

# Confirmed Minutes

Meeting of Council

Tuesday 13 December 2022

Surf Coast Shire Civic Office

Council Chambers

1 Merrijig Drive, Torquay, Victoria 3228

Commenced at 6:00 pm

**Council:**

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

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# 1 Procedural Matters

## 1.1 Present

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

Chief Executive Officer – Robyn Seymour  
Acting General Manager Place Making and Environment – Kate Sullivan  
General Manager Community Life – Gail Gatt  
Acting General Manager Strategy and Effectiveness – Damian Waight  
Acting Executive Manager - Strategic Projects and Partnerships - Darryn Chiller  
Acting Manager Governance – Jake Brown  
Acting Coordinator Governance – Sharon Busuttil  
Governance Officer – Jess Menzel

## 1.2 Opening

**Cr Pattison opened the meeting.**

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

## 1.3 Pledge

**Cr Pattison 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.

## 1.4 Apologies

Nil.

**Cr Pattison acknowledged Cr Gazzard, Cr Barker and Cr Wellington would be late to the meeting.**

## 1.5 Confirmation of Minutes

### **Council Resolution**

#### **Moved Cr Hodge, Seconded Cr Allen**

That Council notes the minutes of the Council Meeting held on 22 November 2022 as a correct record of the meeting.

CARRIED 6|0

#### **For**

Cr Allen  
Cr Bodsworth  
Cr Hodge  
Cr Pattison  
Cr Schonfelder  
Cr Stapleton

#### **Against**

Nil

#### **Abstained**

Nil

## 1.6 Leave of Absence Requests

Nil.

**Cr Wellington joined the meeting at 6.08pm**

## 1.7 Conflicts of Interest

Ms Robyn Seymour declared a general conflict of interest in relation to 4.7 Reappointment of the CEO Employment Matters Committee Independent Chair. This conflict of interest has arisen due to the committee oversees the employment, performance and remuneration of the CEO's role.

## 1.8 Presentations

Cr Schonfelder acknowledged the winning photographer of the Growing Winchelsea Photography Competition, Brett Martin and the junior winning photographer, Bella Leak.

## 1.9 Public Question Time

### Question 1 - Patrick Cahir - Torquay (read by Mayor Cr Pattison)

I praise the council for its road safety Drive to Zero campaign and its commitment to improve road safety. Unfortunately council passed a by law in December 2021 that contradicts this excellent campaign and allows very large caravans to park on nature strips. Council was aware of this contradiction to the Road Safety Act 2017 at the time and also the fact that no other Council in Victoria has such a by law. Could you please explain why the Council introduced this by law 6.6 that allows very large caravans to park on our nature strips that completely blocks vision to all road users?

### Question 2 - Patrick Cahir - Torquay (read by Mayor Cr Pattison)

I alerted the Council to this road safety issue through a written submission and numerous emails to the councils General Manager in 2021. Indeed, the Victorian Ombudsman's Office also emailed the Council with specific advice on the legal consequences of this by law in November 2021. My question is: Why did the Senior Council Officers ignore this advice and the obvious contradictions of road safety and recommend this by law 6.6 to the elected councillors?

### Answer provided by CEO Ms Robyn Seymour

Thank you Patrick for your interest and commitment to road safety.

Council resolved at the 7 December 2021 meeting to adopt the Community Amenity Local Law 2021 and committed to undertaking a targeted review of parking on nature strips in 2022.

Public questions relating to the same matter have been asked and responses provided at previous Council Meetings on 22 March 2022, 26 April 2022 and 24 May 2022.

The Local Law adopted on 7 December 2021 was certified by lawyers in accordance with the *Local Government Act 2020*. This certification was attached to the public agenda when the Local Law was presented for adoption.

Tonight Council is considering this matter under agenda item 4.4.

### Question 3 - Richard Lockie - Winchelsea (read by Mayor Cr Pattison)

If the clay bricks characterize the building why not reuse them for the walls? Add further earthen materials by lime rendering the exterior for weather proofing and earthen plaster the interior. A great community experience. Building on the embodied energy banked in the materials already rather than destroying that good will. The major supporting posts are the issue. With a large crane it would be possible to lift the roof off that's wood in good condition and replacing the posts with proper hard wood posts that won't be eaten with secondary equipment. There would be people in town with this skill. The re earthing can also be achieved by locals with experience. Sharing the contracts with local builders and engineers would make sense. It would garnish greater support. Embodied energy.

**Question 4 - Richard Lockie - Winchelsea (read by Mayor Cr Pattison)**

Did the council acquire the mud hut when it took over the area? How much did it pay? How much is the contractor earning to build the steel shed? What is the budget for the job? Was it offered locally? What happened to creativity in design?

**Answer provided by CEO Ms Robyn Seymour**

Richard, thank you for your question and for your ideas and thoughts for ways forward in relation to the mud hut. I would also like to thank everyone from the Winchelsea community who is here tonight in relation to the mud hut.

We have heard clearly over the last couple of weeks that there are concerns over the current scope of the mud hut and how it relates to what we already have in place in Winchelsea.

Unfortunately our condition audit notes the brick wall failure and the deteriorating bricks may be unable to be re-used but I do like the thinking around what might be possible.

The project is currently on hold, we have some work to do around the native bats and the solution around the native bats, in relation to the structure. In relation to the contract, it was offered locally and you may recall that the contract was tendered twice. Whilst engaging a local builder is important, unfortunately, there were no local builders that responded to the tender.

Community assets previously managed by the Shire of Winchelsea pre amalgamation of local government areas were transferred to the Surf Coast Shire Council at no cost.

The budget for this project is \$185,000 which includes the new structure, landscaping, Cultural Heritage Management Plan, project management and project contingency.

We are keen to look at and work with community around what could be our next steps.

**Question 5 - Jody Earl - Winchelsea (read by Mayor Cr Pattison)**

I would like to request that a Town Meeting could be arranged to discuss the structure proposed to replace the Mud Hut. In attendance in particular, Surf Coast Council representatives who actually signed off on this. This will give them the opportunity to tell the community how they come to the structure that has been designed. Who they had their discussions with from the community etc etc.

**Answer provided by CEO Ms Robyn Seymour**

Thank you Jody for your thoughts around a way forward and finding a solution to the mud hut.

Community consultation on the project was held in 2020 and 2022 that informed the current design that was due for installation next January. But as we have heard from the community of Winchelsea, there is more work that needs to be done in relation to the mud hut.

We have heard that, and we do value your input and thank you for raising your concerns and also your suggestions for a way forward. We will be keen to work with community on what is possible. To be clear, that is unlikely to be until mid-January to ensure we begin to understand what is possible with the native bats.

**Question 6 - Jenny Mathison - Winchelsea - In person**

What can we, the community of Winchelsea, do to work with council's already contracted design, of what is referred to locally, as a "carport", to make it more acceptable to replace the mud hut with an enticing comfortable meeting place? There have been several opportunities for community consultation by the shire, but many residents feel the brief is not being adhered to, particularly in reference to the most recent Update of May 2022, when feedback included the desire for "natural timber and sympathetic tones to blend with the existing surroundings."

**Question 7 - Jenny Mathison - Winchelsea - In person**

Due to the current cost of over \$150,000 for the proposed steel framed construction and so the expense that would be incurred to cancel the project, would it be possible for a community interest group to work with the council later, to erect, say, some low walls for wind protection, maybe rammed earth, or gabion basket to link with the toilet block? This could possibly be at no further cost to the shire.

**Answer provided by CEO Ms Robyn Seymour**

Thank you Jenny, thanks for coming in and thanks again to the Winchelsea community for coming in.

