include:

- All after-hours calls are now registered in the CRM system to provide a corporate record of the event taking place and to ensure completion of tasks.
- The introduction of residential glass bins has necessitated a truck hopper modification to reduce the chances of spilt glass on the roadside.
- Staff awareness in recognizing when a customer is dissatisfied with an outcome to offer them to option to have the matter independently dealt with as a complaint in the first instance.
- Increase random inspections of public toilets to deter unacceptable behaviour and usage by patrons.
- Update website to provide clear information regarding membership options at Winchelsea Health Club.
- Improved wording and layout of notices on Council owned and managed facilities.



### 6.3 Bi-Annual Customer Experience Report - January to June 2021

- Waste contractor reviewed residential kerbside routes to reduce chances of missed bin collection.
- Conducting a review to determine if special circumstances criteria for potential fee reduction / exemption to upgrade a bin.
- New facility booking process to avoid maintenance work causing disruption to facility users.
- Development of clear communication regarding the process for weed spraying and the products Council uses instead of glyphosate.
- Regular and proactive inspections of contractors' work by officers.
- Conducting broader and earlier community consultation on community project proposals during the investigation phase.
- Waste contractor reinforcing expected behaviour with staff.
- Feedback, training and performance management for staff managing complaints.

#### Compliments

Council registered 57 compliments for the January to June period. Compliments are categorised as:

- 14 Waste (transfer station, contractor performance, food organics garden organics program)
- 14 Other – Customer Service, Ranger Services, Business, Communications, Planning Compliance, Arts, Winchelsea Health Club,
- 13 Vegetation Management
- 6 Community Strengthening
- 6 Planning
- 4 Road Maintenance

#### Customer Metrics

Customer Experience Metrics – Real time data from 'Rate It' for the January to June period:

- Customer Experience Score of 9.0 (2,894 respondents) compared with 7.3 (460 respondents) for the previous six months
- Net Promoter Score of +72 (1,326 respondents) compares with +68 (64 respondents) for the previous six months

#### Community Satisfaction Survey

Coordinated by the Victorian Government, the annual Community Satisfaction Survey consists of a random phone survey to 600 permanent and non-permanent ratepayers. The survey was conducted in February 2021, with results issued in June.

Surf Coast Shire Council scored an overall index score of 62. This score is two points up on last year's result, and above the large rural council average of 58, and the state-wide average of 61.

Compared to the 2020 results, Council improved or matched the results in core measures of overall performance, waste management, sealed local roads, consultation and engagement and overall council direction

#### **Council Plan**

Theme 5 High Performing Council  
Objective 5.3 Provide quality customer service that is convenient, efficient, timely and responsive  
Strategy 5.3.3 Improve how we manage customer requests and complaints

#### **Reporting and Compliance Statements:**

Local Government Act 2020 – LGA 2020

<b>Implications</b>	<b>Applicable to this Report</b>
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No



### 6.3 Bi-Annual Customer Experience Report - January to June 2021

<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020 and Council's Community Engagement Policy SCS-017 )	No
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes
Risk Assessment	Yes
Communication	Yes
Human Rights Charter	Yes

#### **Governance Principles - Local Government Act 2020 (LGA 2020)**

The Bi-Annual Customer Requests & Complaint Handling Report has been developed in accordance with the Governance Principles of the Act. Specifically it:

- Demonstrates a commitment to resolving complaints and highlights a culture that recognises an individual's right to complain.
- Demonstrates complaints are valued and are recognised as being part of our business of serving our communities and improving service delivery. Complaints are dealt with courteously, impartially, within established timeframes and are assessed on merit.
- Demonstrates complaint information is handled according to privacy laws and other relevant legislation. Complaint data is de-identified in its reporting.
- Demonstrates we are accountable internally and externally for our decision making and complaint handling performance. We provide explanations and reasons for decisions, and ensure that our decisions are subject to appropriate review processes.
- Demonstrates continuous improvement, acting on, learning from and using complaint data helps us identify problems and improve services.

#### **Public Transparency**

Council's complaint handling and customer request policy and this report support transparency in decision-making, actions and information.

#### **Financial Management**

There are no significant financial implications in Council considering this report.

#### **Service Performance**

Consistent with service performance principles described under LGA 2020 s.106, Council has a fair and effective process for considering and responding to complaints about service provision.

#### **Risk Assessment**

There is a reputational risk to Council if it does not comply with reporting commitments as per the Complaints Policy, and recommendations outlined by the Victorian Ombudsman.

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

#### **Communication**

This report will be incorporated into Council minutes and made available via Council's website. The contents of the report will also be used as a communication tool to staff, to reiterate the importance of complaint handling and the service improvements identified in this report.

#### **Human Rights Charter**

No human rights are negatively impacted by the Customer Requests or Complaint Handling Report. Council promotes the right of individuals to make complaints.



### 6.3 Bi-Annual Customer Experience Report - January to June 2021

#### **Options**

Option 1 – Council receives and notes the customer requests and complaints handling report.

This option is recommended by officers as the bi-annual report is a commitment from the Complaints Policy and describes complaint handling performance from 1 January to 30 June 2021. This report is based on Council's customer request, complaint handling and feedback data recorded for the period. The analysis of customer requests, complaints and feedback offers insights and opportunities for improvement.

Option 2 – Council does not note and receive the customer requests and complaints handling report.

Officers do not recommend this option as this would not uphold the commitment in Council's Complaints Policy.

#### **Conclusion**

Understanding customers' experience through complaint handling, customer requests handling and real time feedback remain important opportunities for Council to listen to customers and learn how to do things better.

The report identifies service improvements based on the complaints received for the January to June 2021 period. Officers continue to work on improved performance as a result of the analysis of the complaints received.

Council remains committed to:

- Continue to make it easy for customers to lodge a request and complain.
- Facilitate more self-service online customer requests and transactions so people can deal with us at convenient times and deliver efficiency to Council's operations.
- Ensure customers are kept informed on the progress of their request.
- Continue to learn from both complaints, feedback and customer requests and make changes to Council services and practices accordingly.



## 6.4 SCS-054 Social Housing Policy

**Author's Title:** General Manager Culture & Community    **General Manager:** Chris Pike  
**Department:** Culture & Community    **File No:** F20/684  
**Division:** Culture & Community    **Trim No:** IC21/1367

### Appendix:

1. SCS-054 Social Housing Policy (with Background Paper) August 2021 (D21/149859)
2. SCS-054 Social Housing Policy (Policy Only) August 2021 (D21/150044)

### 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 adopting a social housing policy.

### Summary

Following exhibition of its draft Social Housing Plan Council received valuable submissions from 28 people. A narrow majority agree that the shortage of social housing in the Surf Coast Shire is a matter worthy of Council's focus and attention.

It is widely recognised that government spending on affordable housing is not an act of charity but is instead an investment in vital social and economic infrastructure (Mares 2018).

It is critical that Council adopts a policy position on social housing given the substantial investment being made by the state government via the Big Housing Build program and the anticipated growth in enquiries and proposals from Homes Victoria and housing developers (primarily housing associations).

Council needs to be thoughtful about where it puts its energy – it can have an impact but has limited resources.

Community feedback suggests Council's action planning needs further thought and should be considered in the broader context of Council's role in the housing and accommodation space. This can take the form of a housing plan to be developed during 2021-22 including a communications and engagement approach to address community perceptions about what social and affordable housing is, who requires it and what benefits it provides to our communities.

### Recommendation

That Council adopts SCS-054 Social Housing Policy as attached at Appendix 1.

### Council Resolution

**MOVED Cr Liz Pattison, Seconded Cr Adrian Schonfelder**

That Council adopts SCS-054 Social Housing Policy as attached at Appendix 1.

CARRIED 7:1



## 6.4 SCS-054 Social Housing Policy

### Report

#### ***Officer Direct or Indirect Interest***

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

#### ***Background***

The G21 Region Social Housing Project seeks to develop a positive, region wide blueprint for:

- Driving economic recovery – post pandemic
- Building jobs for local people
- Addressing disadvantage by reducing levels of rental stress for people living on low and very low incomes.

The project is built on the City of Greater Geelong's Social Housing Plan 2020-41 and G21, via a philanthropically-funded project officer, has been assisting the other four councils in the region to develop their own plans.

The project positions Council to work with the Victorian State Government on the Big Housing Build which will inject \$5.3b into the Victorian economy to build and upgrade social housing right across our state. At least \$20 million has been committed to increase the provision of social housing in the Surf Coast.

On 25 May 2021 Council resolved as follows:

That Council:

1. Endorses the Draft Surf Coast Shire Social Housing Plan 2021 for public exhibition as attached at Appendix 1.
2. Seeks community feedback on the Draft Surf Coast Shire Social Housing Plan 2021.
3. Notes that a Special Council Meeting for Hearing Submissions will be held if required.
4. Considers the adoption of a final version of the Surf Coast Shire Social Housing Plan 2021 at a future meeting of Council.

The Plan was exhibited until 23 June 2021 on Council's web page and the opportunity to comment was advertised widely.

On 20 July 2021 Council held a meeting to hear submissions. Council received 28 submissions and heard from one submitter.

### ***Discussion***

#### Feedback summary

There were 28 respondents. A narrow majority agree that the shortage of social housing in the Surf Coast Shire is a matter worthy of Council's focus and attention.

There were three identifiable positions:

- Enthusiastic support
- Support Council's involvement and broad direction but plan can be improved
- Object to social housing near them

Strongest support:

- Existing social housing properties should be maintained or upgraded (work with what is there)
- Council should consider housing affordability generally (broaden focus)

Some of the qualified support recognizes what objectors give clear voice to – there is a strong groundswell against social housing being 'near me or in my community'. Underpinned by a view that social housing is for people from elsewhere who will 'lower the tone' of the area.

#### Feedback on intent and focus

- Need to state the level of intervention by Council (passive, semi-active, assertive) – more clearly explain Council's role and the principles it will apply in its role.
- Plan needs to commit to addressing community attitudes/concerns and destigmatising the concept



## 6.4 SCS-054 Social Housing Policy

- Opportunity presented by Tiny Houses – could be investigated with Homes Victoria to see if Big Housing Build funding is available and if Housing Associations would consider such a project (noting land would be required)
- Incorporate more up-to-date information on the housing market
- Commit to assessing the impact on community infrastructure provision of any potential Council sites that may be considered for social housing development
- Describe in detail Council's approach to Social Housing – where it might be located, what form it will take, how diverse it will be in terms of models for provision and development mix, how land ownership and development will be negotiated and how the Council will support the integration of social housing into existing neighbourhoods and communities. At least some statements of principle or intent need to be included.
- Plan should not seek to 'address disadvantage' (limits it to providing housing for 'poor people') but instead focus on stronger community cohesion and identity, and a whole of community experience (not an act of charity). The Framework should be considering questions around social housing in the context of streets, spaces and places; of well-established place identity, social impact, behavioural change and design theory/practice.
- Strategies and plans are too general and need to be more clearly linked to framework outlining G21 councils' roles (which also need more explanation)

### Implications

Entering the social housing arena with good intentions is risky – there are entrenched views about social housing. This is not only an issue for Council but also the state government's Big Housing Build program. Council needs to think carefully about its role and how to affect positive change to give new developments a fighting chance of being successful.

Singling out 'social housing' may be a self-defeating approach. 'People having a place to live' is the issue and there are many people in our community/state/nation struggling to find a place to live including those:

- on social housing waiting lists
- requiring more appropriate housing for their changing needs
- key workers
- being priced out of the housing market.

Besides modern social housing properties are often located in mixed developments for financial and social reasons.

As a Council we need to be thoughtful about where we put our energy – we can have an impact but have limited resources.

Officers need a policy position because the Big Housing Build is here and proposals will come. However, our action planning needs further thought and should be considered in the broader context of Council's role in the housing and accommodation space. This can take the form of a housing plan to be developed during 2021-22.

### Changes to the draft plan

Consequently the plan has been amended to take the form of a policy. The direction of the policy is consistent with the intent of the draft plan.

It now incorporates policy principles:

- Access to housing is a human right
- Communities are stronger when everyone has an appropriate place to call home
- The Surf Coast needs more social housing
- Council has a key role to play as a partner alongside others
- The history of social housing is important context for the future

It expands Council's policy commitments to include:



## 6.4 SCS-054 Social Housing Policy

Council will

- Participate in building community awareness and understanding of the need for social housing in the municipality and fostering the conditions for successfully increasing its provision to build stronger communities.

The policy recognises a set of principles that should be used in determining appropriate housing for low income households, adapted from those in the City of Greater Geelong's Social Housing Plan 2020-41.

The Housing Explained section of the long-form policy now includes material sourced from G21 and the City of Greater Geelong's Social Housing Plan:

- Why do we need social housing?
- Who needs access to social housing?
- What does Social Housing look like?

If adopted this policy will position Council to participate in the following activities in coming months:

- G21 – Forum, Regional Plan
- Homes Victoria – seeking our ideas and insights (likely including specific sites)
- Enquiries from Housing Associations

### **Council Plan**

Theme 1 Community Wellbeing

Objective 1.1 Support people to participate in and contribute to community life

Theme 3 Balancing Growth

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

### **Reporting and Compliance Statements:**

*Local Government Act 2020 – LGA 2020*

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

### **Governance Principles - Local Government Act 2020 (LGA 2020)**

This project aligns with state policies and regional collaborative efforts to increase the provision of social housing.

### **Policy/Relevant Law**

The Surf Coast Planning Scheme seeks to improve housing affordability by:



## 6.4 SCS-054 Social Housing Policy

- Encouraging a significant proportion of new development to be affordable for households on very low to moderate incomes. Increase the supply of well-located affordable housing by:
- Facilitating the delivery of social housing by identifying surplus government land suitable for housing.

State planning reforms seek to support the Big Housing Build's objectives by removing barriers to the introduction of social housing.

### **Environmental/Sustainability Implications**

The delivery of new social housing seeks to address economic and social inequalities in the community. The Victorian Public Health and Wellbeing Plan 2019-23 identifies that:

*Liveable communities provide a basis for good health and wellbeing for all age groups and can contribute to reducing health inequalities. A liveable place has been defined as a place that is safe, attractive, socially cohesive/inclusive and environmentally sustainable, with affordable and diverse housing linked to employment, education, public open space, local shops, health and community services, and leisure and cultural opportunities via convenient public transport, walking and cycling infrastructure (Lowe et al. 2013).*

### **Community Engagement**

Community engagement was undertaken as described above. Submitters have been kept informed of the process since their submission and have been advised of this Council report.

### **Public Transparency**

The exhibition of the plan prior to final adoption supported transparency.

### **Strategies/Plans**

Council has not considered a strategic plan focussed solely on housing affordability since 2006.

### **Financial Management**

The implementation of the policy is reliant on existing staffing levels and resources except for a temporary role to work on strategic initiatives (including housing and accommodation) during 21-22.

The philanthropically funded G21 project has provided great assistance and is continuing into a second year in 2021-22.

The Big Housing Build's \$20 million commitment is to the municipal area rather than the Council itself. Council is not a conduit for that expenditure with most funding to be via registered housing associations delivering new housing in the shire.

### **Risk Assessment**

The Big Housing Build is set to invest at least \$20 million in the shire and so there is mainly upside opportunity for Council. That said, social housing development can stimulate mixed reactions from existing residents. Council's association with future projects, if only by virtue of its support for the objectives of the Big Housing Build, could raise reputational issues for Council.

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

### **Communication**

A plan will need to be developed to deliver on the policy commitment to participate in building community awareness and understanding of the need for social housing in the municipality and fostering the conditions for successfully increasing its provision to build stronger communities. This is expected to form a part of a communications and engagement plan on the broader topic of housing and accommodation availability and affordability.

### **Human Rights Charter**

No human rights are impinged by this report. The policy recognises access to housing is a human right.



## 6.4 SCS-054 Social Housing Policy

### ***Options***

#### Option 1 – Adopt the policy as presented

This option is recommended by officers as it addresses an important issue in the shire which has been recognised by a significant state government policy announcement. It positions Council to shape the government's spend and to respond to the emergence of enquiries and interest in this topic. It aligns with the draft Council Plan 2021-25.

#### Option 2 – Adopt the policy with changes

This option is not recommended by officers as the policy has been developed using best available data and expertise, and incorporates feedback gathered during the exhibition period. Altering the policy would be most effective if informed by data and advice. There is a risk changes may compromise the opportunity presented by the Big Housing Build investment or overcommit Council without careful consideration of the implications.

#### Option 3 – Do not adopt the policy

This option is not recommended by officers as it would miss the opportunity to address an important social and economic inequity in the shire when significant State Government funds are set to be invested in this area. It would leave a policy vacuum at a time when enquiries and interest are growing.

### ***Conclusion***

At a time of significant state government investment in social housing it is timely that Council considers its role and capacity. The policy includes modest commitments to enable Council to play a role in addressing the shortfall of social housing in the shire.



## **6.4 SCS-054 Social Housing Policy**

### **APPENDIX 1 SCS-054 SOCIAL HOUSING POLICY (WITH BACKGROUND PAPER) AUGUST 2021**



**G2I**

# SOCIAL HOUSING POLICY

## SURF COAST SHIRE

August 2021



*Shaping the Big Housing Build  
in Surf Coast Shire*



## 6.4 SCS-054 Social Housing Policy



### ACKNOWLEDGEMENTS

This project and plan would not have been possible without the timely involvement of **Sirovilla**, a community group which had the initiative to secure funds from the Percy Baxter Trust and the Anthony Costa Foundation to make this project possible.

Thank you to the **Percy Baxter Trust** and the **Anthony Costa Foundation** for ongoing engagement and generous support in the shared vision to generate additional housing options for people on modest incomes across the G21 region. Everyone has a right to safe, secure and affordable housing.

Surf Coast Shire acknowledges G21 - Geelong Region Alliance which has assisted with the development of this plan via the G21 Region Social Housing Project.



## 6.4 SCS-054 Social Housing Policy

### 1.0 Executive summary

**Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.**

*Article 25, Universal Declaration of Human Rights, United Nations General Assembly 10 December 1948*

Housing is big business.

Across the G21 region around 4,400 new dwellings, valued at around \$1.6 billion, were commenced in 2017/18. The number and value of houses has been growing, as the population of the region has expanded.

A small percentage of these dwellings are affordable for households on moderate incomes; either to rent or buy.

This social housing policy focusses on a group of households who are living on very modest incomes and are currently spending more than 30% of that income on unaffordable housing, usually private rental.

Spending more than 30% of available household income on housing is said to trigger 'housing stress' as all other living costs: food, bills, clothing, must be covered with the remaining household budget. In reality, for individuals and families in this situation, there is not enough money left each week to meet even basic needs. Choices are made between bills or food; between a new school uniform or tyres for the car. Housing stress, over time, directly affects the health and wellbeing of household members, through any combination of poor diet, limited social connections, anxiety or depression and reduced access to services, including health services. Poverty in our communities is real and the root cause is usually housing stress.

**"As housing inequality worsens it will touch more and more people. One day it could be an old friend, a sibling, a child or a parent facing housing troubles. One day it could be you or me."**

*Peter Mares, No Place Like Home – Repairing Australia Housing Crisis*

The solution to the problems of housing stress for households on very modest income is social housing.

There are many forms and models of social housing but the common factor is a subsidy, primarily from a government, that has been used to support the costs of building and maintenance so that rental can be capped, usually at 25% of household income.

Across the G21 region there are more than 3,600 subsidised social housing dwellings, where tenants pay no more than 25% of household income, even if that income is minimal. This system of housing is highly regulated, both for the tenants and also the government departments and community groups who own or manage these properties and support the clients.

This policy outlines the need for many more subsidised social housing properties.



## 6.4 SCS-054 Social Housing Policy

In Surf Coast Shire there are only 62 social housing properties at present and there is an unmet demand for an additional 335 homes.

This unmet demand has been recognised by the state government through an initiative called the Big Housing Build, where \$5.3 billion has been allocated over four years to build thousands of new dwellings and update existing social housing across our state.

There are several funding streams in the Big Housing Build, including an allocated 'guaranteed minimum spend' of \$20 million within the Surf Coast Shire.

**"The consequence of inaction is not just to condemn Australia to higher levels of inequality and injustice, but to lower levels of productivity and prosperity. Public spending on affordable housing is not social welfare; it is an investment in essential economic infrastructure."**

*Peter Mares, No Place Like Home – Repairing Australia Housing Crisis*

This policy concludes with a series of principles and commitments to close the gap between the current level of social housing (around 0.6% of all households) and the demand to house those people who are homeless in addition to those people in severe rental stress living on very modest incomes – a further 3.5% of all households.

The policy outlines positive working relationships between our council, other councils in the G21 region and the state government to work toward the shared goals of increasing the availability of social housing.



## 6.4 SCS-054 Social Housing Policy

### 2.0 Housing explained

The principles of social housing are very simple:

The private rental market and systems of home purchasing are geared towards capital growth and investment; not affordability

therefore

some form of subsidy is required to make housing affordable (<30% of household income) for households on very low incomes.

Government policies that encourage rising housing prices are great for owners, landlords and investors but continually drive up the cost of rental. Housing and rental costs in our region have increased significantly, particularly when compared with very low growth in income from salaries and benefits. So, the gap between rising costs and not-so-quickly rising income has widened over the past few decades.

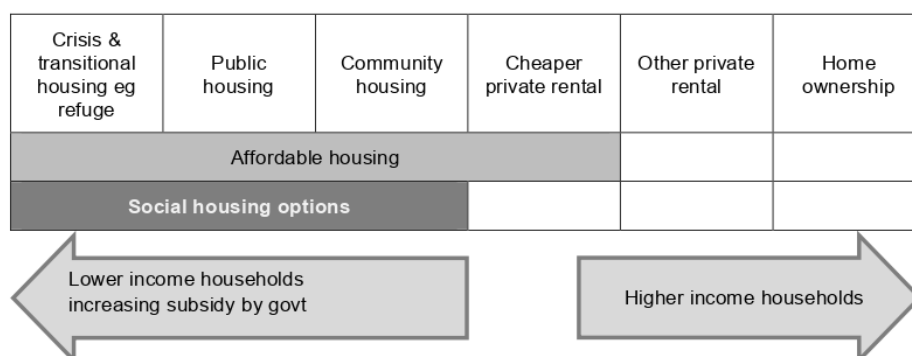
Subsidised housing arrangements are used around the world to ensure that people on very modest incomes are not living in poverty because they are forced to spend more than 30% of income for the roof over their head.

In the Netherlands some 38% of all housing is subsidised social housing. Across many developed countries the percentage range of 15 to 20% of all housing is typical. In Australia, during the decades after the Second World War, 16% of all houses constructed were subsidised public housing. At present only 4.8% of all houses in Australia are social housing, some 3.8% in Victoria.

The current arrangements to govern 'social housing' have their roots in the Housing Act of 1983, which created a structure to enable community groups to receive grants and build subsidised housing. This approach was to supplement the long standing public housing stock, which is owned and managed directly by the state. So, by definition, social housing included any form of housing which was subsidised so that rent could be affordable for households on very modest income.

Over the past decades the state system of social housing, based on the Housing Act 1993, has evolved into a highly regulated structure where people seeking subsidised housing apply to a central waiting list and the organisations receiving funding to build social housing are monitored to ensure probity and value to the tax payer.

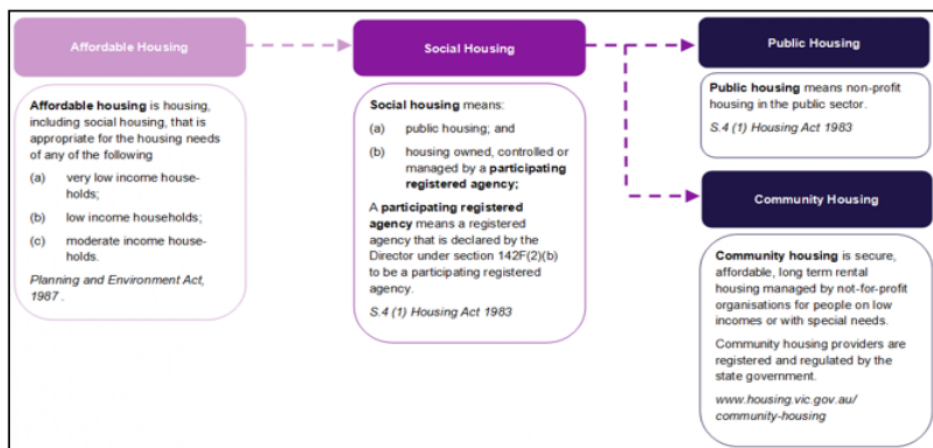
The terms relating to housing such as affordable, public, community and social have well established definitions. The following diagram looks at all forms of housing and identifies housing on a continuum:





## 6.4 SCS-054 Social Housing Policy

The state government uses the following definition to specify the relationship between social housing and its types: community housing and public housing.



Source: Victorian Government DHHS, Affordable Housing voluntary contributions: Public Housing as an Affordable Housing contribution, June 2018

In either case, public or community housing is regulated to ensure access to housing at less than 30% of income in a rental agreement that provides security of tenure.

All public housing is owned and managed by the state government and the tenants have a lease directly with the government.

All community housing is owned or managed by not-for-profit community groups who are regulated by the Housing Registrar and called Housing Agencies. They are registered under the Housing Act 1983 as either housing associations or housing providers.

To be eligible for registration as a Housing Agency, a not-for-profit organisation must be a company limited by shares or guarantee, an incorporated association, or a co-operative. As at 1 January 2020, there were 39 registered agencies consisting of ten housing associations and 29 housing providers.

Registered housing agencies:

- may own, manage and develop affordable rental housing
- may provide a range of housing support and assistance to clients
- are viable businesses partnering with both government and the community
- have met registration criteria, and continue to meet ongoing compliance requirements as well as demonstrate continuous improvement

Housing managed by registered agencies is primarily long term and/or transitional (up to six months) but some agencies also provide crisis housing and other forms of housing such as disability shared accommodation.

Some agencies have now incorporated real estate agent business arms to enable them to manage private rental market housing.

For more details refer to the Housing Registrar's web page: <http://www.housingregistrar.vic.gov.au>



## 6.4 SCS-054 Social Housing Policy

The social housing system involves ensuring that those Victorians most in need of affordable housing have access. Prospective tenants are eligible to register on a waiting list if the household income fits within a set of three thresholds, calculated from time to time by the state government for both metropolitan and regional Victoria. At present those thresholds for regional Victoria (including the G21 region) are defined as:

	VERY LOW INCOME RANGE (ANNUAL)	LOW INCOME RANGE (ANNUAL)	MODERATE INCOME RANGE (ANNUAL)
Single Adult	Up to \$18,380	\$18,381 - \$29,400	\$29,401 - \$44,100
Couple, no dependents	Up to \$27,560	\$27,561 - \$44,100	\$44,101 - \$66,160
Family (one or two parents and dependent children)	Up to \$38,590	\$38,591 - \$61,750	\$61,751 - \$92,610

Source: Victorian Government Gazette, 29 May 2018.

Those eligible for the waiting list due to income levels are also assessed according to their circumstances, for example needs arising from domestic violence or mental ill health. An assessment is undertaken to determine priority on the list.

Those housing agencies fill vacancies by contacting tenants via the central register and must take a percentage of tenants who have been assessed as high and / or urgent need.

This system of social housing across Victoria has been designed to ensure access for those most in need within a structure to ensure: safety and security of tenure, quality of homes, access to support services and value for the taxpayer.

This social housing policy is built on a strong foundation of prudent management of social housing across the state. The challenge for Victoria has not been to manage and govern social housing; it has been to build enough social housing properties to meet the demand.

The state government has recognised the urgent need to build many more social housing properties and has allocated funds and deployed a new government department to deliver a program called the Victorian Big Housing Build.

### Why do we need social housing?

Access to good quality, affordable housing is fundamental to wellbeing. It can help reduce poverty and enhance equality of opportunity, social inclusion and mobility (OECD 2018).

Housing that is safe, secure and affordable is good for our health. It is associated with better outcomes in health, education and employment, as well as economic and social participation.

For some people and families, the high rents in our communities are costing so much that there is very little money for food, bills and everything else. No person should have to make the really tough choice between paying for basics like food or medication or paying the rent.

Without stable, secure housing, particularly vulnerable people are unlikely to get access to the support they need to participate more fully in their community. Building more social housing is about health, fairness and strengthening our communities.

### Who needs access to social housing?

"Social housing is housing for low income households, who are paying a high proportion of their income on rent, and who are struggling to meet the cost of living, due to their family circumstances, and/or as a result of unemployment, disability, poor health or other factors.



## 6.4 SCS-054 Social Housing Policy

Households who rely on government benefits (e.g. pensions, Newstart) as their primary source of income often find it difficult to meet rental payments, even if they receive rent assistance payments as part of their benefits.

Some groups are particularly vulnerable. For example, single parents seeking to provide adequate care for their children may struggle to earn sufficient income, young people on low incomes who leave their parental home; or older pensioners who are renting.

Some people may be unable to pay rents, due to unexpected rent increases, financial difficulties, health issues or unemployment, and as a result find themselves without accommodation. Other people may be forced to leave their home due to conflict and relationship breakdown, including family violence, and find it extremely difficult to access affordable rental properties. Households which cannot meet rental payments are forced to relocate to less appropriate accommodation, away from family, friends and other support networks.

A poor rental history increases the difficulty of finding alternative accommodation in a competitive rental market, and some households experience discrimination in the private rental market. Some people experience homelessness for a period of time, staying temporarily with friends or relatives, living in substandard accommodation, or living on the streets. With the assistance of homelessness agencies and other support services to find alternative accommodation, the experience of homelessness may be short term. This depends on the availability of suitable accommodation, and for some people, access to support services. Some people who have experienced homelessness may be able to live independently with little additional support. Others may require longer term support."

*Source: City of Greater Geelong's Social Housing Plan 2020-41 - Why is Social Housing so important?*

### **What does Social Housing look like?**

"Social housing may take many forms, in response to the different housing needs of households in the population. Current social housing is indistinguishable from other forms of housing in the community, and is constructed by mainstream builders, to a particular price point.

Social housing may be provided as single dwellings, distributed throughout the community. Social housing may also be provided in multi-dwelling clusters (which could be located in courts), and could be single storey units, or two storey townhouses.

Some designs may facilitate interaction between residents, for example for older people or single parent families who can benefit from living in small communities.

Social housing may be included in mixed use apartment developments where there is a mixture of private and social housing, and/or private commercial space on the ground floor, depending on the location and zoning.

A small proportion of social housing may be designed specifically to assist people experiencing housing crises and homelessness, and include crisis and transitional accommodation."

*Source: City of Greater Geelong's Social Housing Plan 2020-41 - What does Social Housing look like?*



## 6.4 SCS-054 Social Housing Policy

### 3.0 Big Housing Build explained

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The state government has developed a new department, Homes Victoria, to deliver the Big Housing Build, which has a budget of \$5.3 billion over the next four years.

Homes Victoria manages four streams of funding, which are described on their website as follows:

- \$532 million - constructing new homes on public land
  - Homes Victoria land across Melbourne is the ideal asset to convert to social and affordable housing at a time when we need to build big and build quickly. Work has already commenced at 6 Homes Victoria sites, and they are now ready for regeneration. [NB: this funding is tagged for metropolitan projects]
- \$948 million - working with the private sector to spot-purchase homes, projects in progress or ready to build
  - To ensure we can add to our supply of social and affordable housing quickly, we'll be working with developers and construction firms, to identify appropriate, existing housing developments we can acquire, provided they are up to a suitable standard and well located. This may also include working with the private sector to identify suitable developments that may be partially complete, or which may not otherwise progress.
- \$1.38 billion - funding for projects by the community housing sector
  - The community housing sector is uniquely placed to lend its expertise and experience to Victoria's Big Housing Build. The Social Housing Growth Fund will invite proposals from community housing providers for new social and affordable housing developments to add to the available supply and help provide more homes for more Victorians.
- \$2.14 billion - funding for new opportunities with private sector and community housing partners
  - As the Big Housing Build rolls out, we want to maximise opportunities for the best value and best outcomes for Victoria. Homes Victoria will explore building on Victorian government land sites; as well as engaging with the market to identify new sites, new ideas, new opportunities and ways to build more homes. This will occur through the remainder of 2020 and into next year. We will pursue opportunities to partner with industry, community housing providers, local government and institutional investors to identify new projects that deliver homes across Victoria.







## 6.4 SCS-054 Social Housing Policy

The Big Housing Build allocation of \$5.3 billion covers the state, with 25% of the allocation to be spent in regional Victoria.

In addition, Homes Victoria has recognised the need to avoid historical problems for rapidly growing communities by identifying a 'guaranteed minimum spend' in key growth municipalities. In the G21 region these have been identified as:

- City of Greater Geelong - \$180 million
- Surf Coast Shire - \$20 million
- Golden Plains Shire - \$15 million

Allocations for Colac Otway Shire and the Borough of Queenscliffe have not yet been specified.

Homes Victoria has also acknowledged a need to clarify working relationships with local government. The Homes Victoria website explains this arrangement as follows:

*We will work with local governments to develop a social and affordable housing compact - this will include an important role for local government in identifying priorities for social housing growth in their municipality. It will also seek to bring social housing closer to the treatment of other valuable public infrastructure such as schools and hospitals, which are exempt from council rates.*

*In implementing this change, we recognise that local governments rely on revenue certainty to deliver the services their communities need and we will work with councils to ensure that changes are able to be revenue neutral and phased in over time where necessary. In this new relationship we will provide a new annual payment to the relevant local government area, set at a proportion of current rates.*

*This change reflects the public benefit that access to safe, secure and affordable housing brings to local communities.*

For further details regarding the Big Housing Build see: <https://www.vic.gov.au/homes-victoria>

This social housing policy is based on the assumption that the Big Housing Build will impact on every municipality in the G21 region and that Surf Coast Council must play a key role in 'shaping' the spend by understanding the unmet need for additional housing and advocating on behalf of the community.



## 6.4 SCS-054 Social Housing Policy

### 4.0 Regional picture: demand for social housing

Estimating the unmet demand for social housing is critical to developing ideas for solutions.

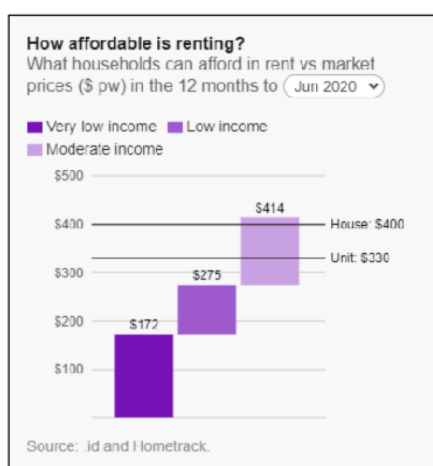
Estimating unmet demand involves adding the number of homeless people to the number of households with the twin characteristics of very modest income (to fit the eligibility criteria) and already spending more than 30% of that modest household income on rental.

Whilst this sounds simple, the calculation for 'bracketing' the Australian Bureau of Statistics estimates for income and rental is complex.

G21 and the City of Greater Geelong have purchased an online data set which accurately describes the unmet demand for social housing.

The regional profile, called Housing Monitor, can be found on the G21 website at <https://g21.com.au/g21-region/social-economic-profiling/> along with a range of other data profiles.

The following data has been extracted from the online Housing Monitor, for the entire G21 region:



As discussed in the previous chapter, eligibility for social housing is based on income, classified as 'very low', 'low' and 'moderate'.

This chart maps the average weekly cost of private rental as: house \$400 per week and unit \$330 per week. The columns indicate the level of income available for the three income categories.