You talk about a couple of things that are actually really important and are part of our Council priorities. One is around enabling communities, we have a number of projects where we have worked with communities around supporting them in terms of delivering projects.

In relation to the mud hut, we need to work through what is possible now, given where we are at with the delivery of that project. I do really like your ideas and thoughts. I think there is work for us to do to understand where we are at, what the next steps are and what might be possible. We will be keen to work through what that might look like with community early next year.

## 2 Petitions and Joint Letters

### Council Resolution

#### **Moved Cr Wellington, Seconded Cr Schonfelder**

That Council:

1. Receives the petition requesting to improve Winchelsea Mud Hut replacement design.
2. Refers the petition to the General Manager Community Life for consideration.
3. Requires a report on the petition be presented by the February 2023 Council Meeting.

CARRIED 7|0

#### **For**

Cr Allen  
Cr Bodsworth  
Cr Hodge  
Cr Pattison  
Cr Schonfelder  
Cr Stapleton  
Cr Wellington

#### **Against**

Nil

#### **Abstained**

Nil

## 3 Notices of Motion

Nil.

## 4 Reports

### 4.1 Aireys Inlet Affordable Housing Project - Community Engagement Findings and Expression of Interest Process

#### Council Plan

#### Theme Four - Sustainable Growth

Strategy 12 - Improve access to affordable residential accommodation.

#### Author's Title:

Strategic Initiatives Coordinator

#### General Manager:

Chris Pike, General Manager Placemaking & Environment

#### Division:

Placemaking and Environment

#### Department:

Integrated Planning

#### Attachments:

1. Community Engagement Findings and Recommendation Report [4.1.1 - 19 pages]
2. Aireys Inlet Affordable Housing Project EOI Objectives - Attachment 2 - Council Meeting 13 December [4.1.2 - 4 pages]

#### Purpose

1. The purpose of this report is to receive the findings of community engagement activities on the Aireys Inlet Affordable Housing Project and commence an Expression of Interest process for the development of social and affordable housing at 2 Fraser Drive, Aireys Inlet.

#### Recommendation

That Council:

1. Notes the key findings of the community engagement activities for the Aireys Inlet Affordable Housing Project (Attachment 1) which have informed the development of Expression of Interest objectives and assessment criteria.
2. Endorses the Expression of Interest objectives and assessment criteria to identify a preferred proponent for the development of social and affordable housing at 2 Fraser Drive Aireys Inlet (Attachment 2).
3. Agrees to commence the next phase of the Aireys Inlet Affordable Housing Project with an Expression of Interest process open for a period of six weeks.
4. Considers the outcome of the Expression of Interest process including a recommended proponent for the development of social and affordable housing at 2 Fraser Drive Aireys Inlet at a future meeting of Council.

**Cr Gazzard joined the meeting at 6.41pm.**

## **Motion**

### **Moved Cr Wellington, Seconded No seconder**

That Council:

1. Notes the key findings of the community engagement activities for the Aireys Inlet Affordable Housing Project (Attachment 1) which have informed the development of Expression of Interest objectives and assessment criteria.
2. Endorses the Expression of Interest objectives and assessment criteria to identify a preferred proponent for the development of social and affordable housing at 2 Fraser Drive Aireys Inlet (Attachment 2).
3. Agrees to commence the next phase of the Aireys Inlet Affordable Housing Project with an Expression of Interest process open for a period of six weeks.
4. Considers the outcome of the Expression of Interest process including a recommended proponent for the development of social and affordable housing at 2 Fraser Drive Aireys Inlet at a future meeting of Council.
5. The Community Reference Group is convened prior to the Expression of Interest being released and that it is involved in both finalising and EOI and selecting the preferred applicant.

LAPSED

## **Council Resolution**

### **Moved Cr Stapleton, Seconded Cr Allen**

That Council:

1. Notes the key findings of the community engagement activities for the Aireys Inlet Affordable Housing Project (Attachment 1) which have informed the development of Expression of Interest objectives and assessment criteria.
2. Endorses the Expression of Interest objectives and assessment criteria to identify a preferred proponent for the development of social and affordable housing at 2 Fraser Drive Aireys Inlet (Attachment 2).
3. Agrees to commence the next phase of the Aireys Inlet Affordable Housing Project with an Expression of Interest process open for a period of six weeks.
4. Considers the outcome of the Expression of Interest process including a recommended proponent for the development of social and affordable housing at 2 Fraser Drive Aireys Inlet at a future meeting of Council.

CARRIED 7|1

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

### **Outcome**

2. If Council accepts this recommendation, Council signals its willingness to consider proposals for the development of the vacant land at 2 Fraser Drive for social and

4.1 Aireys Inlet Affordable Housing Project - Community Engagement Findings and Expression of Interest Process

affordable housing and the transfer of management of four existing social housing dwellings.

3. Proposals will be accepted from Registered Housing Agencies or consortiums involving Registered Housing Agencies and assessed via an Expression of Interest (EOI) process which is planned to run from January to March 2023.
4. Assessment criteria are informed by community input.
5. The EOI process aims to identify a preferred partner to work with Council and community via a co-design process to develop a design concept.
6. The EOI process is compliant with Council's obligations under the *Local Government Act 2020* and any outcome is subject to a future resolution.

**Key Considerations**

7. 'Improving access to affordable residential accommodation' is a priority of the Surf Coast Shire Council Plan incorporating the Health and Wellbeing Plan 2021-2025.
8. The Surf Coast Shire Social Housing Policy ([SCS 054 - Social Housing Policy](#)) recognises Council's role in regional partnerships with government regarding investments and collaborations with housing agencies on key projects.
9. Key Worker Accommodation Crisis Declaration and research undertaken as part of the Great South Coast Councils Key Worker Housing (GSCCKWH) Project recognises the region's social and economic development is being constrained by the short supply of labour.
10. The GSCCKWH research also identified that for approximately half of the Surf Coast Shire's key workers, their income is above the eligibility threshold for social housing and the State Government's Affordable Housing Rental Scheme.
11. The goal and principles of the Affordable Accommodation Action Plan 2022 recognise that social and affordable housing is vital social infrastructure that contributes to the health, prosperity and sustainability of whole communities, not just the people who live in them.
12. At the 25 January 2022 Council Meeting Council resolved "*to explore a land use arrangement at 2 Fraser Drive, Aireys Inlet that would facilitate the development of social and affordable housing*".

4.1 Aireys Inlet Affordable Housing Project - Community Engagement Findings and Expression of Interest Process

13. Community engagement activities facilitated over the last eight weeks as part of the Aireys Inlet Affordable Housing Project have indicated support for social and affordable housing that enhances the social, heritage and environmental values of the area, is built according to Ecologically Sustainable Design principles and Bushfire Attack Level standards and is accessible and adaptable to be able to meet the needs of a range of cohorts from the Aireys Inlet and District area.
14. Community engagement undertaken as part of the Aireys Inlet Affordable Housing Project has been in accordance with the Council's SCS-017 Community Engagement Policy.
15. A valuation was undertaken in June 2021 with the value of 2 Fraser Drive estimated at \$2,825,000. The valuation will be updated at an appropriate time through the process to ensure consistency with the *Local Government Act 2020* which requires the valuation to be "not more than 6 months prior to the sale or exchange".
16. The EOI process places a high priority on key objectives such as inheriting the existing units, meeting local housing needs, the quality of design and the viability of the proposal. This approach reduces the likelihood of a significant, or possibly any, financial return for Council.
17. A funding agreement with the Director of Housing signed in 1991 requires that four Community Housing Program units be "henceforth ma[de] available for rental housing accommodation" (Clause 2b) by "manag[ing], leas[ing] and otherwise deal[ing] with the said housing accommodation, in accordance with the local government and community housing program (local government sector), guidelines' (Clause 2c). Should these Clauses not be met, Council is liable for an estimated (re)payment of \$1.3M – \$1.4M.