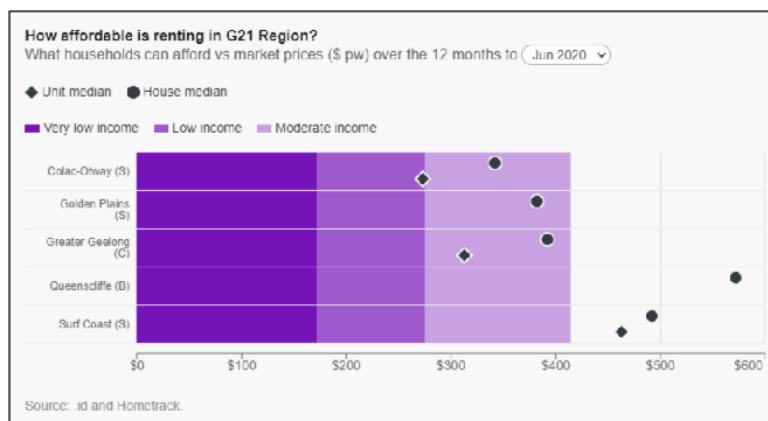
Clearly all households on very low and low income bands are most unlikely to find affordable rental and are highly likely to be paying more than 30% on rent.



Another indicator is the supply of affordable rentals in the area. Over the past 12 months, just 0.4% of all rental listings would have been affordable to a household on a very low income.

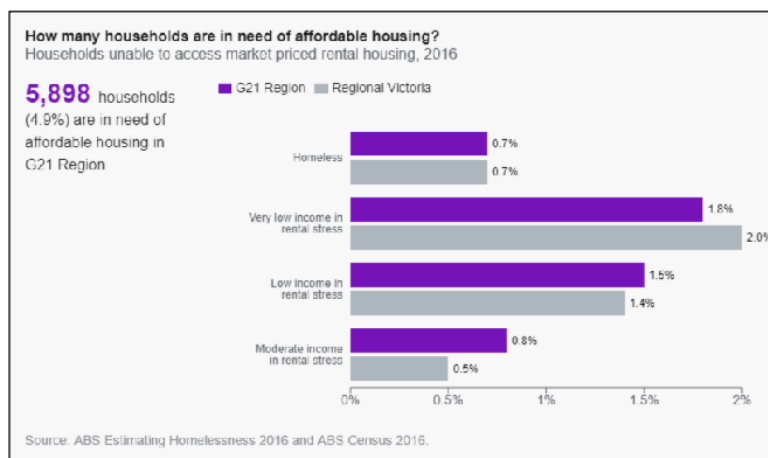


## 6.4 SCS-054 Social Housing Policy



The table above compares the five municipalities of the region. The black circles and diamonds mark the median costs of rental. This table reinforces that households on very low and low income bands are most likely only able to secure a rental property by paying more than 30% of their income.

The table below consider the proportion of households across the income bands and compares that need with regional Victoria.

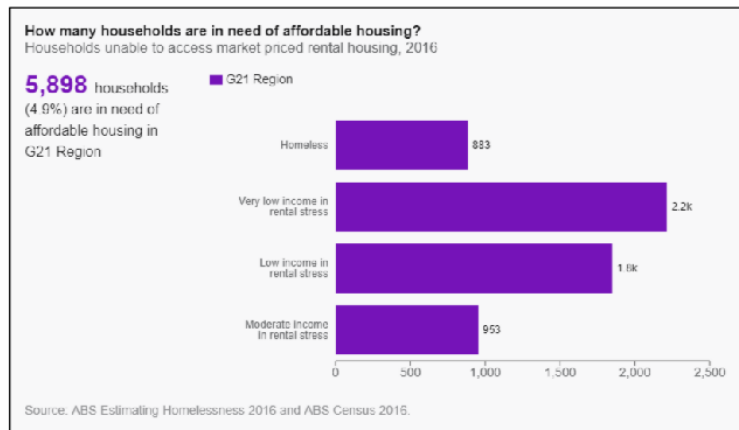


Whilst the table above explores the proportions of households in rental stress, compared with regional Victoria, the table below outlines the numbers of households, already living in our communities across the region who are either homeless or in rental stress.

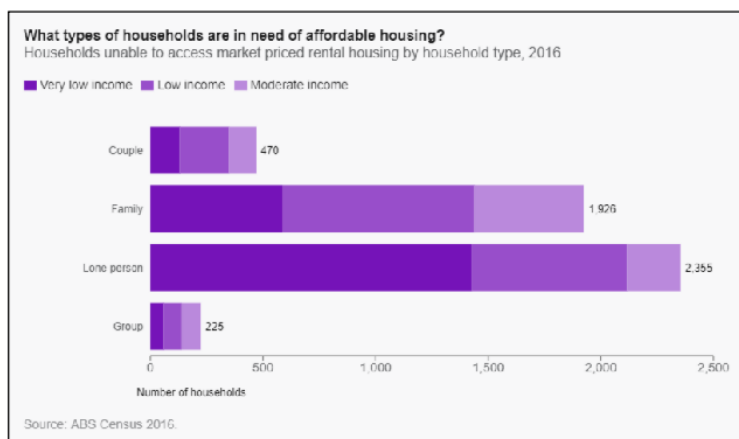
Some 883 people noted as homeless and a further 5,000 households who are known to be on very modest income and currently paying more than 30% of that income on rental. The 2,200 households on 'very low' income are of particular concern.



## 6.4 SCS-054 Social Housing Policy



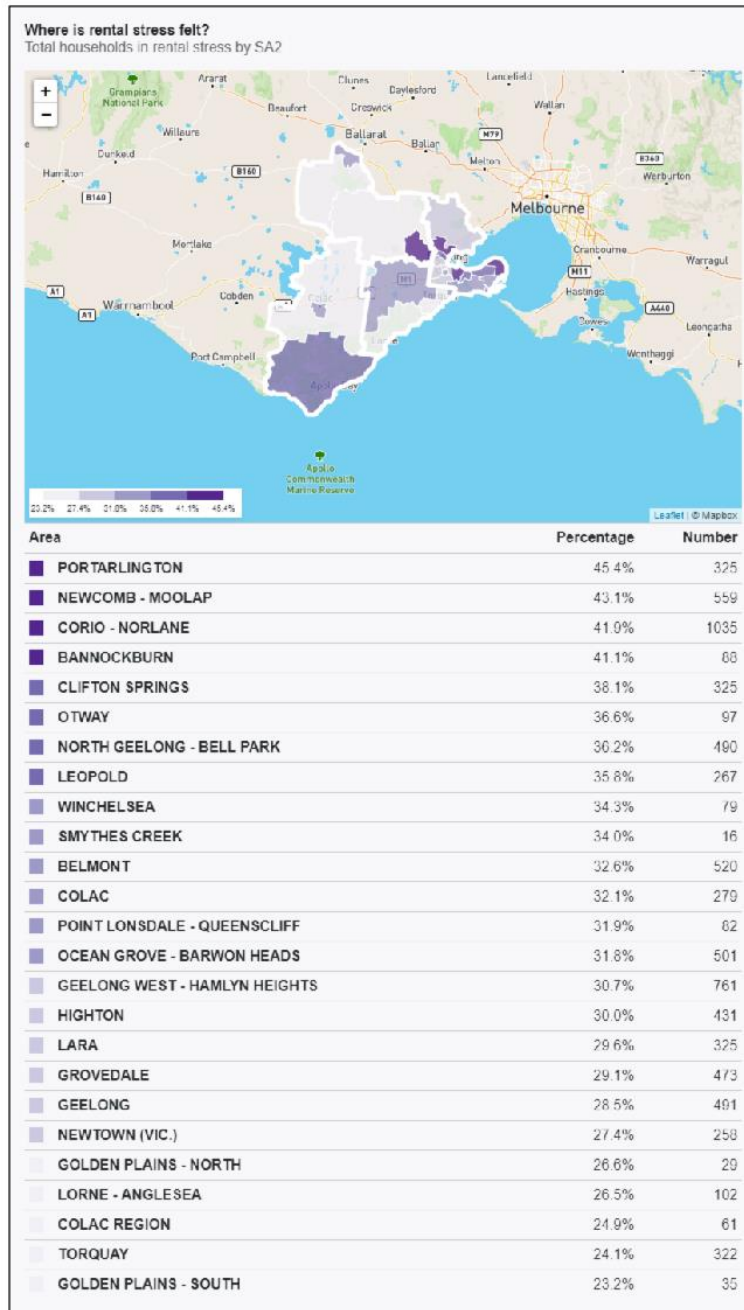
The online data also reveals that, across the region, families and lone persons are the most common types of households in need of affordable housing.



The following 'heat map' compares areas (at SA2 level) across the region. A table ranking areas of greatest need is also provided.



## 6.4 SCS-054 Social Housing Policy





## 6.4 SCS-054 Social Housing Policy

More detailed data used to calculate the charts above has also been provided. This data assists in the comparison between the five municipalities of the G21 region:

	CoGG	COS	GPS	BoQ	SCS	G21
Very low income in rental stress	1,906	158	36	17	96	2,213
Low income in rental stress	1,592	101	42	17	97	1,849
Moderate income in rental stress	811	23	18	7	94	953
Total homeless persons	750	62	17	6	48	883
<b>Total affordable housing need</b>	<b>5,059</b>	<b>344</b>	<b>113</b>	<b>47</b>	<b>335</b>	<b>5,898</b>

This table identifies that around 6,000 additional homes are required to meet the demand for social housing across our region. This figure is acknowledged as being very conservative for several reasons:

- The figures are based on the 2016 Census and do not take into account the rapid growth in population in our communities, nor the significant increase in housing and rental costs, including the high demand for properties as a result of the recent pandemic
- The ABS acknowledges the difficulties of estimating the numbers of people who are homeless on census night and that the numbers provided are clearly an underestimate
- There are several techniques used by social planners and this approach is said to be deliberately cautious
- The negative effects of the pandemic-based recession on our region are not known – however, it is assumed that households on low incomes are being affected and will be for some time – this reinforces the conclusion that the figures above are conservative.

The overall figures, even if they are conservative, relay a challenging story: there is an urgent need to build additional social housing in our region, in every municipality.

Finally, it is possible to construct a broader picture of regional demand for social housing by considering the data above along side a range of other measures such as an index of disadvantage – see the table below:



## 6.4 SCS-054 Social Housing Policy

	COS	COGG	GPS	BOQ	SCS	G21
SIEFA INDEX	961.0	994.0	1,035.0	1,075.0	1,077.0	1,003.3
<b>HOUSEHOLDS</b>						
Total households (number)	8,198	87,931	7,252	1,234	10,457	115,072
Total renting households (number)	1,837	24,381	637	224	2,168	29,283
Median weekly rental payments	\$220	\$286	\$261	\$296	\$367	\$285
<b>SOCIAL HOUSING CURRENT</b>						
Households renting social housing (number)	290	3,305	8	11	62	3,676
Households renting social housing (% of all households)	3.3%	3.6%	0.1%	0.8%	0.6%	3.1%
<b>RENTAL STRESS</b>						
Rental stress all income levels (number)	537	8,066	191	73	510	9,377
Rental stress all income levels (% of all rental properties)	28.7%	33.1%	30%	32%	23.5%	32.0%
Rental stress with moderate, low or very low income levels (number)	282	4,309	96	41	287	5,015
<b>HOMELESS</b>						
Number of homeless people (number)	62	750	17	6	48	883
Percentage of total households homeless (% of all households)	0.7%	0.8%	0.2%	0.5%	0.4%	0.7%
<b>SOCIAL HOUSING REQUIRED</b>						
Unmet demand for social housing (% of all households)	4.0%	5.5%	1.5%	3.6%	3.1%	4.9%
Social housing properties required to meet the need (number)	344	5,059	113	47	335	5,898
KEY	COS BOQ	Colac Otway Shire Borough of Queenscliffe	COGG SCS	City of Greater Geelong Surf Coast Shire	GPS Golden Plains Shire	

This table below is based on ABS census data from 2016. Of note is:

- Socio-Economic Indexes for Areas (**SEIFA**) ranks areas according to relative socio-economic advantage and disadvantage using ABS census data. A higher rating indicates a lower level of disadvantage.
- **Median weekly rental payments** can broadly indicate affordability.
- **Rental stress** is when a household spends more than 30% of all their income on rental payments. It is represented as a number of households and percentage of households.
- **Unmet demand for social housing** is calculated using the number of households in rental stress with moderate, low or very low income levels plus the number of homeless households. It is represented first as a percentage of all households and finally as a number of units of housing estimated to be required to meet the demand for social housing.

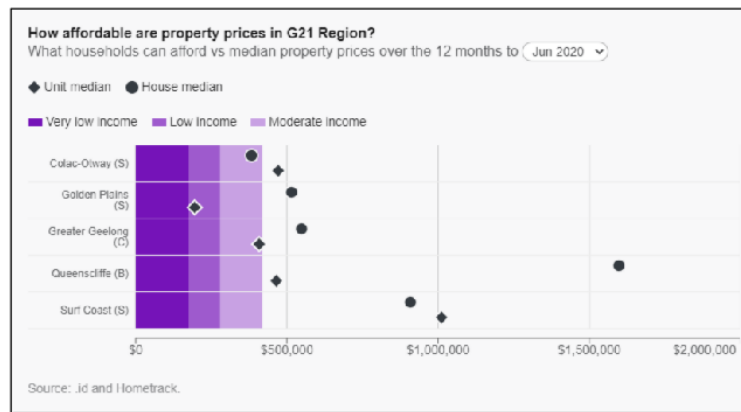


## 6.4 SCS-054 Social Housing Policy

The table above demonstrates the relationship between income, disadvantage and rental costs. The table also includes the number of social housing units currently across each municipality, totalling 3,676 across the region. This indicates that, regionally, there should be around 10,000 social housing dwellings.

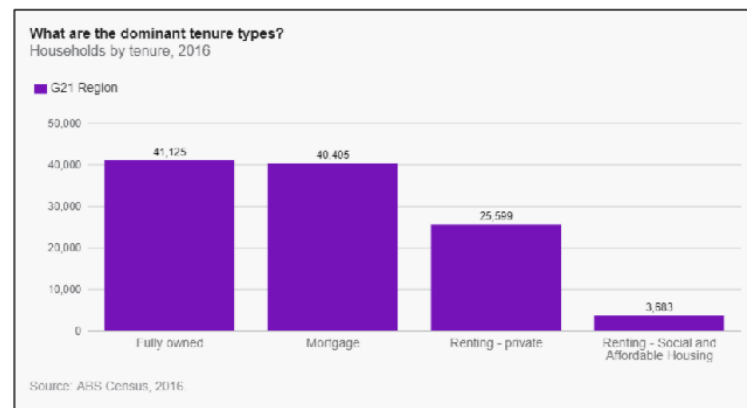
This social housing policy is focused on the immediate needs of people who are on very modest incomes and known to be in rental stress.

In addition, there are broader issues relating to the overall costs of affordable house purchase.



This table graphically represents the level of affordability across the G21 region for those households on very modest income who are seeking to purchase a home.

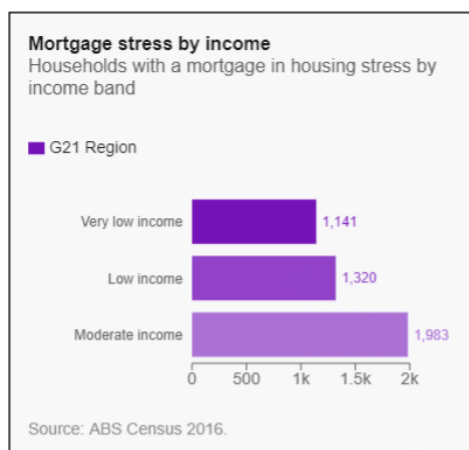
Overall, across the region, the majority of households are privately owned, either fully or under mortgage.





## 6.4 SCS-054 Social Housing Policy

Given the concern regarding the effects of the pandemic-based recession, it is reasonable to assume that, despite historically low interest rates, the number of households under mortgage and in housing stress will increase.



This table indicates that, across the region, some 4,400 of all households on a very modest income were paying more than 30% of that income on mortgage repayments.

There is a risk that mortgages may become unsustainable for some of these households if there was an increase in interest rates or any long term negative recessionary downturn. If houses were sold, there would be an increased demand for rental properties, and therefore a likely increase cost in rental.

Note that these figures all relate to the 2016 ABS Census and are very likely an underestimate given rising population and housing prices in many areas of our region.

Councils are concerned about housing affordability.

The importance of affordable (including social) housing is recognised by the Victorian Public Health and Wellbeing Plan 2019-23:

*"Liveable communities provide a basis for good health and wellbeing for all age groups and can contribute to reducing health inequalities. A liveable place has been defined as a place that is safe, attractive, socially cohesive/inclusive and environmentally sustainable, with affordable and diverse housing linked to employment, education, public open space, local shops, health and community services, and leisure and cultural opportunities via convenient public transport, walking and cycling infrastructure." (Victorian Public Health and Wellbeing Plan 2019-23)*

The absence of local, affordable housing also acts as a drag on economic prosperity as workforce vacancies become harder (and thus more expensive) to fill. This is particularly the case for low to moderate income positions for whom local home ownership or expensive (and very limited) rental properties are already out of reach.

Council may choose to address affordable housing challenges, beyond the scope of this policy, in additional strategies or plans.