**Background**

18. A portion of the 2 Fraser Drive site has housed residents in four affordable housing dwellings since the early 1990s. In 2017, Council ran an EOI process to develop the vacant land at 2 Fraser Drive for housing down-sizing older residents. The EOI received one submission which was later withdrawn and the process was concluded without further development. Council's requirement for a financial return, alongside the absence of government subsidies such as those provided through the Big Housing Build program (announced in 2020), were considered the main reasons for the unsuccessful process.
19. Mapping and analysis of Council owned land to identify parcels suitable for the development of social and affordable housing (including parcel size, planning and site conditions) identified 2 Fraser Drive Aireys Inlet (6,669m<sup>2</sup>) as a site for further investigation.
20. The 2015 Aireys Inlet to Eastern View Structure Plan demonstrates the strategic merit of the site for residential development.

4.1 Aireys Inlet Affordable Housing Project - Community Engagement Findings and Expression of Interest Process

21. The Structure Plan was informed by extensive community engagement and indicates, as described by key direction 5, community support to “encourage the provision of a diverse range of accommodation and housing options, in particular well designed compact low maintenance dwellings suitable for older residents within walking distance of community and commercial facilities.”
22. In relation to 2 Fraser Drive, the Structure Plan, captured by key action 1, indicates community supported the “redevelopment of 2 Fraser Drive for higher density housing suitable for older persons and incorporate the community garden on the site.”
23. Community engagement undertaken from late September to mid-November 2022 as part of the Aireys Inlet Affordable Housing Project indicated a high level of support for social and affordable housing to be developed at 2 Fraser Drive Aireys Inlet.
24. This support was contingent on the development being of ‘high quality’, ‘ecologically sustainable’, ‘employing robust building techniques’ to ensure longevity and ‘look beautiful – a place people want to live in’.
25. Community input regarding density emphasised that ‘care’ should be taken in ‘exploring higher density’. While this was an opportunity to ‘showcase a housing response’ and ‘challenge ideas of density’, there was no support for a built form that was so intensive that social, heritage and environmental values of the neighbourhood would be compromised.
26. Community engagement emphasised the importance of not only ongoing care of the property (the homes and the private and communal private open space and public space interface) but also support for the residents. Community input described ‘a village within the village’ which was considered to be a shared responsibility between residents and neighbours and the agency managing the social and affordable housing.
27. Community engagement identified that access to shops, services and public transport in Aireys Inlet indicates that future residents will need access to a vehicle and that this would require an innovative solution to traffic movement and parking and/or limit the number of dwellings the site could accommodate.
28. Community engagement emphasised the importance of the social and affordable housing development meeting the needs of locals and that further research should be undertaken to understand ‘who’ has applied for social housing in the Anglesea and Aireys ‘broadband’ via the Victorian Housing Register (VHR)? ‘Are they a ‘local’ wanting to stay or a ‘local’ who has had to leave the area because of housing costs?’ Further questions arose regarding the extent of the workforce shortage in Aireys Inlet and District. For example, what types of local businesses need workers? And how many do they need?

4.1 Aireys Inlet Affordable Housing Project - Community Engagement Findings and Expression of Interest Process

29. As of July 2022, there were 621 people on the VHR priority waiting list who have nominated the Anglesea and Aireys broadband in which to be housed. There are a further 284 applicants in the 'register of interest' category. Of those in the priority category, 62% of applicants require a one-bedroom dwelling. Twenty percent of applicants require a two-bedroom dwelling and 14% of applicants require a three-bedroom dwelling. Three percent of applicants require a four-bedroom dwelling.
30. A 2021 survey of Aireys businesses identified that eight of the ten responding businesses were having trouble attracting and retaining staff. The average number of staff that responding businesses had in their employment was eight and the number that they required to operate at full capacity was 12.
31. Overall, community engagement emphasised the importance of the EOI for 'clearly articulating the community's understanding of the project' and in being able to attract a Registered Housing Agency or consortium involving a Registered Housing Agency that can meet the objectives for social and affordable housing at the site in perpetuity for the social, economic and environmental benefit to whole community.

**Options**

32. Alternative Option 1 –That Council does not commence the next phase of the Aireys Inlet Affordable Housing Project with an EOI process open for a period of six weeks.
33. This option is not recommended by Officers because housing need in Aireys Inlet as in other Shire towns is critical. The Aireys Inlet Affordable Housing Project has been developed in line with Council strategic objectives and statutory obligations. Recent community engagement indicates strong, though provisional, support for the development of social and affordable housing at 2 Fraser Drive. Community support is contingent on a well-designed and well managed development which will be negotiated through the two subsequent phases of the Aireys Inlet Affordable Housing Project: the EOI process and the Community Advisory Group co-design process. The EOI objectives and assessment at attachment 2 and will select the most aligned proponent and proposal.

**Council Plan (including Health and Wellbeing Plan) Statement**

**Theme Four - Sustainable Growth**

Strategy 12 - Improve access to affordable residential accommodation.

34. The Surf Coast Shire Council Plan incorporating the Health and Wellbeing Plan recognises a lack of affordable accommodation is having a social and economic impact on our communities. Improving access to affordable residential accommodation is a key strategy of the Plan and 'Consider Council-owned sites at 42 Harding Street, Winchelsea and 2 Fraser Drive, Aireys Inlet for affordable housing developments' a year one key deliverable.

### **Financial Considerations**

35. A valuation was undertaken in June 2021 with the value of 2 Fraser Drive estimated at \$2,825,000. Consistent with the *Local Government Act 2020* (s114) requirements, a valuation of the land will be undertaken “not more than 6 months prior to the sale or exchange.”
36. Consistent with the *Local Government Act 2020* (s115) “If a Council proposes to lease land that is subject to subsection (3) [such as a long-term lease] and that was not included as a proposal in the budget, the Council must undertake a community engagement process in accordance with the Council's community engagement policy in respect of the proposal before entering into the lease.
37. A decision on any proposal that asks Council to consider forgoing the value of the land in return for the achievement of key objectives will be subject to a future Council resolution.

### **Community Engagement**

38. The design and facilitation of the Aireys Inlet Affordable Housing Project community engagement activities was enabled by a \$30,000 grant from Homes Victoria.
39. Community Engagement Methodology: Community engagement was undertaken from late September to mid-November 2022 to be able to understand the full range of community concerns and areas of interest regarding the potential development of social and affordable housing at 2 Fraser Drive. Communications and community engagement activities included:
  - 39.1. A dedicated ‘Have Your Say’ webpage including links to associated resources, FAQs, survey and other submission opportunities including contact details for follow up enquiries
  - 39.2. Four social media posts featuring community members and two videos featuring local businesses
  - 39.3. Four half page print ads, in Surf Coast Times, Winchelsea Star and Lorne independent
  - 39.4. Attendance at five community meetings
  - 39.5. A series of three emails to Aireys Inlet and District ratepayers
  - 39.6. ‘Letterbox drop’ of project information sheet and community engagement program to Aireys Inlet and District PO boxes
  - 39.7. Four pop-up/drop-in consultations
  - 39.8. Community Design-In workshop.

4.1 Aireys Inlet Affordable Housing Project - Community Engagement Findings and Expression of Interest Process

40. Community engagement activity findings: An online survey ran between Friday 7 October and Friday 18 November 2022. The survey received 42 responses. The demographic profile of respondents can be found at attachment one, with most survey respondents live in the neighbourhood (29%) or in the town (29%). Seven percent of respondents lived on Fraser Drive and 12% visited regularly as member of the 3231 Community Garden.
41. The survey sample size does not allow for statistically valid analysis, however the results indicated that many respondents had some experience of housing unaffordability including being unable to find affordable housing in the district (14%), having a friend or family member unable to find affordable housing in the district (17%), experiencing housing stress - which is paying more than 30% of income on housing (14%).
42. The survey asked respondents to identify factors integral to the success of the project. The factor that was identified as the most important by the most number of respondents was 'designed according to Ecologically Sustainable Design principles and complementary to the local natural environment' (13 'most important factor' responses), followed by 'designed to provide diverse and high quality housing to meet a range of housing needs including the needs of an older cohort and key workers' (12 'most important factor' responses) and then 'the relationship and design interface with the Community Garden and surrounding neighbours' (7 'most important factor' responses).
43. The survey asked respondents to identify what they thought was the greatest barrier to the success of the proposal. Forty-three percent of respondents identified that barriers related to development feasibility, such as site constraints, planning requirements and community preferences, etc. that might limit the number of proposals received. Nineteen percent perceived 'no barriers', and 17% felt that 'overcoming/mitigating ongoing impact on amenities such as parking and traffic movement' could limit the success of the proposal.
44. Council staff facilitated two pop-up consultations at the Aireys Inlet Market and Aireys Inlet Primary School Fair and two drop-in consultations at the Aireys Inlet Community Centre. Councillors and Council officers had approximately 100 conversations with community members. Some key topics of conversation included:
  - 44.1. The lack of essential infrastructure, facilities and services within the township to support people living in social housing
  - 44.2. The lack of work/transport to work in the area
  - 44.3. The value of the land and that Council should not hand over ownership a public asset
  - 44.4. Related housing affordability issues - the bigger problem of empty houses and Airbnb
  - 44.5. The history of acquisition – Council's purchase of the land in 1988
  - 44.6. The legacy of Isla Stamp's advocacy on housing for older people
  - 44.7. What the development might look like – desire for it to be in keeping with the surrounds

4.1 Aireys Inlet Affordable Housing Project - Community Engagement Findings and Expression of Interest Process

- 44.8. Concern that the project might not happen – pointing to previous projects to develop the site - and suggesting that it is very much needed.
45. A Design-In workshop was independently facilitated by consortium of Wayfarer and RedRoad Consulting. A 'Design-In' is a deliberative workshop where groups of people are guided through a range of exercises that help them think about an issue as a group. Participants listen to each other to understand different perspectives and negotiate a shared 'vision' for the project.
46. The workshop, on Saturday 19 November 2022, was attended by 16 community members and Councillors. Participants considered the opportunities and constraints associated with the projects.
47. Identified opportunities and challenges were further developed to form 'guiding principles' for the project. The principles include:
- 47.1. Courage. The project should (carefully) explore the opportunities afforded by increasing the density
  - 47.2. Beauty. The project should ensure the building/s look beautiful – a place people want to live in and a chance to be 'showcase' development
  - 47.3. Quality. The project should ensure a high quality and sustainable build – 7star+
  - 47.4. Function. The project needs to be fit for purpose and fit in with the town and environment
  - 47.5. Inclusivity. The process and build need to be inclusive, integrated and appropriate for the needs of residents.

**Statutory / Legal / Policy Considerations**

48. The Aireys Inlet Affordable Housing Project is being managed according to the requirements of the *Local Government Act* Clause s114 and s115 which pertain to the transfer or lease of Council land.
49. The Aireys Inlet Affordable Housing Project, an action of a number of aligned strategic plans and policies of Council, is being conducted in consultation with Department of Families, Fairness and Housing, with respect to meeting the encumbrances of the funding agreement with the Director of Housing and in relation to opportunities to develop social and affordable housing on Council land which is a delivery channel of Victoria's Big Housing Build.

**Risk Assessment**

50. Risk apportionment is set out in the EOI with financial capability and ability to accept proposed risk transfer forming one of the assessment criteria.
51. A project plan incorporating a risk management plan has been developed in accordance with Council's risk framework and strategies, and risk status is reported on at each Project Control Group meeting.

52. The EOI process seeks to balance the delivery of multiple objectives whilst ensuring the viability of a development. The more onerous Council's requirements, the lower the likelihood that a suitable partner can be found.

### **Sustainability Considerations**

53. Ecological Sustainable Design principles, as demonstrated by achieving a high NatHERS rating and enhancing the environmental values of the area are objectives and assessment criteria within the Expression of Interest.

### **Conflict of Interest**

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

### **Confidentiality**

55. This report and attachments contain no confidential information under section 66(2) of the *Local Government Act 2020*.

### **Transparency**

#### **Audit and Risk Committee involvement**

This item has not been considered by the Audit and Risk Committee.

#### **Councillor Briefings**

This item was discussed at the following Councillor briefing prior to being presented to Council for consideration. Councillor attendance at each briefing was as follows:

Councillor Briefing Date: 29 November 2022

<i>Councillor name</i>	<i>In attendance (Y/N)</i>	<i>Councillor name</i>	<i>In attendance (Y/N)</i>
<i>Cr Gary Allen</i>	<i>Y</i>	<i>Cr Liz Pattison</i>	<i>Y</i>
<i>Cr Paul Barker</i>	<i>N</i>	<i>Cr Adrian Schonfelder</i>	<i>Y</i>
<i>Cr Mike Bodsworth</i>	<i>Y</i>	<i>Cr Libby Stapleton</i>	<i>Y</i>
<i>Cr Kate Gazzard</i>	<i>N</i>	<i>Cr Heather Wellington</i>	<i>N</i>
<i>Cr Rose Hodge</i>	<i>Y</i>		

Councillor attendance at briefings is not a statutory requirement. Councillors are able to access and request information through a number of mechanisms to understand matters being presented at a Council Meeting.



2 Fraser Street Aireys Inlet Community Engagement

# Findings & Recommendations Report

Wayfarer Consulting + RedRoad Consulting

[www.wayfarerconsulting.com.au](http://www.wayfarerconsulting.com.au) + [www.redroad.com.au](http://www.redroad.com.au)

0434 418 876 + 0409 803 063



## Authorship & acknowledgements

This Findings & Recommendations Report was written by Dr Andrea Cook, Director of RedRoad Consulting and Ms Helen Jennings, Director of Wayfarer Consulting. We acknowledge the generous support of many Surf Coast Shire officers, subject experts, facilitators and community members, knowing this process and this Report simply couldn't have happened without them.

We also acknowledge the Wadawurrung, Gulidjan and Gadubanud Peoples (in the Eastern Maar/Surf Coast Shire) and the Wurundjeri Woi Wurrung (in Naarm/Melbourne). We recognise their cultures, histories, diversity and deep connection to this land and pay our respects to their Elders past, present and emerging.