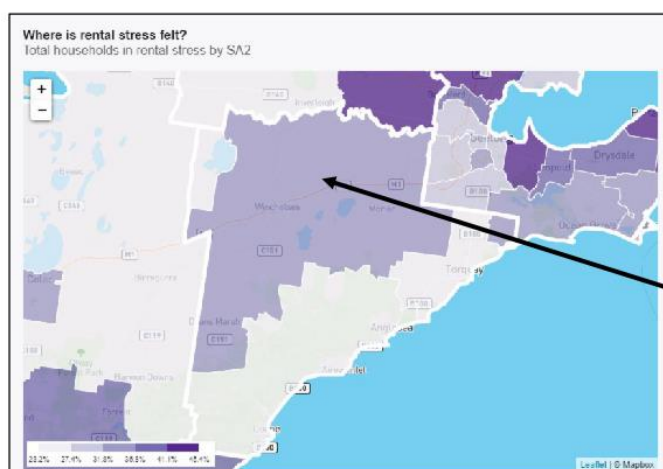


## 6.4 SCS-054 Social Housing Policy

### 5.0 Local demand

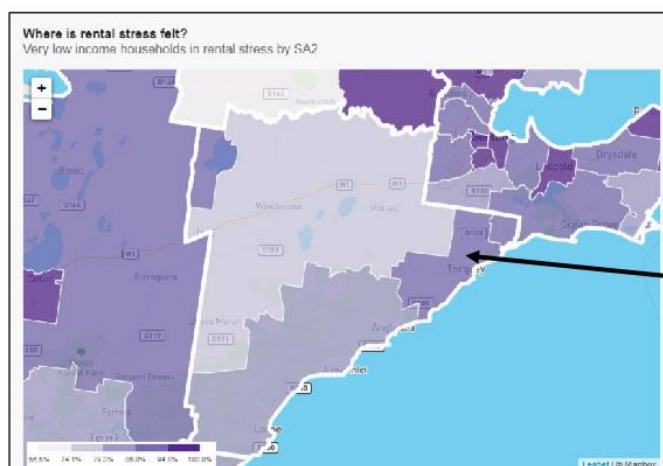
Using the online data available for the project, it is possible to explore some further information relating to the Surf Coast Shire. The following 'heat maps' provide some indication of local levels of rental stress for the range of income bands. The shaded areas are ABS areas called SA2, which is the lowest level at which this data is available. The boundaries, do not, unfortunately, align with municipal boundaries exactly.

There are three SA2 areas that fairly closely relate to municipal boundaries – they are titled 'Winchelsea', 'Torquay' and 'Lorne /Anglesea' – see the maps online for clarity.



The purpose of these heat maps is to highlight the **proportion** of households in rental stress- darker areas signify higher levels of stress

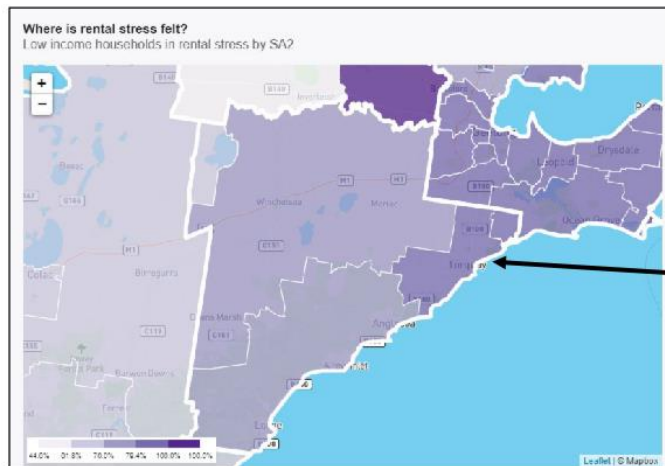
Firstly: **TOTAL RENTAL STRESS** is slightly more significant in the Winchelsea area, overall



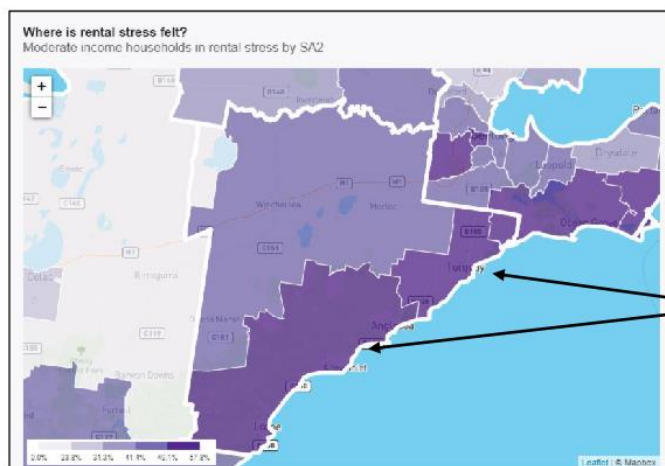
Secondly, those households on **VERY LOW** income – these are households of greatest concern – are more noticeable in the Torquay area



## 6.4 SCS-054 Social Housing Policy



Thirdly, **LOW** income households are more significant in the Torquay area



Finally, the **MODERATE** income category is identified in both the Lorne/Anglesea and the Torquay areas



## 6.4 SCS-054 Social Housing Policy

The online Housing Monitor data maps indicate both the proportion, that determines the shading, and the numbers of households – which are tabulated below:

### Approximate numbers of households by income band and location at SA2:

*NB: Any discrepancies with totals arises from boundary issues: this is SA2 data*

	WINCHELSEA	TORQUAY	LORNE/ANGLESEA
Very low income	20	76	28
Low income	35	110	36
Moderate income	24	136	38

The total unmet demand for the Surf Coast Shire is calculated at 335 additional dwellings, through the data and tables presented in previous pages.

The figures above do not add up to 335 due to the SA2 boundaries but do provide an indication of the number of households already paying more than 30% of very modest income on rental in the three broad areas.

The table below, for the Surf Coast Shire is based on further background data used to calculate the heat maps, again with SA2 level data. The purpose of this table is to explore the **types** of families experiencing rental stress across the Surf Coast Shire. (Note that this data is based on ABS definitions of income levels, rather than the Victorian government categories – the results are similar)

	NUMBER OF HOUSEHOLDS IN RENTAL STRESS
Lone Person Household, Less than \$17030	38
Lone Person Household, \$17030 to less than \$27240	69
Lone Person Household, \$27240 to less than \$40860	80
<b>Lone Person Household, Total</b>	<b>188</b>
Couple family no children, Less than \$25535	10
Couple family no children, \$25535 to less than \$40860	20
Couple family no children, \$40860 to less than \$61298	23
<b>Couple family no children, Total</b>	<b>53</b>
Couple family with children, Less than \$35755	19
Couple family with children, \$35755 to less than \$57212	36
Couple family with children, \$57212 to less than \$85804	52
<b>Couple family with children, Total</b>	<b>107</b>
One parent family, Less than \$35755	60
One parent family, \$35755 to less than \$57212	59
One parent family, \$57212 to less than \$85804	33
<b>One parent family, Total</b>	<b>152</b>
Group Household, Less than \$27670	3
Group Household, \$27670 to less than \$44211	6
Group Household, \$44211 to less than \$66415	10
<b>Group Household, Total</b>	<b>19</b>

Whilst it is not possible to correlate the family types with locations, the table above demonstrates that all family types are represented as experiencing housing stress.

Lone persons and one parent families are the most predominant family type. Of the one parent families, the majority are in the two lower income brackets.



## 6.4 SCS-054 Social Housing Policy

The data above relates to households living on very modest income and indicates a significant demand for additional social housing.

The data can be interpreted as an underestimation as it relates to ABS Census data from 2016. Since that time, the cost of private rental has increased significantly. Median rent in the Shire is \$460 per week (December 2020). A weekly salary of around \$1,530 is needed to avoid paying more than 30% of income on rent. There are, however, many jobs that earn less than \$1,530 per week, including:

INDUSTRY CATEGORY (ABS, AUGUST 2020)	WEEKLY EARNINGS
Public administration and safety	1,500
Professional, scientific and technical services	1,491
Construction	1,280
Education and training	1,266
Manufacturing	1,200
Wholesale trade	1,200
Transport, postal and warehousing	1,200
Health care and social assistance	1,063
Rental and real estate services	1,061
Agriculture, forestry and fishing	932
Administrative and public services support services	900
Arts and recreation services	788
Retail trade	750
Accommodation and food services	650

The table above demonstrates that rental stress is experienced by people who are working full time in salaried positions that do not earn enough to cover the costs of private rental, whilst having sufficient remaining cash to cover other living costs. The table highlights that the increasing cost of private rental in the Surf Coast Shire is placing a significant burden on many households, many of whom would not be considered as requiring social housing.

Overall, the data relating social housing in the Surf Coast Shire enables some broad interpretation:

- Rental stress for people on very modest income is distributed across the municipality
- Overall, rental stress is more of an issue in Winchelsea as a proportion but the area with the highest number of households in rental stress is the most populous area, Torquay
- The most concerning income group, the very low income bracket, are more predominant in the Torquay as both a proportion and overall number
- Lone persons and one parent families are the most predominant family type experiencing rental stress; of the one parent families, the majority are in the two lower income brackets.
- The index of disadvantage for the overall shire indicates a low level of disadvantage, relative to the region, but outlines significant variations in levels of disadvantage across different communities within the municipality
- Property prices in the shire are less affordable than all other G21 region Council areas, with the exception of Queenscliffe
- The median weekly rental payments are the highest in the region
- There are only 62 social housing properties on the shire at present
- There is an unmet demand for an additional 335 homes.



## 6.4 SCS-054 Social Housing Policy

### 6.0 Policy

This Surf Coast Shire Social Housing Policy is part of a suite of plans in the G21 region, which in turn have been used as the foundation for a *G21 Region Social Housing Statement*.

By taking a regional approach, the five Councils of the G21 region see clear advantages in mutually supporting each council to share ideas, information and expertise that will deliver the best outcomes through the Big Housing Build.

The councils all acknowledge a clear leadership and advocacy role and have developed an agreed framework to productively shape social housing initiatives across the region.

G21 SOCIAL HOUSING REGIONAL FRAMEWORK			
Economic recovery, building jobs & addressing disadvantage			
Purpose			
Recognise, acknowledge and address disadvantage in the community through the provision of increased safe, secure and affordable social housing			
Council roles			
<b>STEWARDSHIP</b> Advocate for public policy, government investment and community participation in the development of social housing initiatives	<b>PARTNERSHIP</b> Support regional partnerships with government regarding investments and collaborations with housing agencies on key projects	<b>PLANNING</b> Negotiate the inclusion of social housing in new private developments where rezoning and planning approvals add value to land	<b>CAPACITY</b> Continue to develop capacity within Council and awareness within the community to sustainably implement this Social Housing Plan

#### Purpose

This policy outlines Surf Coast Shire Council's commitment to increase the provision of social housing within the municipality.

#### Policy Principles

This policy guides Council's efforts to address the shortfall of social housing properties in the municipality within the context of the Victorian Government's Big Housing Build program.

Council recognises that:

- Access to housing is a human right  
Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. (Article 25, Universal Declaration of Human Rights, United Nations General Assembly 10 December 1948).
- Communities are stronger when everyone has an appropriate place to call home



## 6.4 SCS-054 Social Housing Policy

Public spending on social and affordable housing addresses social needs however it is not social welfare; it is an investment in essential infrastructure enabling people to contribute to economic, social and cultural life which in turn leads to stronger communities. (P.Mares 2018). However, this is not a view shared by all

- The Surf Coast needs more social housing  
The Surf Coast, like the rest of Australia, needs more long-term, affordable rental accommodation that does not leave people on low incomes living in a state of stress.
- Council has a key role to play as a partner alongside others  
The supply of social housing is primarily a state government responsibility, however it is provided in a housing market affected by policy settings at all three levels of government. Collaboration is required between the three levels of government, local communities, and the private, the profit-for-purpose and the not-for-profit sectors.
- The history of social housing is important context for the future  
A historical underinvestment in social housing and the contrasting emphasis on the importance of the private market, have combined to create a less-than-supportive environment where, for some, subsidised housing and its tenants are a source of concern and fear. This is a reality that cannot be ignored if the social housing shortfall is to be addressed.

### Scope

This policy applies to the provision of social housing. Social housing provision is the domain of the Victorian Government (public housing) and the profit-for purpose and not-for profit sectors (community housing). Council's interest is in the effective functioning of local communities. The unavailability of social housing, as a subset of affordable housing, negatively impacts the functioning those communities.

### Policy

Surf Coast Shire Council is committed to improving the availability of high quality social housing within the municipality via the Victorian Government's Big Housing Build program. Council is committed to exploring opportunities to promote social housing as a means of driving economic development, providing jobs and address disadvantage.

Council recognises there is a shortfall of social housing across the shire and opportunities should be pursued in townships with the necessary facilities and public transport links being Aireys Inlet, Anglesea, Jan Juc, Lorne, Torquay and Winchelsea.

Council will:

- Participate in the G21 regional, collaborative approach to the planning and development of increased social housing stock.
- Consider housing affordability generally, and social housing in particular, across all facets of social and land use planning.
- Identify and consider the suitability of Council and other Government owned land for social housing initiatives.
  - Where there are clear opportunities to develop sustainable and supportive social housing on Council land, the Council will undertake a rigorous planning, assessment and consultation process before finalising any proposal. The assessment process will consider:
    - The purpose of the land
    - Planning controls
    - Impact on open space provision
    - Impact on community infrastructure provision
  - Council is committed to working with Homes Victoria to identify, assess, plan and develop underutilised state owned land, where this land can be used to deliver additional social housing.



## 6.4 SCS-054 Social Housing Policy

- Recognise the primacy of the role of Homes Victoria in formulating, finalising and delivering any plans to develop social housing on land which is owned by not-for-profit groups, churches and private individuals.
- Advocate to Homes Victoria and housing providers to assess existing social housing properties and to maintain or upgrade these homes in accordance with the principles listed in the table below.
- Seek to positively influence the provision of social housing in greenfield developments within the legal framework established by the Victorian Government.
- Provide information and advice to parties seeking to develop opportunities for increased social housing in the municipality
- Participate in building community awareness and understanding of the need for social housing in the municipality and fostering the conditions for successfully increasing its provision to build stronger communities.
- Work with both local and regional support service providers to improve access to a range of support programs for any social or private housing residents requiring them.

Council recognises the following principles should be used in determining appropriate housing for low income households.

Parameter	Principle	Rationale
<b>Location</b>	Housing should be located in reasonable proximity to the range of services the resident requires including retail, education, health, employment and transport.	Many low income households may not have access to private transport and therefore it is important that locations are close to bus stops as well as existing service centres and facilities.
<b>Design</b>	Housing should be designed to provide adequate space and amenity appropriate to the life stage of the household.	Efficient use of resources requires the size of properties to be well matched to the residents' needs and family composition.
<b>Quality</b>	Housing for low income households should not be too dissimilar in appearance to typical housing in the immediate neighbourhood.	Lower income households should not be stigmatised by being required to live in significantly lower quality housing than neighbouring properties as this can cause social isolation.
<b>Integration</b>	Housing should offer the potential to live in a community that is stable, supportive and safe.	Positive relationships with and the sharing of interests with neighbours and other community members can contribute to a sense of belonging and inclusion and enable stronger communities.
<b>Affordability</b>	Housing should be provided at a cost to the household that does not leave occupants with insufficient income to meet the other basics of life such as food, clothing, utilities, medical and education costs.	It is commonly accepted that household costs should not exceed 30% of income for those households in Very Low, Low and Moderate income categories.
<b>Sustainability</b>	Housing should be designed so that the costs of living in the dwelling are minimised.	Reducing the cost of construction via lower cost materials should not result in higher maintenance costs over time (reducing viability for the provider) and/or reduce environmental efficiency (increasing living costs for the resident).



## 6.4 SCS-054 Social Housing Policy

Parameter	Principle	Rationale
<b>Support</b>	Housing should be linked to support services which are appropriate to household members and which enable them to maintain a stable tenancy.	Secure and affordable housing will automatically contribute to housing stability however some people such as those with significant physical disabilities and people with acute mental health problems may require ongoing or periodic professional support to assist them to maintain their accommodation.

*Adapted from The City of Greater Geelong Social Housing Plan 2020-2041*

### Definitions

*Big Housing Build* – Victorian Government program announced in November 2020 worth \$5.3 billion to construct more than 12,000 new homes throughout metro and regional Victoria over the following four years

*Homes Victoria* - The state government department formed to deliver the Big Housing Build program.

*Social Housing* – consists of public and community housing and is regulated to ensure access to housing at less than 30% of income in a rental agreement that provides security of tenure. All public housing is owned and managed by the state government and the tenants have a lease directly with the government. All community housing is owned or managed by not-for-profit community groups who are regulated by the Housing Registrar and called Housing Agencies. They are registered under the Housing Act 1983 as either housing associations or housing providers.

### Related Procedure

Nil.

### References

City of Greater Geelong (2020), Social Housing Plan 2020-2041.

P. Mares (2018), No Place Like Home – Repairing Australia's Housing Crisis, Text Publishing, Melbourne.



#### **6.4 SCS-054 Social Housing Policy**



## 6.4 SCS-054 Social Housing Policy

*G21 and the Surf Coast Shire spans the traditional lands of the Wadawurrung and Eastern Maar people. We acknowledge them as the Traditional Owners and Protectors of this place. We acknowledge their ancestors who cared for the land, rivers and sea - and all of its creatures - for thousands of generations. We pay our respects to elders past, present and future who continue on this path.*



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[Surf Coast Shire Council](#)

[www.surfcoast.vic.gov.au](http://www.surfcoast.vic.gov.au)



**6.4 SCS-054 Social Housing Policy**

**APPENDIX 2 SCS-054 SOCIAL HOUSING POLICY (POLICY ONLY) AUGUST 2021**





*We exist to help our community and environment to thrive*

## COUNCIL POLICY

# SCS 054 - Social Housing

TRIM Reference: D21/150044 Due for Review: 31 August 2023  
Responsible Officer: General Manager Culture and Community

## Purpose

This policy outlines Surf Coast Shire Council's (Council) commitment to increase the provision of social housing within the municipality.

## Policy Principles

This policy guides Council's efforts to address the shortfall of social housing properties in the municipality within the context of the Victorian Government's Big Housing Build program.