November 2022

## Definitions

Term	Definition
<b>Affordable housing</b>	Housing, including social housing, that is appropriate for the housing needs of very low, low and moderate-income households (as set by the <i>Victorian Planning and Environment Act 1987</i> ). Affordable housing rent is defined as/capped at 30% of tenants' incomes.
<b>Community housing</b>	Affordable Housing managed by not-for-profit organisations.
<b>Housing provider</b>	A registered housing agency that owns and manages community housing on smaller (provider) or larger (authority) scale.
<b>Housing stress</b>	The housing cost burden, particularly for households in the lowest 40 per cent of incomes, who are paying more than 30 per cent of gross household income on housing rental or mortgage repayments.
<b>Homelessness</b>	a person is homeless when their current living arrangement: <ul style="list-style-type: none"> <li>• is in a dwelling that is inadequate to meet their needs</li> <li>• has no tenure, or if their initial tenure is short and not extendable; or</li> <li>• does not allow control of/access to space for social relations.</li> </ul>
<b>Public housing</b>	Social housing that is owned and/or managed by the Victorian Government.
<b>Registered housing agency</b>	A rental housing agency, registered under Part VIII of the <i>Housing Act 1983</i> and subject to regulation overseen by the Victorian Housing Registrar.
<b>Social housing</b>	Public housing (owned/managed by the Victorian State government) and housing owned, controlled or managed by a participating registered agency. People on very low to moderate incomes and people living with disability are eligible for Social Housing. Rent is capped at 30% of household income.

(source: adapted from Hornby & Co. 2020)

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# 01 Introduction & Background

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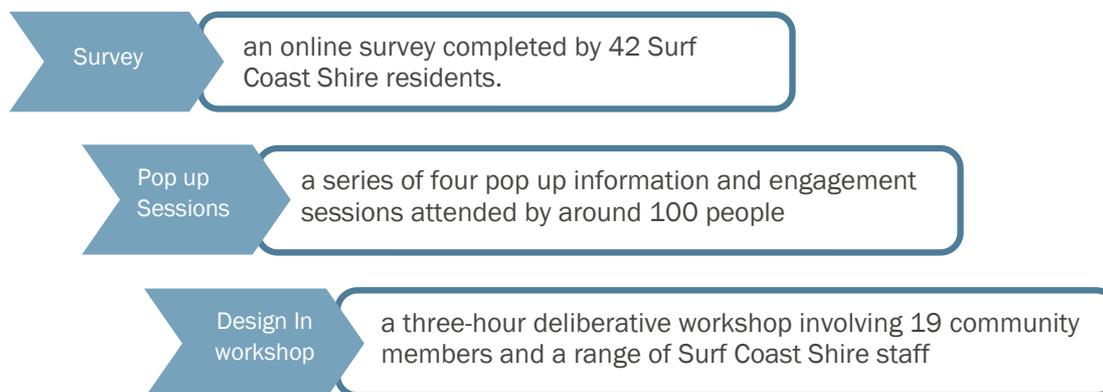
## Background

The adoption of the Surf Coast Shire Council Affordable Accommodation Action Plan in January 2022 signalled the intention for Council to facilitate the development of social and affordable housing on suitable Council owned land.

A key opportunity for developing social and affordable housing exists at 2 Fraser Drive, Aireys Inlet (pictured below). This site is located a block east of the Great Ocean Road, behind a small shopping precinct known locally as the 'top shops'. The total land area of 2 Fraser Drive is 6,669m<sup>2</sup> and is made up of two sections of vacant land, existing social housing dwellings and a well-established Community Garden. The site is connected to reticulated sewerage and services (electricity, NBN, etc.).



The Council embarked on the first stages of a deliberative community engagement process concerning the possibilities for social and affordable housing on this site in mid-2022<sup>1</sup>. This phase of consultation has comprised of the following activities:



The goals for the first stage engagement activities for this project were to:

- Generate participation by a diverse range of residents, community groups, education and health services, businesses, etc.
- Deepen community awareness of housing affordability issues and the role that social and affordable housing has in addressing local housing need
- Inspire increased confidence that the concept design reflects the social, environmental and heritage values and unique character of Aireys Inlet
- Positively contribute to the business case for detailed design and construction
- Contribute to the evidence-base regarding key risk and protective factors to the development of social and affordable housing in regional communities.

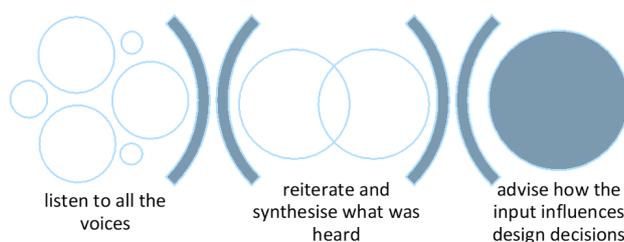
This Report summarises and analyses the key messages and recommendations emerging from these activities and discussions with the community.

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<sup>1</sup> these engagements also build upon previous conversations with the community about this site and about the strategic goals for Aireys Inlet (e.g. the 2015 Structure Plan, etc.)

## Our approach

We tried to design a process that allowed for different forms of participation (e.g., individual and collective; fixed timing and flexible timing, etc.). These contributed to a whole that would:



## The survey

The survey was hosted online over the course of six weeks. It was a short 10-question survey with the following questions and themes:

- Three basic demographic questions
  - How would you like to identify your gender?
  - Do you mind telling us how old you are?
  - What is your relationship to the proposed site at 2 Fraser Drive?
- Three questions concerning affordable housing provision and policy context
  - What is your experience with housing affordability and local housing needs?
  - What is your knowledge of or experience with social and affordable housing?
  - Are you aware of Council's position on social and affordable housing?
- Three questions about the proposal itself
  - What do you know about the proposed project?
  - What do you see as being the most important factor to the success of this proposal?
  - What do you see as the greatest barrier to the success of this project?
- One open question for final comments or questions

The survey generated mainly quantitative data for these engagement findings, though it should be noted that the survey sample size does not allow for statistically valid analysis and summary. The summary will be woven together with the other (qualitative) data to provide a thematic analysis.

### The pop-up sessions

Four 2-3-hour drop in discussion sessions were held during October 2022. These pop ups happened near the site and were part of other activities (e.g. the school fete, community market).

The pop ups were informal conversations with Council staff and the consultant team, aimed at answering questions people had, assessing the appetite for the project proposal, getting an idea of people’s key concerns and generating excitement about the upcoming co-design processes. The pop up discussions were not scripted (like the survey) but open ended and related to the people engaging with the staff and the sorts of questions they had.

The pop ups also provided community members the opportunity to share their experiences of finding (or struggling to find) suitable housing in Aireys Inlet and its immediate surrounds.

The pop ups generated more qualitative data for these engagement findings.

### The Design In workshop

A ‘Design-In’ is a deliberative workshop where groups of people are guided through a range of exercises that help them think about an issue as a group. People are encouraged to listen to each other and understand different perspectives about a project, negotiating a shared ‘vision’ through deliberation.

The Design-In in this process focused on testing emerging themes and issues (from the survey and pop ups), developing some key principles for the development of the site and exploring key ideas and recommendations for action.

The Design In workshop generated more deliberative/quantitative data for these engagement findings.



**Design In: Affordable Housing @ 2 Fraser Drive, Aireys Inlet**  
**PROPOSED AGENDA**  
11.30am to 2.30pm, Saturday 19 November 2022  
Aireys Inlet Community Centre  
6 Great Ocean Road, Aireys Inlet

A Design In is an intensive, facilitated deliberation between different members of the community and Council and we’ll be discussing issues and options for developing affordable housing at 2 Fraser Drive. The agenda will include various structured activities and discussion topics to understand the challenges and opportunities of developing affordable housing at this site from various perspectives. During the session, we hope to:

- Share what we know about local need for affordable housing
- Introduce financing and delivery options for developing local social and affordable housing
- Identify local challenges and opportunities and develop ideas to respond
- Include varied perspectives in building a community-endorsed vision for the site

Time	Proposed agenda item
11.30am to 11.45am (15 minutes)	<b>Welcome and introductions</b> A welcome and a brief overview of what to expect from the session
11.45am to 12.05pm (20 minutes)	<b>‘Armchair tour’ of the site and neighbourhood</b> An intro to the site and the policy conditions governing its use, including the negotiable and non-negotiable aspects of this Design In and project
12.05pm to 12.55pm (50 minutes)	<b>Critical challenges &amp; exciting opportunities</b> A small group facilitated assessment and/or on-site (weather permitting) mapping of the challenges and opportunities of the site and proposal
12.55pm to 1.00pm (5 minutes)	<b>Inspirational interlude #1</b> Some thoughts on the potential project options and outcomes
1.00pm to 1.15pm (15 minutes)	<b>Break</b> A break for a light refreshment and a stretch
1.15pm to 1.35pm (20 minutes)	<b>Guiding design principles (for this site &amp; neighbourhood)</b> A short, facilitated session to develop a list of shared ‘guiding principles’
1.35pm to 1.40pm (5 minutes)	<b>Inspirational interlude #2</b> Some more thoughts on the potential project options and outcomes
1.40pm to 2.25pm (45 minutes)	<b>Co-design/advice for 2 Fraser Drive</b> A small group ‘deep dive’ problem-solving of the identified critical issues and develop of a set of recommendations/ideas for action for Council
2.25pm to 2.30pm (5 minutes)	<b>Wrap up and ‘next steps’</b> A summary of the key ideas and actions emerging from this session, short process evaluation and conclusion of Design In

Could you take a moment to evaluate this Design In at <https://www.surveymonkey.com/r/2fraser>? Thanks!  
For further information, please contact us on [www.surfcoast.vic.gov.au/request](http://www.surfcoast.vic.gov.au/request) or on 5261 0600.

### Reflections on the approach

The mixed methods approach to engagement (both in terms of the survey/drop in and workshop activities but also in terms of the questions, discussions and activities that were designed as part of each) had some positives and negatives. The following is a

reflection on what worked well and what needs improvement for future engagement of this type.

The strengths of this process, as identified by participants and facilitators, included:

- The overall usefulness (rated an average of 4.4 'stars' out of 5.0) and facilitation quality (also rated an average of 4.4 'stars' out of 5.0) of the Design In workshop: "all was good & positive" (participant feedback on Design In)
- The session generated excitement about the next stages of the project: "I'm looking forward to the next stage of discussions or actions and architectural plans for the housing development" (participant feedback on Design In)

The weaknesses of the process included that:

- The Design In workshop was too short to address every question posed by participants. For example: "not much conversation around land ownership, the Shire sits on a valuable piece of real estate will it generate income?" (participant feedback on Design In)
- The weather for some pop ups was unfavourable and participation rates were lower than anticipated as a result
- We were unable to attract many young participants (under 25) into this project
- The conversations remained too abstract for some: "good engagement process with lots of ideas but nothing concrete" (participant feedback on Design In).

## 02 A summary of findings

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This section will summarise the key themes and issues emerging from the engagement activities.

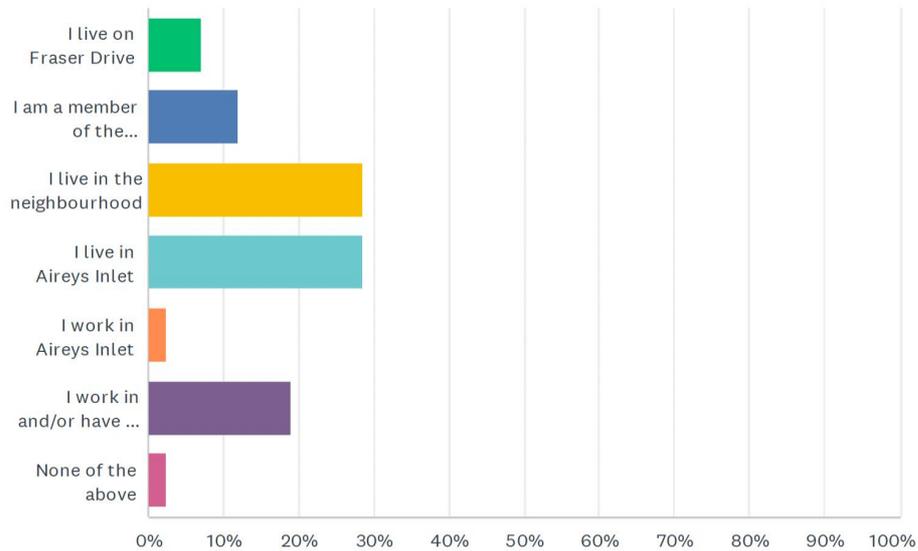
### What we learned from the survey

**Q1. About you, how would you like to identify your gender?** (67% women, 31% men and 2% preferring not to reply)

**Q2. Do you mind telling us how old you are?** (0% under 25; 17% between 25 and 44; 43% between 45 and 64 and 38% over 65. 2% preferred not to reply)

**Q3. What is your relationship to the proposed site at 2 Fraser Drive?**

Most survey respondents live in the neighbourhood (29%) or in the town (29%), as the following graph illustrates. A further 19% said they “work in and/or have an interest in social and affordable housing” and 12% are Community Garden members. Seven per cent of respondents live on Fraser Drive.



**Q4. What is your experience with housing affordability and local housing needs?**

Over half had no experience and were simply interested. Several knew a friend, family or community member who had had trouble finding affordable housing in the district (17%) or had had this trouble themselves (14%) while another 14% had accommodation but were in rental or mortgage stress.

**Q5. What is your knowledge of or experience with social and affordable housing?**

62% had theoretical knowledge about the topic while 17% had professional knowledge, working in housing and related fields. 17% had second hand experiential knowledge (e.g., had lived in neighbourhoods with social housing) and 5% has first-hand experiential knowledge (e.g. had lived in subsidised housing).

**Q6. Are you aware of Council's position on social and affordable housing (tick as many that you are aware of)**

Council Plan and the Social Housing Policy were most familiar with over 50% of respondents respectively. Just 26% had no knowledge of Council's position on social and affordable housing.

**Q7. What do you know about the proposed project? (tick as many as apply)**

Again, most were aware of the various proposals, but the same number of respondents (26%) were unaware of the project.

**Q8. What do you see as being the most important factor to the success of this proposal?**

In descending order, the respondents prioritise the following:

1. Designed to provide diverse and high-quality housing to meet a range of housing needs including the needs of an older cohort and key workers
2. Designed according to Ecologically Sustainable Design principles and complementary to the local natural environment
3. The relationship and design interface with the Community Garden and surrounding neighbours
4. Designed to resolve any amenity impact on surrounding neighbours, ie traffic movement and parking
5. Designed to enhance the social and cultural heritage values of the area
6. Ongoing initiatives that help neighbours connect and build social cohesion and participation in community life

**Q9. What do you see as the greatest barrier to the success of this project?**

The strongest response to this question (43%) was related to perceived development feasibility barriers. Site constraints, planning requirements and community preferences influencing the density and social and affordable housing could limit the number of proposals received from registered housing agencies during the EOI phase of the project. A further 17% felt that overcoming/mitigating ongoing impact on amenities such as parking and traffic movement was a critical barrier. 10% felt that fostering social connection with the new tenants was going to be the biggest barrier.

**Q10. Is there anything else that we need to consider about this proposal?**

There were no strong themes identified in the comments. They ranged from strong support for the project to concerns around the lack of infrastructure to support people living in the development. A number of respondents had questions relating to who could live in the development and whether it would be suitable for older people, single people or people with a disability.