Council recognises that:

- Access to housing is a human right  
Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. (Article 25, Universal Declaration of Human Rights, United Nations General Assembly 10 December 1948).
- Communities are stronger when everyone has an appropriate place to call home  
Public spending on social and affordable housing addresses social needs however it is not social welfare; it is an investment in essential infrastructure enabling people to contribute to economic, social and cultural life which in turn leads to stronger communities. (P.Mares 2018). However, this is not a view shared by all
- The Surf Coast needs more social housing  
The Surf Coast, like the rest of Australia, needs more long-term, affordable rental accommodation that does not leave people on low incomes living in a state of stress.
- Council has a key role to play as a partner alongside others  
The supply of social housing is primarily a state government responsibility, however it is provided in a housing market affected by policy settings at all three levels of government. Collaboration is required between the three levels of government, local communities, and the private, the profit-for-purpose and the not-for-profit sectors.
- The history of social housing is important context for the future  
A historical underinvestment in social housing and the contrasting emphasis on the importance of the private market, have combined to create a less-than-supportive environment where, for some, subsidised housing and its tenants are a source of concern and fear. This is a reality that cannot be ignored if the social housing shortfall is to be addressed.

## Scope

This policy applies to the provision of social housing. Social housing provision is the domain of the Victorian Government (public housing) and the profit-for purpose and not-for profit sectors (community housing). Council's interest is in the effective functioning of local communities. The unavailability of social housing, as a subset of affordable housing, negatively impacts the functioning those communities.



## 6.4 SCS-054 Social Housing Policy



*We exist to help our community and environment to thrive*

### COUNCIL POLICY

#### Policy

Surf Coast Shire Council is committed to improving the availability of high quality social housing within the municipality via the Victorian Government's Big Housing Build program. Council is committed to exploring opportunities to promote social housing as a means of driving economic development, providing jobs and address disadvantage.

Council recognises there is a shortfall of social housing across the shire and opportunities should be pursued in townships with the necessary facilities and public transport links being Aireys Inlet, Anglesea, Jan Juc, Lorne, Torquay and Winchelsea.

Council will:

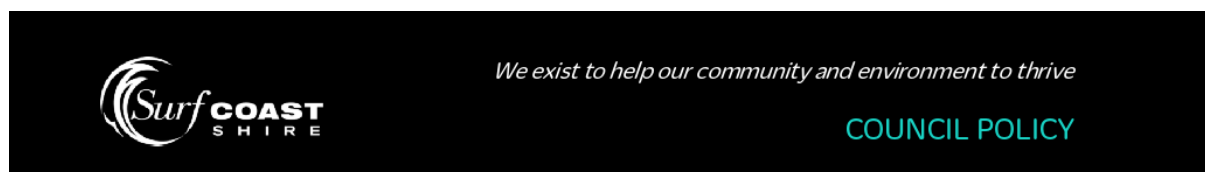
- Participate in the G21 regional, collaborative approach to the planning and development of increased social housing stock.
- Consider housing affordability generally, and social housing in particular, across all facets of social and land use planning.
- Identify and consider the suitability of Council and other Government owned land for social housing initiatives.
  - Where there are clear opportunities to develop sustainable and supportive social housing on Council land, the Council will undertake a rigorous planning, assessment and consultation process before finalising any proposal. The assessment process will consider:
    - The purpose of the land
    - Planning controls
    - Impact on open space provision
    - Impact on community infrastructure provision
  - Council is committed to working with Homes Victoria to identify, assess, plan and develop underutilised state owned land, where this land can be used to deliver additional social housing.
- Recognise the primacy of the role of Homes Victoria in formulating, finalising and delivering any plans to develop social housing on land which is owned by not-for-profit groups, churches and private individuals.
- Advocate to Homes Victoria and housing providers to assess existing social housing properties and to maintain or upgrade these homes in accordance with the principles listed in the table below.
- Seek to positively influence the provision of social housing in greenfield developments within the legal framework established by the Victorian Government.
- Provide information and advice to parties seeking to develop opportunities for increased social housing in the municipality
- Participate in building community awareness and understanding of the need for social housing in the municipality and fostering the conditions for successfully increasing its provision to build stronger communities.
- Work with both local and regional support service providers to improve access to a range of support programs for any social or private housing residents requiring them.

Council recognises the following principles should be used in determining appropriate housing for low income households.

Parameter	Principle	Rationale
Location	Housing should be located in reasonable proximity to the range of services the resident requires including retail, education, health, employment and transport.	Many low income households may not have access to private transport and therefore it is important that locations are close to bus stops as well as existing service centres and facilities.
Design	Housing should be designed to provide adequate space and amenity appropriate to the life stage of the household.	Efficient use of resources requires the size of properties to be well matched to the residents' needs and family composition.



## 6.4 SCS-054 Social Housing Policy



<b>Quality</b>	Housing for low income households should not be too dissimilar in appearance to typical housing in the immediate neighbourhood.	Lower income households should not be stigmatised by being required to live in significantly lower quality housing than neighbouring properties as this can cause social isolation.
<b>Integration</b>	Housing should offer the potential to live in a community that is stable, supportive and safe.	Positive relationships with and the sharing of interests with neighbours and other community members can contribute to a sense of belonging and inclusion and enable stronger communities.
<b>Affordability</b>	Housing should be provided at a cost to the household that does not leave occupants with insufficient income to meet the other basics of life such as food, clothing, utilities, medical and education costs.	It is commonly accepted that household costs should not exceed 30% of income for those households in Very Low, Low and Moderate incomes categories.
<b>Sustainability</b>	Housing should be designed so that the costs of living in the dwelling are minimised.	Reducing the cost of construction via lower cost materials should not result in higher maintenance costs over time (reducing viability for the provider) and/or reduce environmental efficiency (increasing living costs for the resident).
<b>Support</b>	Housing should be linked to support services which are appropriate to household members and which enable them to maintain a stable tenancy.	Secure and affordable housing will automatically contribute to housing stability however some people such as those with significant physical disabilities and people with acute mental health problems may require ongoing or periodic professional support to assist them to maintain their accommodation.

*Adapted from The City of Greater Geelong Social Housing Plan 2020-2041*

### Definitions

**Big Housing Build** – Victorian Government program announced in November 2020 worth \$5.3 billion to construct more than 12,000 new homes throughout metro and regional Victoria over the following four years

**Homes Victoria** - The state government department formed to deliver the Big Housing Build program.

**Social Housing** – consists of public and community housing and is regulated to ensure access to housing at less than 30% of income in a rental agreement that provides security of tenure. All public housing is owned and managed by the state government and the tenants have a lease directly with the government. All community housing is owned or managed by not-for-profit community groups who are regulated by the Housing Registrar and called Housing Agencies. They are registered under the Housing Act 1983 as either housing associations or housing providers.

### Related Procedure

Nil.

### References

City of Greater Geelong (2020), Social Housing Plan 2020-2041.

P. Mares (2018), No Place Like Home – Repairing Australia's Housing Crisis, Text Publishing, Melbourne.



## 6.4 SCS-054 Social Housing Policy



*We exist to help our community and environment to thrive*

**COUNCIL POLICY**

### Document History

Version	Document History	Approved by – Date
1	Created	Council Resolution – 24 August 2021



## 6.5 Response to Petition to Council to Complete Maintenance and Re-Open Winchelsea Leisure Time Centre - 2021

**Author's Title:** Manager Facilities & Open Space Operations

**General Manager:** Chris Pike

**Department:** Facilities & Open Space Operations

**File No:** F18/2332-3

**Division:** Culture & Community

**Trim No:** IC21/1252

**Appendix:**

Nil

**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 respond to a petition received by Council at the 27 July Council Meeting regarding the repair and reopening of the Winchelsea Leisure Time Centre.

### Summary

A petition was received at the 27 July 2021 Council Meeting. The petition requested that Council undertake to urgently complete the repairs to the Winchelsea Leisure Time Centre and reopen it for public use as soon as possible.

The facility is owned by the Department of Education and Training and is on Winchelsea Primary School land. It is not within Council's power to re-open the facility. Council, via its insurer, has sought to assist the school in dealing with building failures in recent years. Since late 2020 the Victorian School Building Authority has assumed responsibility for addressing ongoing problems. Council remains a key stakeholder.

The facility is currently closed after the school noticed further movement in the floorboards from moisture levels underneath the floor and deemed the facility unsafe for use. This was another recurrence of a problem that had tried to be fixed in previous years. Council was notified of the closure of the centre via the media.

Council has supported the school principal in liaising with the Victoria School Building Authority to address the problems. The Authority, in partnership with the school, has commissioned an engineering report to determine the scope and cost of works to reopen the facility. At the time of writing this is yet to be provided to officers so Council's options are unclear. Officers continue to assist the school to advocate for interim solutions to enable school use, at a minimum, to resume.

An agreement with the school and the Department of Education and Training governs Council's relationship with the facility. It reflects the school's position as the major stakeholder of this facility, with Council a minor stakeholder. There is a 70/30 split between the school and Council for maintenance responsibilities. Historical usage data from 2017 supports this split with average weekly use being 25 hours by the school and 8 hours by the community. Community users book directly with the school with no role for Council.

The facility is important to the local community and supports some activities that cannot be accommodated at other general purpose community buildings. However, the current use agreement is due to end in December 2021 and it is timely for Council to consider its ongoing role in relation to the facility.



## **6.5 Response to Petition to Council to Complete Maintenance and Re-Open Winchelsea Leisure Time Centre - 2021**

### **Recommendation**

That Council:

1. Notes officers are awaiting the findings of the Victorian School Building Authority and Winchelsea Primary School-commissioned engineering reports to determine options to repair and reopen the Winchelsea Leisure Time Centre.
2. Notes that officers continue to assist the Winchelsea Primary School to advocate for interim solutions that allow for school use in the short-term.
3. Notes that its agreement with the Department of Education and Training and Winchelsea Primary School regarding the Winchelsea Leisure Time Centre expires in December 2021.
4. Receives a report to consider its options regarding the repair and management of the Winchelsea Leisure Time Centre as soon as the required information is available.
5. Advises the first-named petitioner of this resolution and thanks them for bringing this matter to Council's attention.

### **Council Resolution**

**MOVED Cr Paul Barker, Seconded Cr Adrian Schonfelder**

That Council:

1. Notes officers are awaiting the findings of the Victorian School Building Authority and Winchelsea Primary School-commissioned engineering reports to determine options to repair and reopen the Winchelsea Leisure Time Centre.
2. Notes that officers continue to assist the Winchelsea Primary School to advocate for interim solutions that allow for school use in the short-term.
3. Notes that its agreement with the Department of Education and Training and Winchelsea Primary School regarding the Winchelsea Leisure Time Centre expires in December 2021.
4. Receives a report to consider its options regarding the repair and management of the Winchelsea Leisure Time Centre as soon as the required information is available.
5. Advises the first-named petitioner of this resolution and thanks them for bringing this matter to Council's attention.

CARRIED 8:0



## 6.5 Response to Petition to Council to Complete Maintenance and Re-Open Winchelsea Leisure Time Centre - 2021

### **Report**

#### ***Officer Direct or Indirect Interest***

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

#### ***Background***

The Winchelsea Leisure time Centre (LTC) is located at Winchelsea Primary School 15 Gosney Street, Winchelsea. The building was opened on the 8 April 1978.

The LTC is a single court with toilets, change rooms and kitchen facilities.



Location of the Winchelsea Leisure Time Centre

The building cost \$100,000 to construct and this was funded through Federal, State and Local government as well as the community. Council committed \$10,000 to this project with the condition it would be built on the Education Department land. Council has a Joint Use Agreement (JUA) with the school and this is due to expire in December 2021. Under the current JUA, there is a 70/30 maintenance split between Winchelsea Primary School and Council for works over \$1,500. The facility is available to be booked by the community for use out of school hours and the WPS is responsible for bookings of the facility.

Timeline of recent events:

- October 2017 the School advises Council of floor movement. Council submits a claim to its insurers to rectify the issue. School closes the building.



## 6.5 Response to Petition to Council to Complete Maintenance and Re-Open Winchelsea Leisure Time Centre - 2021



Buckling in flooring and movement in blockwork wall

- Late 2017/Early 2018 – claim accepted by insurer who appoints contractors to assess the problem and implement a solution.
- February 2018 initial scope to replace buckled floor is expanded. Additional issues identified include rotten stumps and failing footings to the blockwork wall at one end of building. Insurer agrees to incorporate into scope of works.
- September 2018 after a wet autumn and winter and sufficient time for the ground to dry out, repair works commenced. Council supports the school to implement extra measures to address sub-floor moisture content under the building by upgrading drainage and relocating adjacent school water tanks.



Replacement of sub-floor, flooring and blockwork wall

- June 2019 – all repair works complete and building set to be reopened when the new movement in floorboards identified at handover.
- July 2019 – Dec 2019 – Insurer considers claim and continues to fund rectification work – timber expert engaged by insurer. Replacement of floorboards and additional expansion joints. Floor re-sanded and resealed. Council improves functioning of drainage pits.



## 6.5 Response to Petition to Council to Complete Maintenance and Re-Open Winchelsea Leisure Time Centre - 2021



Centre boards removed to allow for expansion and to be replaced with additional expansion joints/boards

- Feb 2020 - facility available for school to re-open.
- August 2020 – further movement in the floor suggests ongoing issues. Insurer commissions an engineering report to assess ongoing issues. Reveals need to further increase air flow affecting moisture levels in the ground. School maintenance shed next to the building is considered to be adding to the moisture content. Report recommends use of underfloor fans, concreting next to building to prevent moisture and improved maintenance of adjoining school assets. As factors are considered external to the building itself, insurer unwilling to accept a new claim.
- September 2020 - Council officers and the school seek and gain a commitment from the Department of Education (DET) and the Victorian School Building Authority (VSBA) that they would take control (through the VSBA) of any future works required to rectify ongoing issues as the building and surrounds are DET assets. Engineers report was provided to DET and VSBA.
- May 2021 – Council officers informed that the school have closed the LTC through an article in the Winchelsea Star. Officers contacted the Winchelsea Primary School and VSBA who confirmed that the facility was closed due OH&S concerns from further movement in the floor. VSBA confirmed that they are liaising with the school to assist them to engage a consultant to prepare a mechanical services report. Intention was to ascertain the quantum of the works required and then determine best option/s including funding for the required works.
- July 2021 – VSBA received Engineers report in late July and are working through the findings with the potential for further reports required to be able to scope out works and costings required to resolve the flooring and sub floor ventilation issues. VSBA have indicated they will meet with officers by the end of August with an update of the findings of the report and a proposed scope for rectification works. Officers have strongly encouraged the VSBA to look at an interim solution to replace the floor boards that have moved with a temporary measure to allow school until the permanent solution has been resolved.

### ***Discussion***

#### What is Council's responsibility for the facility?

The facility is owned by the Education Department and is on school land and the challenge of managing community expectation regarding Council undertaking repairs to open facility.

There has been mixed messaging for who is the driver of the LTC. With its intended purpose predominantly for school use, but is also available for community use out of school hours. This is reflective with the Winchelsea Primary School as the major stakeholder of this facility and with Council as a minor stakeholder. This is also evident in the current JUA where there is a 70/30 split between the school and council for maintenance responsibilities.



## **6.5 Response to Petition to Council to Complete Maintenance and Re-Open Winchelsea Leisure Time Centre - 2021**

In recent years Council has had to undertake the role as a major driver to ensure maintenance works required to the facility have been undertaken with the school being less responsive. Council insures the LTC and had to submit a claim with its insurers to rectify the flooring and wall issues. The reason Council insures the building is that the Education Department would take into consideration what the school is entitled to in its provision and potentially wouldn't replace the facility like for like. With the current size of the school DET would likely replace the facility with a multi-purpose room based on the size of the school and its entitlement.

The Victoria School Building Authority has agreed to take the lead as the owner of the building for the works required and is assisting the school with implementing this.

VSBA engaged an engineer to undertake an assessment regarding the issues related to the floor and sub-floor ventilation.

VSBA Property Unit is meeting their Maintenance Unit to review and discuss the report and their next steps:

- determine if any further investigations are required based on the outcomes of the report
- determine the rectification costs
- investigate options for source of funds to undertake the works
- confirm source of funds and seek necessary approvals
- subject to funding, undertake the works (this could be stages)

Discussions have occurred to strongly encourage the VSBA to look at a short term temporary repair to allow for the school to use the building while the engineer's reports and scoping of works required to resolve the long term issues related to the flooring and sub floor ventilation have been completed.

### What are the potential financial implications to reopen the facility?

Officers to meet with VSBA to discuss outcomes from the engineer assessment of the floor and sub-floor ventilation.

Dependent on the finding of the engineer's report engaged by VSBA, this will determine the scope of works required, including the cost and timeframe to undertake these works to reopen the facility. The potential outcome could be:

- Low Complexity – works required <\$50K and completed within 3 months
- Medium Complexity – works required \$50K - \$250K and works completed within 3 – 12 months
- High Complexity – works required >\$250K and works completed within 12 months.
- Full redevelopment required - works required >\$1M. Timeframe unknown as VSBA commitment to redevelopment is unclear.

Officers to provide update to Council with potential financial implications and timeframes for works to be undertaken.

### What is need for the LTC in the context of Winchelsea social infrastructure planning?

The current Joint Use Agreement (JUA) is due to end in December 2021 and there will likely be a future need for the provision of indoor sporting and recreational activities in Winchelsea and this is the only existing site that has the potential to accommodate such activities, but is not currently fit-for-purpose.

There is a lack of utilisation at present and historical trends also demonstrated limited community use (2017 figures demonstrate only 25% of total usage was for a community-related activity and that school-related activity extended beyond school hours).



## 6.5 Response to Petition to Council to Complete Maintenance and Re-Open Winchelsea Leisure Time Centre - 2021

Activity (2017)	Affiliation	Weeks	Sessions	Hours	Total Hours	
Karate (Junior and Senior)	Community	40	2	2	160	
State Karate Championships	Community	1	2	8	16	
Roller Skating - Club (Colac)	Community	40	2	2	160	
Garden Club	Community	3	2	4	24	
Sporting Schools	School	20	5	1	100	
Wow Christian Activities	Community	12	1	2	24	
Children's Birthday Parties	Community	1	8	4	32	
Bill Tea Bush Band	Community	1	1	8	8	
Neighbourhood Watch Day	Community	1	1	8	8	
Community Disco's	School	1	3	4	12	
Community School Concert	School	1	1	8	8	
School hours / use 9 - 3)	School	40	5	6	1200	
	<b>Community</b>				<b>432</b>	<b>25%</b>
	<b>School</b>				<b>1320</b>	<b>75%</b>
	<b>Total</b>				<b>1752</b>	

It will be important to maintain a connection with the site for the purposes of maintaining some influence over the facility's use.

It is also important to note that Winchelsea is well served by general purpose community facilities (e.g. Globe Theatre and Eastern Reserve, and before long the Winchelsea Shire Hall) and some of these activities relocated when the LTC was closed.

### Development of a new Joint Use Agreement

Council's involvement in a joint use agreement is a legacy of its \$10,000 contribution back in 1978. Since that time the state government has evolved its policies seeking to maximise community use of public school buildings. It is now common for schools to support community use of their multi-purpose spaces without the involvement of local councils (e.g. Anglesea Primary School, Torquay Coast Primary School). Council does have agreements where it is the primary user/operator (e.g. Wurdi Baierr Stadium, Stribling Reserve Pavilion, Banyul-Warri Fields).

This presents Council with options at the conclusion of the current agreement in December 2021. It is possible that the community can enjoy access to the facility via a direct relationship with the school. Indeed this has been the arrangement over the last decade at least.

Future arrangements are likely to be intertwined with the options to repair and reopen the building, particularly given the DET/VSBA's position that the facility is in excess of the school's entitlement. Council should consider its ongoing involvement in that context and as part of a future report.

### **Council Plan**

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

### **Reporting and Compliance Statements:**

*Local Government Act 2020 – LGA 2020*

<b>Implications</b>	<b>Applicable to this Report</b>
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No



## 6.5 Response to Petition to Council to Complete Maintenance and Re-Open Winchelsea Leisure Time Centre - 2021

<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020 and Council's Community Engagement Policy SCS-017 )	Yes
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	No
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	Yes
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
Risk Assessment	Yes
Communication	Yes
Human Rights Charter	Yes

### **Governance Principles - Local Government Act 2020 (LGA 2020)**

This report recommendations gives priority to delivering best outcomes for the municipal community.

### **Community Engagement**

Limited community engagement has occurred through the Winchelsea Star and updates to Growing Winchelsea. The Victorian School Building Authority and Winchelsea Primary School have not provided any community updates.

In accordance with Council's Community Engagement Policy SCS-017, the engagement level is **Inform** as shown below.

Engagement Level	Promise to the Community	Role of Community	Example of Activities
<b>Inform:</b> Provide news and information to the community to help them understand.	Council will keep you informed.	Receive information.	Information sessions Provide information via media Social media posts

### **Strategies/Plans**

Council is currently developing a whole of shire Social Infrastructure Plan to consider sites such as this one in the context of community needs and the broader network of social infrastructure in the town

### **Financial Management**

If council decides to contribute to the overall cost to undertake repairs to reopen the facility (based on the current JUA), the cost to Council will be dependent on the findings of the engineer's report engaged by VSBA. The will determine the scope of works required, including the cost and timeframe to undertake these works to reopen the facility. This will require consideration by Council.

### **Risk Assessment**

This report notes officers are awaiting the finding of engineering assessments to determine options to make the facility safe for use. Despite this being a school facility, the community's use of it under the auspices of a joint use agreement means there are Workplace Health and Safety implications.

### **Communication**

Council's decision will be conveyed back to the first named petitioner following its determination.

### **Human Rights Charter**

This proposal will not impact the Human Rights Charter.



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## **6.5 Response to Petition to Council to Complete Maintenance and Re-Open Winchelsea Leisure Time Centre - 2021**

### ***Options***

Option 1 – Notes the recommendations in the report and receives a future report to consider its options regarding the repair and management of the Winchelsea Leisure Time Centre when further information is available.

This option is recommended by officers as Council has obligations for 30% of the maintenance costs of the facility under the current joint use agreement and the findings of Victorian School Building Authority and Winchelsea Primary School-commissioned engineering reports will help to provide clarity on the current requirements and future use of Council's role for this facility.

Option 2 – Notes the recommendations in the report and take no further action.

This option is not recommended by officers as this will have a significant negative feedback as there is a high expectation from the community around Council's involvement in the LTC and Council has obligations for 30% of the maintenance costs of the facility under the current joint use agreement.

### ***Conclusion***

Council officers will meet with the Victorian School Building Authority and Winchelsea Primary School to receive the findings of the report regarding the issues related to the floor and sub floor ventilation and will continue to assist the community and school by advocating to the Victoria School Building Authority to consider an interim solution to allow for access to the facility in the short term. Officers to provide a further report to Council to consider its options regarding the repair and management of the Winchelsea Leisure Time Centre.



## 6.6 Ocean Acres Reserve Bike Park and Open Basin Upgrade Project and User-Built Bike Jumps

**Author's Title:** Recreation Planning Coordinator

**Department:** Social Infrastructure Planning

**Division:** Culture & Community

**Appendix:**

Nil

**Officer Conflict of Interest:**

In accordance with Local Government Act 2020 –  
Section 130:

☐

Yes

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No

**Reason:** Nil

**General Manager:** Chris Pike

**File No:** F19/603

**Trim No:** IC21/1363

**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 future of the Ocean Acres Reserve – Bike Park and Open Basin Upgrade Project and note the challenges relating to user-built bike jumps on Council owned or managed land.

### Summary

The Ocean Acres Reserve – Bike Park and Open Basin Upgrade project was deemed feasible by Council in December 2019 and was prioritised for funding via the 2020-21 Local Roads and Community Infrastructure Program (Phase 1). Officers completed the community engagement process in line with Council's Capital Works Community Engagement Policy (SCS-025) before commencing works. A total of 29 submissions were received including 14 in support, 14 opposing and 1 neutral submission. Officers convened two mediation meetings in May 2021. A negotiated outcome could not be reached. On 20 July 2021 a Special Council Meeting was held to and seven of the submitters addressed Council directly. Council is now required to decide on the future of the project.

Officers recommend amending the project scope to exclude the bike park component of the project but still deliver the much needed open basin drainage improvement works as this is a balanced approach to the key concerns raised.

User-built bike jumps is a complex region-wide issue and lockdowns have exacerbated this. Early in the pandemic, some 'low scale, safe jumps' were tolerated within specific parameters in recognition of the mental health challenges of children at that time, including within Ocean Acres Reserve. This tolerance has continued into 2021 with a range of ongoing challenges and risks presented by user-built jump construction in parks, nature reserves and on adjacent private land. Officers regularly hear from unhappy parents and young people when larger jumps are removed as well dissatisfied residents when smaller jumps are tolerated. A new approach is required.

There are no defined standards or guidelines to guide user-built bike jump construction or assessment. However Council has a legal duty of care illegal user-built bike jumps on its land must be removed when officers become aware of them. This report proposes actions that will ensure Council can safely channel the commitment, energy and skills of young people into meaningful activities at existing bike parks whilst protecting the natural environment and ensuring amenity for residents.

### Recommendation

That Council:

1. Notes the submissions regarding Ocean Acres Reserve – Bike Park and Open Basin Upgrade project have been received and properly considered.
2. Acknowledges the effort from local community members who signed the original petition and made submissions to the Ocean Acres Reserve – Bike Park and Open Basin Upgrade project.
3. Amends the Ocean Acres Reserve – Bike Park and Open Basin Upgrade project scope to retain the drainage improvement components and exclude the bike park component of the project.
4. Notes the challenges associated with user-built bike jumps outlined in this report.
5. Notes the existing Bob Pettitt Reserve Bike Park in Jan Juc is in need of improvements and does



## 6.6 Ocean Acres Reserve Bike Park and Open Basin Upgrade Project and User-Built Bike Jumps

- not meet the needs of the local bike riding community.
6. Authorises the Chief Executive Officer to seek approval from the Local Roads and Community Infrastructure Program Manager to redirect \$30,000 from the Ocean Acres Reserve – Bike Park and Open Basin Upgrade project to the Bob Pettitt Bike Park Improvement project.
  7. Pending approval from the Local Roads and Community Infrastructure Program:
    - 7.1 Allocates \$20,000 from the Accumulated Unallocated Cash Reserve to the Bob Pettitt Bike Park Improvement project to make a total project cost of \$50,000.
    - 7.2 Notes that the Ocean Acres Reserve Open Basin Upgrade will proceed ensuring the drainage issues within the reserve are addressed and must be completed by 31 December 2021.
  8. Advises the author of the petition and all submitters of Council's proposed actions.
  9. Notes that Officers are removing user-built jumps from Council owned or managed land in accordance with it legal duty to ensure, so far as is reasonably practicable, that members of the public are not exposed to risks to their health or safety arising from the conduct of Council.
  10. Notes that officers will implement a communications strategy to raise community awareness around the risks relating to user-built jumps and to channel young people's energies towards Council-sanctioned bike jump projects.

### Council Resolution

#### **MOVED Cr Mike Bodsworth, Seconded Cr Paul Barker**

That Council:

1. Notes the submissions regarding Ocean Acres Reserve – Bike Park and Open Basin Upgrade project have been received and properly considered.
2. Acknowledges the effort from local community members who signed the original petition and made submissions to the Ocean Acres Reserve – Bike Park and Open Basin Upgrade project.
3. Amends the Ocean Acres Reserve – Bike Park and Open Basin Upgrade project scope to retain the drainage improvement components and exclude the bike park component of the project.
4. Notes the challenges associated with user-built bike jumps outlined in this report.
5. Notes the existing Bob Pettitt Reserve Bike Park in Jan Juc is in need of improvements and does not meet the needs of the local bike riding community.
6. Authorises the Chief Executive Officer to seek approval from the Local Roads and Community Infrastructure Program Manager to redirect \$30,000 from the Ocean Acres Reserve – Bike Park and Open Basin Upgrade project to the Bob Pettitt Bike Park Improvement project.
7. Pending approval from the Local Roads and Community Infrastructure Program:
  - 7.1 Allocates \$20,000 from the Accumulated Unallocated Cash Reserve to the Bob Pettitt Bike Park Improvement project to make a total project cost of \$50,000.
  - 7.2 Notes that the Ocean Acres Reserve Open Basin Upgrade will proceed ensuring the drainage issues within the reserve are addressed and must be completed by 31 December 2021.
8. Advises the author of the petition and all submitters of Council's proposed actions.
9. Notes that Officers are removing user-built jumps from Council owned or managed land in accordance with it legal duty to ensure, so far as is reasonably practicable, that members of the public are not exposed to risks to their health or safety arising from the conduct of Council.
10. Notes that officers will implement a communications strategy to raise community awareness around the risks relating to user-built jumps and to channel young people's energies towards Council-sanctioned bike jump projects.

CARRIED 8:0



## **6.6 Ocean Acres Reserve Bike Park and Open Basin Upgrade Project and User-Built Bike Jumps**

### **Report**

#### ***Officer Direct or Indirect Interest***

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

#### ***Background***

##### ***Ocean Acres Reserve Bike Park and Open Basin Upgrade Project***

On 10 December 2019, Council received a Community Project Development Investigation report which affirmed the viability of the development of a BMX track and open basin upgrade within Ocean Acres Reserve to increase activities available for all ages and to encourage more kids to be active in their local park. The project responded to an idea put forward by a young resident of Ocean Acres, and supported by over 40 signatures from other residents. Council was then successful in securing \$80,000 from the Australian Government's Local Roads and Community Infrastructure Program (Phase 1) to deliver the project.

The Ocean Acres Reserve – Bike Park and Open Basin Upgrade Project is exempt from a Planning Permit as the total project cost is under \$1M within a Public Park and Recreation Zone (PPRZ). Council's Capital Works Community Engagement Policy (SCS-025) guides community consultation relating to capital works that do not trigger a Planning Permit and a letter was sent to all Ocean Acres Estate residents in January 2021 seeking feedback to the proposal, noting the following project features:

- Upgrade and enhance existing drainage area to become a more attractive and usable public open space.
- Integrate improved drainage outlet with open grasses areas and a dry creek bed providing nature play opportunities.
- Develop a new local bike park for all ages on one third of the site, improving the use and functionality of a largely unused area.

Opposition to the project was received so as per the Capital Works Community Engagement Policy Officers convened two mediation meetings on 12 and 26 May 2021 to hear from community members as to why they support or oppose the project.

A negotiated outcome could not be reached so on 20 July 2021 a Special Council Meeting was scheduled for Hearing of Submissions relating to the project. Council received a total of 29 submissions including 14 in support, 14 opposing and 1 neutral submission and 7 submitters accepted the invitation to address Council directly and present their submission. Council is now required to decide on the future of the project.

##### ***User-Built Bike Jumps***

User-built jumps on public land is a complex, region-wide issue with many considerations that have been further complicated through the COVID-19 pandemic and this is the same for the mental health of our young people.

During a COVID-19 lockdown period in early 2020, Council took a position to tolerate some 'low scale, safe jumps' with specific parameters in recognition of the mental health challenges of children at that time, including within Ocean Acres Reserve. This tolerance has continued into 2021 with a range of ongoing challenges and risks presented by user-built jump construction in parks, nature reserves and on adjacent private land (flooding issues).

In the past 18 months Officers have identified 12 sites around Torquay and Jan Juc where user-built jumps have been constructed. The majority are clustered around existing bike parks, with 84% constructed in nature reserves, 8% in open space reserves and 8% on private land.

There are no defined standards or guidelines to guide user-built bike jump construction or assessment. Officers have recently determined to reinstate the position to remove all illegal user-built bike jumps to exercise Council's duty of care and prioritise the protection of our public open space, environment and community. The increasing number of user-built bike jumps has highlighted that we need to improve the quality and experience at our existing bike parks to provide young people a greater challenge.

This report proposes actions that will ensure we can channel the commitment, energy and skills of young people into meaningful activities at our existing bike parks that can be supported by Council.



## 6.6 Ocean Acres Reserve Bike Park and Open Basin Upgrade Project and User-Built Bike Jumps

### Discussion

#### *Ocean Acres Reserve Bike Park and Open Basin Upgrade Project*

A total of 29 submissions were received including 14 in support, 14 opposing and 1 neutral submission. The key themes from the submissions including the 7 presentations to Council at the Hearing of Submissions are summarised as follows including an Officer comment:

Key Concern	Consideration	Officer Comment
<b>Inappropriate location</b>	The reserve is a local level passive reserve serving a diverse range of local community needs. Construction of a bike park will take away open space used by other residents.	Proposal is to utilise 50% of the open basin for a local level bike park (5-14y.o), ensuring passive open space remains for other activities (i.e fitness classes, yoga, leisure, birthday/christmas parties).
<b>Car parking and traffic impacts</b>	Bike park will attract visitors with no adequate supporting infrastructure i.e parking, resulting in vehicle and pedestrian conflicts.	Proposed bike park is small scale, and is not considered a destination bike park with the majority of new use expected to be from young residents within Ocean Acres Estate able to ride their bike to the Reserve.
<b>No toilet</b>	A bike park will need a toilet.	As a local level park, it's expected park users will return home to use their own toilet. However, there are reports of kids using the illegal jumps that were constructed and tolerated for a period relieving themselves in the park.
<b>Anti-social behaviour</b>	Local residents reporting concerns relating to increased anti-social behaviour.	Anecdotally we have seen an increase in anti-social related behaviour at user-built jumps across the Shire during lockdown periods. We do not expect any more anti-social behaviour than any other bike park outside of a lockdown period.
<b>Size and scope of bike park</b>	Being a local level bike park it will not be challenging enough to maintain interests of local kids.	<b>Significant concern for officers.</b> Proposed concept (and budget) is small scale only and the majority of new user-built jumps have been clustered around existing bike parks that the kids do not find challenging enough. Spring Valley Bike Park supports a wider range of rider abilities and is only a 10 minute bike-ride away (via a safe cycling route and formalised connections).
<b>Consultation process</b>	Adjacent residents were not consulted until they received a letter once the project had received funding and the concept was released.	<b>Significant concern for officers</b> as immediate/adjacent residents have objected to the proposal. Officers engaged with the local community in line with Council's Capital Works Community Engagement Policy (SCS-025), notifying 500 immediate residents. However, this was not completed during the Community Project Development investigation stage and officers are exploring how this can be included in the Community Project Development process moving forward.
<b>Other reserve priorities</b>	Not the best use of funds as other immediate priorities for the reserves remain unfunded. The drainage basin works are considered to be required, but the bike park is not.	<b>Significant concern for officers.</b> The drainage basin works are required to address the poor drainage at the site, which prevents usage during the winter months and causes mosquito problems.

While there is a balance of support and opposition to the project, Officers are concerned that residents immediately adjacent to Ocean Acres Reserve do not support the project. All submitters support the much



## 6.6 Ocean Acres Reserve Bike Park and Open Basin Upgrade Project and User-Built Bike Jumps

needed open basin drainage improvements, however the community consultation with Ocean Acres Estate residents has raised a number of concerns that Officers suggest provide sound reason for Council to amend the project scope to exclude the bike park component of the project. Key reasons for Officers recommending this approach include:

- The proposed bike park is a local level park only which may very quickly be considered not challenging enough for the young local riders.
- The majority of new user-built jumps that have been constructed during lockdown periods have been clustered around existing low scale Shire bike parks, Ocean Acres would likely be no different.
- Spring Valley Bike Park supports a wider range of rider abilities and is only a 10 minute bike-ride away (via a safe cycling route and formalised connections).
- The increasing number of user-built bike jumps has highlighted that our priority should be to improve the quality and experience at our existing bike parks to provide young people a greater challenge.

There is an opportunity for Council to work with community to direct energy into maintaining and improving existing bike parks (particularly at Anglesea Bike Park, Spring Valley and Bob Pettitt Reserve). A Volunteer Working Bee process has recently been established with the support of council's Risk Management team that allows groups like the Anglesea Bike Park Committee, Surf Coast Mountain Bike Club or passionate individuals to arrange working bee activities at Council's existing bike parks. As this process matures there is an opportunity for further investigation into supporting a designated user-built bike jump space similar to one being trialled by Moreland City Council.