## What we learned from the pop ups

A range of concerns and considerations were raised at the pop ups which were carried forward into the Design In process. These included:

- Lack of essential infrastructure, facilities and services within the township to support people living in social housing.
- Lack of work/transport to work in the area
- Council should not hand over ownership of the land as it is valuable
- Council should deal with the bigger problem of empty houses and AirBnB



*Can't get 12-month rentals – have to camp over summer with two small children because I can only get 8-9-month rentals*

Participant comment at pop up

- This land was left by Isla Stamp for housing for older people (*not accurate*)
- The development will look 'urban' or not be in keeping with the surrounds
- This might not happen and it is very much needed: it has been suggested in the past but never happened.

## What we heard from the Design In workshop

The first conversation/deliberation that the workshop participants had was to explore what concerns and opportunities related to the project, which are summarised below:

Opportunities	Constraints
<ul style="list-style-type: none"> <li>• Build something that people wanted to live in as they walk past</li> <li>• To create a showcase project</li> <li>• Sustainable and recyclable</li> <li>• Visit the question of density</li> <li>• Viability of the town and bring more people/keep more people</li> <li>• Expand the proposal by linking with other sites</li> <li>• Intergenerational opportunities</li> <li>• Big build funding</li> <li>• Learn from previous experiences (e.g., to do better with management/maintenance)</li> <li>• Modular housing</li> <li>• Accessibility</li> <li>• Council owns the land</li> <li>• "Create a village within the village"</li> </ul>	<ul style="list-style-type: none"> <li>• Defining who's at most need (women over 40, for example) and who needs housing</li> <li>• Tenancy and management</li> <li>• Access and parking and traffic</li> <li>• Perception and objections from wider community</li> <li>• Too many planning restrictions</li> <li>• Loss of diversity in town – this is an opportunity as well (to mitigate that loss)</li> <li>• Noise?</li> <li>• Maintenance ongoing</li> <li>• Potential density (can be an opportunity too)</li> <li>• Accessibility</li> <li>• Landscaping that fits in to neighbourhood (also an opportunity)</li> </ul>

Many of the opportunities and constraints were described as ‘double edged swords’ where there could be either positive or negative outcomes, depending on the design quality. For example, density was seen as something to both experiment and be bold with but also take care with so as to not overwhelm the neighbourhood, other people’s aspects and quiet enjoyment of home, etc.

Given this, the group’s development of shared ‘guiding principles’ for the project is especially important as these principles will inform the decision-making processes of developing the site:

1. **COURAGE.** The project should (carefully) explore the opportunities afforded by increasing the density
2. **BEAUTY.** The project should ensure the building/s look beautiful – a place people want to live in and a chance to be ‘showcase’ development
3. **QUALITY.** The project should ensure a high quality and sustainable build – 7star+
4. **FUNCTION.** The project needs to be fit for purpose and fit in with the town and environment
5. **INCLUSIVITY.** The process and build need to be inclusive, integrated and appropriate for the needs of residents.

In the final discussion of the workshop, groups were tasked with developing ideas for action. This was a challenging conversation given the stage of the project but the following are some of the ideas that the participants developed together:

**Idea 1**

Help people understand what different densities can look like (and that they can be beautiful) – differentiating between height and density. Do demonstrations/case studies/illustrations/video and other media to support this learning

**The Issues it addresses (and how)?**

Exploring opportunities and innovating with density (and showing this to people so they can understand)

**Who will champion this idea?**

CAG advised by different agencies and groups

**Other details**

Need to know about the capacities of housing providers

### **Idea 2**

Build housing that is flexible in design to allow a range of housing needs – building community within space but also something that engages with the street too. Sharing some facilities (e.g., laundry)

#### **The Issue this addresses**

We don't know who will move in – now or in the future – build a good green space – balance between the place and the broader community (so it looks in and out). Opportunity to use less space – and saves money

#### **Who will champion this idea?**

Aireys Refugee group; Local businesses

#### **Other details**

- Refugee housing
- Workers housing – possible temporary housing
- Needs outdoor play space – if there are kids living/ visiting - there are great examples in Sweden – needs to look out onto where the kids are playing so plenty of observation of children playing
- Almost like a shared house approach
- Also needs community development to build a sense of community
- Look out onto the community garden

### **Idea 3**

Define quality assurance/standards for the project re: fixtures/fittings/ quality/ maintenance. 'Resolved aesthetic' re the look of the buildings and how it fits with surrounds e.g. landscaping – learn from existing examples, be a benchmark, be beautiful, great, a vision for what is possible

#### **The Issues it addresses (and how)?**

Quality and beauty of the construction as well as inclusivity (co-design)

#### **Who will champion this idea?**

CAG advised by different agencies and groups; tenants/users

E.g. learn more about the region

#### **Other details**

- Regulatory framework

**Idea 4**

Tenancy and management – really understanding who our key workers are.

- Diversity including refugees
- Diversity framework
- Locals-people living here
- Choosing the right RHA – operates here, proven track record (if things go pear-shaped - ownership/ management goes back to Council)

Scope/ brief of EOI has to point to the right RHA. Clear assessment criteria.

**The Issues it addresses (and how)?**

Inclusion: getting the right balance of tenants (diversity, local)

**Who will champion this idea?**

Council, CAG, community input to getting the criteria and brief right

**Other details**

- EOI objectives prior to EOI going out

## 03 Key messages

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The process needs a **long range view**. It needs to be ecologically sustainable and employ robust building techniques so that the property will last 50 years. It also needs to think about the future needs of the community: the process should identify who needs housing now but also be thinking about who may need housing in the future.



*Lots of older people in Aireys will need suitable housing in the future*

Participant comment at pop up

The process for developing the site needs to be **inclusive of different needs and viewpoints**, especially different tenant needs and viewpoints. For example, accessibility for those with disability will consist of both access to the physical buildings when finished as well as to the processes of co-design and decision making in the development phase.

**Understanding and meeting local need** was raised as a critical issue in all engagement activities. Indeed, the two concepts – ‘local’ and ‘need’ – were discussed and questioned and assessed as central to the project and to housing in Aireys Inlet more broadly. The housing waiting list (over 600 for the region) needs more analysis as it is unclear who on the list is a ‘local’ wanting to stay (or a ‘local’ who has had to leave the area because of housing costs, as the following quote illustrates).



*I am homeless and would love to move back to Aireys*

Survey respondent

This project will be judged by the outcome. It must fit into and improve the local area. The EOI must clearly articulate the community understanding of the project. It will need to include the requirement for **highly sustainable and beautiful buildings that respond to the local environment**. These buildings will need good maintenance and management and be supported by landscaping.



*A private company with little connection to the community is less likely to have any interest in meeting the unique character of Aireys Inlet*

Survey respondent

The need to **manage objections and perceptions** of community housing will be essential throughout the project. Promoting the importance of the project to help maintain the viability of the town and to meet a pressing housing need will be an ongoing activity.



*Housing is an urgent requirement in the area before we lose more valuable families from the area. The housing should provide privacy & dignity.*

Survey respondent

This project provides an opportunity to **showcase a housing response** that can serve as a demonstration project for how social, affordable and community housing can be. It may challenge ideas of density, sustainability and character to look for innovative solutions to housing the community.

This project has been under consideration for many years. One community member indicated that the **project needs to happen as a matter of urgency**.