### User-Built Bike Jumps

The increasing number of user-built bike jumps clustered around existing bike parks has highlighted an opportunity to improve the quality and experience at those bike parks to provide young people a greater challenge. Surf Coast has seven dedicated bike parks which is higher than the industry standard provision for bike parks (SCS 1 facility: 4,967 people vs standard 1 : 50,000), including:

1. Anglesea Bike Park (Regional level facility)
2. Spring Valley Bike Park (Torquay)
3. Bob Pettitt Bike Park (Jan Juc)
4. Moriac BMX Track
5. Connewarre BMX Track
6. Kalkarra BMX Track & Pump Track
7. Deans Marsh BMX Track.

### *Why people can't build their own dirt jumps on Council or Crown Land*

It is important that members of our community understand the issues and challenges associated with self-made or user built bike jumps. The following are key reasons why people can't build their own jumps on public land:

- Safety – We need to ensure that structures built on public land are safe – for users and passers-by.
- Standards – We can't ensure that user-built jumps are safe – either in their design or construction. Regardless of size there is always a risk of injury.
- Engagement and Approvals – Any works on Council land needs to go through the appropriate engagement and approval processes (cultural heritage, local residents and affected parties).
- Risk Management – If a facility is professionally designed, engineered, and built in accordance with standards, and it is regularly inspected and maintained, the risk of injury and liability can be managed and mitigated.
- Protecting Public Open Space – User-built jumps come at a cost to the setting in which they have been built and often lead to significant damage.

### *Council's Responsibilities*

User-built dirt jumps have not been formally assessed by Council Officers due to there being no defined standards or guidelines on what is appropriate, and our limited experience in assessing these specific types of bike jumps.

The removal of user-built bike jumps in our parks or reserves to date has primarily been due to damage to vegetation, however there have also been some removed due to safety concerns and numerous complaints by the community. This determination has been made by Council Officers based on a visual inspection and interpretation of what is unsafe in the specific setting and context (surrounds), for example; exposed



## 6.6 Ocean Acres Reserve Bike Park and Open Basin Upgrade Project and User-Built Bike Jumps

materials within jump or constructed in nature vegetation reserves. In these situations, a decision has been based on a judgement call aimed at ensuring the safety of riders and the broader community.

At other Shire bike park or skate park facilities, there is an acceptance of risk based on the design and construction of facilities by qualified and experienced contractors, and the erection of signage informing users of safe use. Our duty of care is to ensure the site is suitably constructed and maintained to provide a safe environment, and users are informed of use and risks. Council cannot mitigate risks in this way when community members build jumps in open space without guidance.

### *Legislative Requirements*

There are clear legislative and policy requirements that Council must operate under in our responsibilities in providing facilities for the community to use:

- Workplace Health and Safety – Officers are mindful of their legal duty to ensure, so far as is reasonably practicable, that members of the public are not exposed to risks to their health or safety arising from the conduct of Council.
- New Occupational Health and Safety Laws - A new criminal offence of workplace manslaughter has been introduced into OHS laws. The offence applies to negligent conduct by an employer or other duty holders, or an officer of an organisation, which breaches certain duties under the OHS Act 2004 and causes the death of another person who was owed the duty. If convicted a maximum fine of \$16.5M or 25 years imprisonment applies.
- Duty of Care - Council has a Duty of Care (as land owners) and a duty to show 'Reasonable Care' under its Liability Policy.
- Council's Liability Policy will respond to a claim for personal injury as a result of Council's negligence, however, the reasonable care provision requires Council to take all reasonable precautions to prevent personal injury and damage to property.
- Local Law 6.6 – Enforcing the local law where '*a person must not, without permission, use or alter Council land*'.

### *Precedent Case*

Officers recently contacted the Municipal Association of Victoria to see what advice was available to the sector for this state-wide issue. It highlighted a precedent case from 2013 involving a terrible injury by a teenager using an illegal user-built jump. The details of the precedent case are:

- 17 year old boy was riding a BMX and attempting a jump; didn't quite make it across. Flipped over the handle-bars and landed on his head, leaving him with severe spinal injuries (tetraplegia).
- Track was located in a Council owned reserve but constructed illegally.
- Council officers were aware of the track as it had existed for a number of years prior to the incident but Council officers mistakenly believed the track was not located on Council land. Council regularly mowed lawns adjacent and the jumps were clearly visible from the grassed area.
- Council had no formal policy or procedures to deal with user-built jumps and a lack of formal Risk Assessment procedures.
- Council were found liable because they had a Duty of Care (as landowners), knew about the hazard and failed in their Duty of Care as they did not act in a reasonable manner to address it. Claim settled for \$4,601,621.
- Non-financial consequences resulting from the incident included the effect on Council employees involved; feeling of remorse and other psychological effects, lost time and the reputational damage to Council.

### *Issues and Challenges*

The construction of user-built jumps in open space and nature reserves creates a variety of issues and challenges for Council to manage including:

- Destruction of public open space – Public open space is significantly affected by the building of user-built jumps, rendering the space unsafe (particularly to walk through in poor light) and unusable by others.
- Impacts on the environment – Jumps built in areas with native species / vegetation.
- Impacts on cultural heritage – Often jumps are built in areas along waterways that are of cultural significance without the proper process of a cultural heritage management plan or engagement.
- Cost of removal and rectification – Jumps require removal at a cost to Council including hard rubbish such as couches that have been associated with these areas previously.



## 6.6 Ocean Acres Reserve Bike Park and Open Basin Upgrade Project and User-Built Bike Jumps

- Anti-social behaviour – Illegal bike jumps and their users are the source of a number of complaints by community members in recent months.

### *The Mental Health of our Young People*

The majority of riders using user-built jumps are our young people, and Officers acknowledge that the incidence of jump construction has increased since the COVID-19 pandemic began and young people need to be active and find outlets for energy and creativity. The following are key factors influencing the mental health of our young people:

- Lockdowns – Pandemic lockdowns have had major impacts on all community members. The cancelling of all junior sport throughout 2020 and further impacts in 2021 have left our young people trying to find other activities to do. At times over the past 18 months, bike riding, bike jumping, walking/hiking, running, surfing and casual sport have been the only forms of activity available to young people.
- Home schooling – With young people being home schooled this has changed the dynamic between parents and children, providing some challenges. Respite for both parties has been essential and young people heading outside nearby their homes has been a valuable option.
- Young people self-harm – In August 2020, it was revealed that almost half of the state's suicide deaths during that year among boys under 18 occurred in the Geelong region. Mental health of our young people, including being able to get outdoors, exercise, socialise, create and have fun is critical to ensure that they survive and thrive as they navigate their teenage years.
- Channelling positive energy – Officers acknowledge the need for young people to find their activities of interest and enjoyment. The commitment, energy and skills that our young people apply to user-built jumps is impressive. However this energy needs to be channelled into meaningful activities that can be supported by Council.
- The time to have fun – we were all young once and fondly remember the times of no responsibility and having fun with friends. That's what young people are doing, and it's good for their health in times that are challenging both through the pandemic and in a generation where screen time and social media is prevalent. Our young people having fun outdoors is very important and we want them to enjoy it in the right way.

### Addressing the Challenge

The increasing number of user-built bike jumps clustered around existing bike parks has highlighted that our priority should be to improve the quality and experience at our existing bike parks to provide young people a greater challenge. Amending the scope of the Ocean Acres Bike Park and Open Basin Project provides an opportunity to seek approval from the Local Roads and Community Infrastructure Program Manager to redirect \$30,000 from the Ocean Acres Reserve – Bike Park and Open Basin Upgrade project to the Bob Pettitt Bike Park Improvement project which is of poor quality and desperately in need of improvements.

It is clear that the removal of user built bike jumps will upset kids and their families who will not understand Council's legal responsibilities. Therefore there is considerable work involved in working with and communicating the issues associated with this activity as well as providing opportunities for young people and their families to channel their energies into more controlled bike jump building. If prioritised this will stretch Council's existing resources.

The Social Infrastructure Planning (SIP) Department is currently exceeding capacity with a number of projects brought forward from future work plans courtesy of Federal stimulus funding to help communities bounce back from the COVID-19 pandemic. However, this LRCIP project and associated bike park improvement works clearly requires attention urgently.

Officers will seek to reorder priorities to ensure the full 2021-22 program of projects can be delivered in this financial year. Should this require additional resourcing officers will bring put this to Council.

### **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



## 6.6 Ocean Acres Reserve Bike Park and Open Basin Upgrade Project and User-Built Bike Jumps

Strategy 3.2.6 Advocate for supporting infrastructure

### **Reporting and Compliance Statements:**

*Local Government Act 2020 – LGA 2020*

<b>Implications</b>	<b>Applicable to this Report</b>
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020 and Council's Community Engagement Policy SCS-017 )	Yes
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
<b>Service Performance</b> (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 report seeks to provide a way forward on a project of high importance in an effort to pursue best outcomes for the local Ocean Acres Estate community, both now and in the future. Council scheduled a Special Council Meeting for Hearing of Submissions relating to the Ocean Acres Reserve Bike Park and Open Basin Project on 20 July 2021. A total of 29 submissions were received and Council is now required to decide on the future of the project.

### **Policy/Relevant Law**

The consultation has been guided by Council's Capital Works Community Engagement Policy SCS-025.

### **Environmental/Sustainability Implications**

All submitters support the much needed drainage improvements at Ocean Acres Reserve, so amending the Ocean Acres Reserve Bike Park and Open Basin Upgrade project scope to exclude the bike park component only will be a good outcome for the environment.

Public open space can be significantly affected by the building of user-built jumps often rendering spaces unsafe and unusable by others. There have been incidents of significant environmental damage and deliberate vandalism at Grass Tree Park and Deep Creek which resulted in some very upset community members. Removing illegal user-built jumps while providing opportunities for young people to contribute to improving our existing bike park network will be a proactive step in protecting our environment.

### **Community Engagement**

The Proposed Ocean Acres Bike Park and Open Basin Project was sent via letter to approximately 500 residents in the Ocean Acres Estate calling for feedback from 21 January 2021 to 12 February 2021. A total of 29 submissions were received including 14 in support, 14 opposing and 1 neutral submission.

In accordance with Council's Community Engagement Policy SCS-017, the engagement level is **Consult** as shown below:



## 6.6 Ocean Acres Reserve Bike Park and Open Basin Upgrade Project and User-Built Bike Jumps

Engagement Level	Promise to Community	Role of Community	Example of Activities
Consult	Council will listen to and acknowledge your contribution.	Contribute opinions and ideas.	Letter Mediation meetings 12 & 26 May 2021 Special Council Meeting – Hearing of Submissions 20 July 2021

### **Public Transparency**

This Council report seeks to provide maximum transparency regarding the considerations for deciding on the future of the Ocean Acres Reserve Bike Park and Open Basin Upgrade project and how we are responding to user-built bike jumps on public land.

### **Financial Management**

If Council resolves to amend the project scope in line with recommendations in this report it will be required to seek approval from the Local Roads and Community Infrastructure Program Manager to redirect \$30,000 from the Ocean Acres Reserve – Bike Park and Open Basin Upgrade project to the Bob Pettitt Bike Park Improvement project.

Pending approval from the Local Roads and Community Infrastructure Program Council will be required to allocate \$20,000 from the Accumulated Unallocated Cash Reserve to the Bob Pettitt Bike Park Improvement project with a total project cost of \$50,000 including project management and contingency for the best outcome to meet local needs.

### **Risk Assessment**

If Council decided to proceed with the bike park components of the project there is a reputational risk with the adjacent residents who objected and could be perceived as not listening to their concerns.

There are identified Workplace Health and Safety implications associated with this report. Updating Council assets that require renewal or replacement like Bob Pettitt Bike Park is a priority to ensure a safe working environment for Council officers and contractors and to ensure public safety. Council leading the improvement project with community input and ownership will ensure the site is suitably constructed and maintained to provide a safe environment. Council cannot mitigate risks when community members build jumps in open space without guidance.

### **Communication**

The author of the original petition and all submitters will be updated on the recommendations in this report and Council's decision on the project. A Communication Strategy is included within the scope of the Bob Pettitt Bike Park Improvement Project to support our community to understand the challenges relating to user-built bike jumps in public spaces and opportunities to be involved in improving our existing bike parks.

### **Options**

Option 1 – Amend the Ocean Acres Reserve – Bike Park and Open Basin Upgrade project scope to exclude the bike park component of the project; and seek approval from the Local Roads and Community Infrastructure Program Manager to redirect \$30,000 from the Ocean Acres Reserve – Bike Park and Open Basin Upgrade project to the Bob Pettitt Bike Park Improvement project.

This option is recommended by officers as it is a balanced response to the concerns raised from Ocean Acres residents and still delivers the much needed open basin drainage improvement works. Redeveloping the tired Bob Pettitt Reserve bike park aligns to the funding guidelines and provides a clear and exciting opportunity for young people to direct their energy into a meaningful activity (bike park design and construct) that they will be challenged by and can be proud of.

Option 2 – Proceed with the Ocean Acres Reserve – Bike Park and Open Basin Upgrade project with no amendments.

This option is not recommended by officers as it is not considered a balanced response to the project concerns raised and there is reputational risk with immediate adjacent residents to the reserve who all objected to the project.

Option 3 – Abandon entire project and seek approval from the Local Roads and Community Infrastructure Program Manager to redirect Local Roads Community Infrastructure funding to another approved project



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## **6.6 Ocean Acres Reserve Bike Park and Open Basin Upgrade Project and User-Built Bike Jumps**

This option is not recommended by officers as it means the much needed open basin drainage improvement works will not get completed.

### ***Conclusion***

The Ocean Acres Reserve – Bike Park and Open Basin Upgrade project was deemed feasible by Council in December 2019 and attracted funding via the 2020-21 Local Roads Community Infrastructure Program (Phase 1). Officers completed the community engagement process in line with Council's Capital Works Community Engagement Policy before commencing works and received mixed views both in support and objecting to the proposed project. After considering feedback from Ocean Acres Estate residents via mediation meetings and a Special Council Meeting for Hearing of Submissions Council is required to decide on the future of the project.

Officers recommend amending the project scope to exclude the bike park component of the project as it is a balanced approach to the concerns raised from Ocean Acres residents and still delivers the much needed open basin drainage improvement works. Further to this user-built bike jumps is a complex region-wide issue and COVID-19 pandemic related lockdowns has exacerbated this. The increasing number of user-built bike jumps clustered around existing bike parks has highlighted an opportunity to improve the quality and experience of our existing bike parks to provide young people a greater challenge and somewhere to direct their energy. Redirecting the bike park component funds of the project to improving the Bob Pettitt Reserve bike park will be a positive outcome for all users of both reserves.



## 6.7 Change to Membership - Globe Theatre Community Asset Committee

**Author's Title:** Recreation Planning Officer  
**Department:** Social Infrastructure Planning  
**Division:** Culture & Community

**General Manager:** Chris Pike  
**File No:** F11/842-3  
**Trim No:** IC21/1220

### Appendix:

#### 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 accept the resignation of Ray King from the Globe Theatre Community Asset Committee and consider the appointment of four new members to the Committee.

### Summary

At the 9 March 2021 Globe Theatre Committee meeting a resignation from Ray King was tabled and noted by the Committee. At its 13 July 2021 Committee meeting, the Committee carried a motion to recommend to Council that Charles Hartup, Glenn Morrison, Casey Norton and Jarmal Richard be appointed as new members of the committee.

### Recommendation

That Council:

1. Accepts the resignation of Ray King from the Globe Theatre Community Asset Committee.
2. Writes to Ray King thanking him for his valuable 10 years of service to the Committee and local community.
3. Appoints the following members to Globe Theatre Community Asset Committee:
  - 3.1 Charles Hartup
  - 3.2 Glenn Morrison
  - 3.3 Casey Norton
  - 3.4 Jarmal Richard.
4. Notes these appointments will increase the membership of the Globe Theatre Community Asset Committee to ten.

### Council Resolution

**MOVED Cr Heather Wellington, Seconded Cr Adrian Schonfelder**

That Council:

1. Accepts the resignation of Ray King from the Globe Theatre Community Asset Committee.
2. Writes to Ray King thanking him for his valuable 10 years of service to the Committee and local community.
3. Appoints the following members to Globe Theatre Community Asset Committee:
  - 3.1 Charles Hartup
  - 3.2 Glenn Morrison
  - 3.3 Casey Norton
  - 3.4 Jarmal Richard.
4. Notes these appointments will increase the membership of the Globe Theatre Community Asset Committee to ten. CARRIED 8:0



## 6.7 Change to Membership - Globe Theatre Community Asset Committee

### **Report**

#### **Officer Direct or Indirect Interest**

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

### **Background**

Community Asset Committees (CACs) were established by Council resolution at the 25 August 2020 meeting in accordance with s47(1) of the Local Government Act 2020. The eight new CACs replaced the Section 86 Committees of Management that were in place under the previous legislation.

At the 25 August 2020 meeting, Council appointed seven members to the Globe Theatre CAC. On 31 August 2020, the Surf Coast Shire CEO formally declared the delegations for each member of the eight CACs. These delegations are outlined in each CACs Instrument of Delegation and came into effect on 1 September 2020.

### **Discussion**

The Globe Theatre CAC members sought Expressions of Interest (EOI) by word of mouth to join the committee following the resignation of Ray King.

The Committee received six EOI's in total, however two EOI's were withdrawn. The EOI's were distributed to Council Officers and all Committee members and the Committee resolved to accept all four of the EOI's at their meeting on 13 July 2021.

With the resignation of Ray King from the Committee and the endorsement of Charles Hartup, Glenn Morrison, Casey Norton and Jarmal Richard the Committee membership will increase from seven to ten members.

### **Council Plan**

Theme 1 Community Wellbeing  
Objective 1.1 Support people to participate in and contribute to community life  
Strategy 1.1.2 Facilitate and support high levels of volunteering in the community

Theme 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

### **Reporting and Compliance Statements:**

Local Government Act 2020 – LGA 2020

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



## 6.7 Change to Membership - Globe Theatre Community Asset Committee

Communication	No
Human Rights Charter	No

### ***Governance Principles - Local Government Act 2020 (LGA 2020)***

This recommendation complies with the Local Government Act 2020, Section 47(1) (b). An Expression of Interest process to appoint new members is not required for CACs.

### ***Policy/Relevant Law***

This recommendation complies with the Committee's Instrument of Delegation.

### ***Community Engagement***

The Globe Theatre CAC was established to enable the community to engage and participate in the management of the community's assets. The capacity of the Committee is enhanced by having a broad range of members who work together in a cohesive fashion. The proposed membership of this committee is drawn from the Winchelsea and district community.

### ***Public Transparency***

An Expression of Interest process to appoint new members is not required for CACs and in this instance was not required as the Committee had already received interest from six local community members to join and shared with Council Officers.

### ***Risk Assessment***

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

### ***Communication***

Communication with the Committee and the applicants has occurred through officers of Council's Recreation Planning unit.

### ***Options***

#### **Option 1 – Appoint Charles Hartup, Glenn Morrison, Casey Norton and Jarmal Richard to the Globe Theatre CAC.**

This option is recommended by officers as it supports community members volunteering in a community committee and aligns to Council's purpose to help our community and environment to thrive. The extra committee members will assist the local Winchelsea community to thrive.

#### **Option 2 – Do not appoint Charles Hartup, Glenn Morrison, Casey Norton and Jarmal Richard to the Globe Theatre CAC.**

This option is not recommended by officers as it deters the interested parties from being involved in a community committee.

### ***Conclusion***

The Globe Theatre Community Asset Committee is seeking Council's endorsement to appoint Charles Hartup, Glenn Morrison, Casey Norton and Jarmal Richard to the Committee.



**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 and Risk

**File No:** F18/225-3

**Division:** Governance & Infrastructure

**Trim No:** IC21/1294

**Appendix:**

1. Conflict of Interest Record - Meetings conducted under the auspices of Council - Councillor Briefings - 20 July 2021 (D21/138251)
2. Conflict of Interest Record - Meetings conducted under the auspices of Council - Councillor Briefings - 27 July 2021 (D21/145584)
3. Conflict of Interest Record - Meetings conducted under the auspices of Council - Responsible & Planning Authority Briefings - 27 July 2021 (D21/145586)
4. Conflict of Interest Record - Meetings conducted under the auspices of Council - People Place Future - Panel Recall Event - 28 July 2021 (D21/143245)
5. Conflict of Interest Record - Meetings conducted under the auspices of Council - Councillor Briefings - 3 August 2021 (D21/148257)
6. Conflict of Interest Record - Meetings conducted under the auspices of Council - Councillor Briefings - 10 August 2021 (D21/152257)

**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*.



## 9.1 Conflict of Interest Records

### Recommendation

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

- Councillor Briefings - 20 July 2021
- Councillor Briefings - 27 July 2021
- Responsible and Planning Authority Briefing - 27 July 2021
- Councillor Briefings - People Place Future - Panel Recall Event – 28 July 2021
- Councillor Briefings - 3 August 2021
- Councillor Briefings - 10 August 2021

### Council Resolution

#### **MOVED Cr Adrian Schonfelder, Seconded Cr Mike Bodsworth**

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

- Councillor Briefings - 20 July 2021
- Councillor Briefings - 27 July 2021
- Responsible and Planning Authority Briefing - 27 July 2021
- Councillor Briefings - People Place Future - Panel Recall Event – 28 July 2021
- Councillor Briefings - 3 August 2021
- Councillor Briefings - 10 August 2021

CARRIED 8:0



## **9.1 Conflict of Interest Records**

### **APPENDIX 1 CONFLICT OF INTEREST RECORD - MEETINGS CONDUCTED UNDER THE AUSPICES OF COUNCIL - COUNCILLOR BRIEFINGS - 20 JULY 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

<b>Description of Meeting:</b> Conflict of Interest Record - Meetings Conducted Under the Auspices of Council - Councillor Briefings – 20 July 2021
<b>Responsible Officer:</b> Chief Executive Officer
<b>Date:</b> 20 July 2021
<b>In Attendance:</b> Yes (✓) No (X)

Councillors		Officers	
Cr. Libby Stapleton, Mayor	✓	Chief Executive Officer - Robyn Seymour	✓
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	X	Coordinator Communications and Community Engagement - Darryn Chiller	✓
Cr. Rose Hodge	✓	Coordinator Community Health & Development - Olivia Naughtin	✓
Cr. Liz Pattison	✓	Governance Officer - Julie Morales	✓
Cr. Adrian Schonfelder	✓	Social Planning and Recovery Advisor - Alicia Hooper	✓
Cr. Heather Wellington	X		

<b>MEETING COMMENCED</b>	11.00am	<b>MEETING CONCLUDED</b>	3.30pm
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<b>Matters considered at the meeting</b>
1. People Place Future – Finalising Plans

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

**Responsible Officer Signature:**

**Print Name:** Robyn Seymour

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 - COUNCILLOR BRIEFINGS - 27 JULY 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

<b>Description of Meeting:</b> Conflict of Interest Record - Meetings Conducted Under the Auspices of Council - Councillor Briefings – 27 July 2021
<b>Responsible Officer:</b> Chief Executive Officer
<b>Date:</b> 27 July 2021
<b>In Attendance:</b> Yes (✓) No (X)

Councillors		Officers	
Cr. Libby Stapleton, Mayor	✓	Chief Executive Officer - Robyn Seymour	✓
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 Environmental Health - Adam Lee	✓
Cr. Rose Hodge	✓	Coordinator Environment - Kate Smallwood	✓
Cr. Liz Pattison	✓	Coordinator Strategic Land Use Planning - Karen Hose	✓
Cr. Adrian Schonfelder	✓	Principal Strategic Planner - Michelle Warren	✓
Cr. Heather Wellington	X	Coordinator Governance - Liberty Nash	✓
		Governance Officer - Julie Morales	✓

<b>MEETING COMMENCED</b>	1.00pm	<b>MEETING CONCLUDED</b>	3.17pm
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Matters considered at the meeting
1. External Presentation - Offshore Petroleum Acreage Release 2021
2. Offshore Petroleum Acreage Release 2021 Debrief
3. Agenda Review - Council Meeting - 27 July 2021
4. Digital Transformation Program Update
5. Quarterly Council Resolutions Update - April-June 2021
6. Water Quality Analysis of North Torquay Drainage Network
7. Covid Recovery Program

Councillor Conflict of Interest Disclosures		
Councillor	Left Meeting (Y/N)	Classification and nature of interest(s) disclosed
Nil		
<div style="display: flex; justify-content: space-between; align-items: center;"> <div> <b>Responsible Officer Signature:</b>  </div> <div> <b>Print Name:</b> Robyn Seymour                 </div> </div>		
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 - RESPONSIBLE & PLANNING AUTHORITY BRIEFINGS  
- 27 JULY 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

<b>Description of Meeting:</b> Responsible & Planning Authority Briefings
<b>Responsible Officer:</b> Chief Executive Officer
<b>Date:</b> 27 July 2021
<b>In Attendance:</b> Yes (✓) No (X)

Councillors		Officers	
Cr. Gary Allen	✓	Chief Executive Officer - Robyn Seymour	✓
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	✓	Coordinator Strategic Land Use Planning - Karen Hose	✓
Cr. Liz Pattison	✓	Principal Strategic Planner – Michelle Warren	✓
Cr. Adrian Schonfelder	✓	Principal Strategic Planner - Samantha Natt	✓
Cr. Libby Stapleton	✓	Coordinator Governance – Liberty Nash	✓
Cr. Heather Wellington	X	Governance Officer – Julie Morales	✓

<b>MEETING COMMENCED</b>	1:49pm	<b>MEETING CONCLUDED</b>	2:00pm
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<b>Matters considered at the meeting</b>
1. PG19/0086 - Application for Approval of a Development Plan at 135 and part 235 Austin Street & 50 Witcombe Street, Winchelsea

<b>Councillor Conflict of Interest Disclosures</b>		
<b>Councillor</b>	<b>Left Meeting (Y/N)</b>	<b>Classification and nature of interest(s) disclosed</b>
Nil		
<div style="display: flex; justify-content: space-between;"> <div> <b>Responsible Officer Signature:</b> </div> <div> <b>Print Name:</b> Robyn Seymour                 </div> </div>		
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. 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 - PEOPLE PLACE FUTURE - PANEL RECALL EVENT -  
28 JULY 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

<b>Description of Meeting:</b> People Place Future - Panel Recall Event
<b>Responsible Officer:</b> Chris Pike
<b>Date:</b> 28 July 2021
<b>In Attendance:</b> Yes (✓) No (X)

Councillors	✓	Officers	✓
Cr. Gary Allen	✓	Chief Executive Officer - Robyn Seymour	✓
Cr. Paul Barker	X	General Manager Culture and Community - Chris Pike	✓
Cr. Mike Bodsworth	✓	General Manager - Planning and Environment - Ransce Salan	✓
Cr. Kate Gazzard	✓	Acting General Manager Governance and Infrastructure - John Bertoldi	✓
Cr. Rose Hodge	✓	Social Planning and Recovery Advisor - Alicia Hooper	✓
Cr. Liz Pattison	✓	Coordinator Communications and Community Engagement - Darryn Chiller	✓
Cr. Adrian Schonfelder	✓	Community Engagement Facilitator - Rochelle Harding	✓
Cr. Libby Stapleton	✓		
Cr. Heather Wellington	X		

<b>MEETING COMMENCED</b>	6.00pm	<b>MEETING CONCLUDED</b>	8.15pm
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<b>Matters considered at the meeting</b>
1. People Place Future – Community Panel Recall Event – report back on development of draft Council Plan

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

**Responsible Officer Signature:**

**Print Name:** Chris Pike

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

**Governance Rules, Chapter 3, Clause 3**

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- b) the matters considered;
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**Auspices of the Council**

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**9.1 Conflict of Interest Records**

**APPENDIX 5 CONFLICT OF INTEREST RECORD - MEETINGS CONDUCTED UNDER THE  
AUSPICES OF COUNCIL - COUNCILLOR BRIEFINGS - 3 AUGUST 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

<b>Description of Meeting:</b> Conflict of Interest Record - Meetings Conducted Under the Auspices of Council - Councillor Briefings – 3 August 2021
<b>Responsible Officer:</b> Chief Executive Officer
<b>Date:</b> 3 August 2021
<b>In Attendance:</b> Yes (✓) No (X)

Councillors		Officers	
Cr. Libby Stapleton, Mayor	✓	Chief Executive Officer - Robyn Seymour	✓
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	X	Climate and Sustainability Officer - Sean Keown	✓
Cr. Rose Hodge	✓	Community Project Officer - Terri Hannen	✓
Cr. Liz Pattison	✓	Coordinator Customer Experience - Virginia Morris	✓
Cr. Adrian Schonfelder	✓	Coordinator Environmental Health - Adam Lee	✓
Cr. Heather Wellington	X	Coordinator Environmental Sustainability - Sally Sneddon	✓
		Coordinator Governance - Liberty Nash	✓
		Coordinator Recreation Planning - Jarrod Westwood	✓
		Coordinator Social Infrastructure & Open Space Planning - Kristin Davies	
		Coordinator Strategic Land Use Planning - Karen Hose	✓
		Economic Recovery & Relief Officer - Gretchin Gibson	✓
		Governance Statutory Compliance & Reporting Officer - Zoe Eastick	✓
		Governance Officer - Julie Morales	✓
		Manager Community Relations - Damian Waight	✓
		Manager Community Strengthening - Jill Moodie	✓
		Manager Economic Development - Matt Taylor	✓
		Manager Facilities and Open Space Operations - Travis Nelson	✓
		Manager Social Infrastructure Planning - Shaan Briggs	✓
		Principal Strategic Planner - Tim Waller	✓
		Project Manager - Capital and Operational Projects - Ronan Corcoran	✓

<b>MEETING COMMENCED</b>	10:06am	<b>MEETING CONCLUDED</b>	2.42pm
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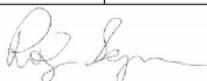
Matters considered at the meeting
1. Revised Torquay Jan Juc Development Contributions Plan and Planning Scheme Amendment
2. Performance Reporting 2020-21 (Council Plan including Health and Wellbeing Plan) - End of Year 30 June 2021
3. Bi-Annual Customer Experience Report - January to June 2021
4. Surf Coast Shire Social Housing Plan
5. Ocean Acres Reserve - Bike Park and Open Basin Upgrade
6. Draft Governance Rules



## 9.1 Conflict of Interest Records



7. Electric Vehicle Charging Stations - Grant Funding
8. Response to Petition to Council to Complete Maintenance and Re-Open Winchelsea Leisure Time Centre – 2021
9. COVID Recovery Program
10. All Abilities Advisory Committee Renewal of Terms
11. Agenda Review - Unscheduled Council Meeting - 3 August 2021
12. Planning & Environment

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

### Governance Rules, Chapter 3, Clause 3

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- whether a Councillor who has disclosed a conflict of interest as required by subclause 3.3 leaves the meeting.

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**9.1 Conflict of Interest Records**

**APPENDIX 6 CONFLICT OF INTEREST RECORD - MEETINGS CONDUCTED UNDER THE  
AUSPICES OF COUNCIL - COUNCILLOR BRIEFINGS - 10 AUGUST 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

<b>Description of Meeting:</b> Conflict of Interest Record - Meetings Conducted Under the Auspices of Council - Councillor Briefings – 10 August 2021
<b>Responsible Officer:</b> Chief Executive Officer
<b>Date:</b> 10 August 2021
<b>In Attendance:</b> Yes (✓) No (X)

Councillors		Officers	
Cr. Libby Stapleton, Mayor	✓	Chief Executive Officer - Robyn Seymour	✓
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	X	Acting Manager Planning & Development - Karen Hose	✓
Cr. Rose Hodge	✓	Coordinator Design and Traffic - Mark Gibbons	✓
Cr. Liz Pattison	✓	Coordinator Management Accounting - Tim Dickson	✓
Cr. Adrian Schonfelder	✓	Coordinator Ranger Services - Shaun Barling	✓
Cr. Heather Wellington	X	Coordinator Recreation Planning - Jarrod Westwood	✓
		Coordinator Social Infrastructure & Open Space Planning - Kristin Davies	✓
		Coordinator Statutory Planning - Ben Schmied	✓
		Coordinator Statutory Planning - Leah Protyniak	✓
		Coordinator Work Health & Safety - Sam Liston	✓
		Governance Officer - Julie Morales	✓
		Manager Business Improvement - Brendan Walsh	✓
		Manager Finance - Gabby Spiller	✓
		Manager People and Culture - Leanne Perryman	✓
		Manager Program Management Office - Rowena Frost	✓
		Manager Social Infrastructure Planning - Shaan Briggs	✓
		Principal Strategic Planner - Barb Noelker	✓
		Principal Strategic Planner - Tim Waller	✓
		Principal Strategic Planner - Michelle Warren	✓
		Recreation Development Officer - Paul Elshaug	✓

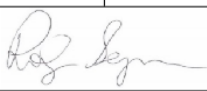
<b>MEETING COMMENCED</b>	10:02am	<b>MEETING CONCLUDED</b>	1.46pm
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Matters considered at the meeting
1. Preliminary 2020-21 Financial Year Results
2. Statutory Planning Update - FY 2020-21
3. C134 Winchelsea Town Centre and Highway Design Guidelines Amendment
4. Housing and Accommodation Issues Update
5. Integrated Social Infrastructure and Open Space Plan
6. Bike Park Facilities – Sharing the Challenge
7. Proposed School Crossing Changes
8. Workplace Health and Safety Report - Q4 2020-21



## 9.1 Conflict of Interest Records



9. Reports Coming to the August Council Meeting		
<b>Councillor Conflict of Interest Disclosures</b>		
<b>Councillor</b>	<b>Left Meeting (Y/N)</b>	<b>Classification and nature of interest(s) disclosed</b>
Nil		
<b>Responsible Officer Signature:</b> 		<b>Print Name:</b> Robyn Seymour
To be completed on conclusion of session and provided to Governance Officer.		

### Governance Rules, Chapter 3, Clause 3

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**10. NOTICE OF MOTIONS**

Nil



## 11. CLOSED SECTION

### Council Resolution

#### **MOVED Cr Adrian Schonfelder, Seconded Cr Mike Bodsworth**

That Council, pursuant to section 66(1) and 66(2)(a) of the *Local Government Act 2020*, close the meeting to members of the public at 9:44pm 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 Award of Contract - T21 034 - Mt Duneed Road Safety Improvements** - confidential in accordance with section 3(1)(xd.), pertaining to contractual matters.

CARRIED 8:0

**Close:** There being no further items of business the meeting closed at 9:51pm.

### **Agenda item 11.1 Award of Contract T21-034 – Mt Duneed Road Safety Improvements**

### Council Resolution

#### **MOVED Cr Adrian Schonfelder, Seconded Cr Heather Wellington**

That Council:

1. Award Contract T21-034 – Mt Duneed Road Safety Improvements to Aquatech Civil Pty LTD for a lump sum amount of \$755,077 GST exclusive
2. Authorises the Chief Executive Officer to execute contract documents on behalf of Council.
3. Authorises the Senior Contracts Manager to act as the Contract Superintendent for the contract, including authorising variations in accordance with the conditions of contract.
4. Notes that unsuccessful tenderers will be advised of the outcome of the tender process.
5. Approves the re-allocation of \$140,000 of Roads to Recovery funds from the Barwon Park Shoulder Widening and Reconstruction to Mt Duneed Road Safety Improvements
6. Determines that this resolution is not confidential.

CARRIED 8:0