*This is a fantastic proposal, thoughtfully done. I wish you all the best and I am happy to see an increase in affordable, accessible social housing in my neighbourhood.*

Survey respondent

## References

Hornsby & Co. for CHIA and MAV. (2020). Affordable Housing Agreements: Advice for local government and community housing organisations.  
[http://www.mav.asn.au/\\_data/assets/pdf\\_file/0010/24796/Affordable-Housing-Agreements\\_DIGITAL.pdf](http://www.mav.asn.au/_data/assets/pdf_file/0010/24796/Affordable-Housing-Agreements_DIGITAL.pdf).

## Attachment 2: Aireys Inlet Affordable Housing Project

### Expression of Interest assessment criteria

Theme	Objective	Requirement	Assessment criteria
Existing community housing	To retain the Community Housing Program funded units on the site. To transfer management responsibilities and mortgage liabilities associated with the Community Housing Program Units.	Proposal must include involvement from a Registered Housing Agency and indicate willingness to inherit contractual obligations to the Department of Families, Fairness and Housing (DFFH) regarding the Community Housing Program Units already on this site and take over management of the four units and existing tenancies.	Pass or fail
Property and tenant support	To ensure residents of the social and affordable housing are supported to access the community, health, services, education and employment to optimise their health and wellbeing and enhance neighbourhood connections.	Proposals must include a commitment by the respondent to operate in the region. For example to have staff based in the region, so as to be able to provide ongoing property management and tenancy oversight and a contact point for residents, Council, and other relevant partners and stakeholders.	Pass or fail
Design and management of public/private interface	To ensure that the design and programming of the interface between the garden and residential development, the existing social housing dwellings and the public access pathway (Fraser Walk) optimally balances amenity, safety, privacy and opportunities for social connection, active travel of new and existing residents and community garden members.	The proposal must indicate a willingness to participate in a subsequent co-design process that will be independently facilitated and involve a community advisory group including community members with lived experience and technical expertise in co-creating the design concept for the development.	Pass or fail
		The proposal should also include previous experience with designing and programming private and public space interfaces and a proposed approach to designing and programming the interface between the garden and residential development, the existing social housing dwellings and the public access pathway (Fraser Walk), highlighting use of principles that promote the amenity, safety, privacy of residents and support a socially connected and walkable neighbourhood.	Scoring scale measuring the extent to which the proposal demonstrates experience in employing evidence-based principles and techniques in designing and programming public/private space interfaces.

Theme	Objective	Requirement	Assessment criteria
Meeting local housing need	To ensure that locals, including those who are eligible and are on the Victorian Housing Register for the area, and those local key workers whose income may be above the eligibility threshold for social housing are prioritised for housing in this development.	The proposal should include the eligibility and allocation policy proposed to manage tenancies at 2 Fraser Dive Aireys Inlet, highlighting any statutory requirements or evidence-based guidance the proposal will operate under.	Scoring scale measuring the extent to which the proposal's eligibility and allocation policy provides for locals in housing need including low to moderate income and key worker households.
Ecological Sustainable Design	To ensure ecological sustainable design principles guide planning, materials and construction, as well as ongoing operation of the development.	The proposal must demonstrate ESD capability to 7 stars NatHERS (required for new dwellings from May 2023 via the National Construction Code).	Pass or fail Ability to meet NatHERS 7 star rating (requirement of all new dwellings from May 2023 via the National Construction Code).
		The proposal should include previous experience with and a proposed approach to residential developments that are low emissions in construction and operations and are 8+ star NatHERS rated.	Scoring scale measuring the extent to which previous experience and proposed evidence-based approach achieves a residential development that is low emissions in construction and operations; the extent to which the proposed development will achieve an 8+ star NatHERS rating; the extent to which the proposed approach considers the thermal comfort and amenity of residents and reduce the running cost of their homes.

Theme	Objective	Requirement	Assessment criteria
Financial capability	To ensure that the Respondents have the financial capacity to finance the project	Provide evidence of financial capability including how the respondent can finance the Project, accept the risk transfer proposed, and give a high level of certainty of delivery.	<p>Pass or fail</p> <p>Financial statement provided and sufficient to reasonably fund the project.</p> <p>Willingness to accept proposed risk transfer and capacity to manage risks associated with:</p> <ul style="list-style-type: none"> <li>the site including but not limited to environmental, cultural, planning and building approvals;</li> <li>finance including but not limited to corporate failure, insufficient debt financing and/or equity as required, insurance premiums;</li> <li>construction including but not limited to materials and labour supply shortages, contractor default, industrial action, weather;</li> <li>community engagement including but not limited to non-acceptance of design concept.</li> </ul>
Quality	To ensure a high quality residential development that puts the health and wellbeing of residents at the centre of design and function and enhances the social, aesthetic, heritage and environmental values of the neighbourhood.	The proposal should include previous experience with and a proposed evidence-based approach to residential developments demonstrating high quality design, materials and construction, fit out, etc. and highlighting the proposals contribution to the social, aesthetic, heritage and environmental values of the neighbourhood.	<p>Scoring scale measuring the extent to which previous experience and proposed evidence-based approach achieves a high quality residential development, including but not limited to how the design, materials and construction, fit out, etc. will contribute to</p> <ul style="list-style-type: none"> <li>the health and wellbeing of residents</li> <li>enhanced social, aesthetic, heritage and environmental values, consistent with Schedule 1 to Clause 43.05 Neighbourhood Character Overlay</li> </ul>

Theme	Objective	Requirement	Assessment criteria
Land use arrangement	To ensure that the proposed land use arrangement enables the development and management of social and affordable housing proceeds as agreed, in perpetuity or for the agreed term.	The proposal should include a proposed land use arrangement describing land purchase/lease amounts and terms to enable the development and management of social and affordable housing as agreed – aligned to Council’s community-endorsed vision for the site. The proposal should identify any proposed financial return to Council.	Scoring scale measuring the extent to which the proposed land use arrangement including proposed land purchase/lease amounts and terms to enable the development and management of social and affordable housing aligned to Council’s community-endorsed vision for the site. The proposed land use arrangement should identify any proposed financial return to Council noting investment in the quality of the development and management is paramount in achieving Council’s community-endorsed vision for the site and takes precedence over a financial return.
Bushfire management	To ensure understanding of the risks and ability to meet the specific planning requirements associated with the site.	The proposal should demonstrate understanding of the bushfire risk and capacity to meet the planning requirements of BMO-1 (Bushfire Attack Level - BAL12.5)	Scoring scale measuring the extent to which previous experience and proposed evidence-based approach recognises bushfire risk and indicates how design, siting, materials and construction requirements, consistent with Schedule 1 to Clause 44.06 Bushfire Management Overlay may be met.

## 4.2 Youth Strategy 2022-2025

### Council Plan

### Theme Two - Healthy Connected Community

Strategy 4 - Improve access to local services and programs that support people to be healthy and well.

Strategy 6 - Enable communities to strengthen their social connections and participate in community life.

### Author's Title:

Coordinator Aged, Youth and Access

### General Manager:

Gail Gatt, General Manager Community Life

### Division:

Community Life

### Department:

Community Strengthening

### Attachments:

1. Youth Strategy 2022 - 2025 final [4.2.1 - 31 pages]
2. Youth Strategy Draft feedback and responses, received October 2022 [4.2.2 - 4 pages]

### Purpose

1. For Council to consider adopting the Youth Strategy 2022 - 2025.

### Recommendation

That Council adopts the Youth Strategy 2022 – 2025 (Attachment 1).

### Council Resolution

#### Moved Cr Allen, Seconded Cr Schonfelder

That Council adopts the Youth Strategy 2022 – 2025 (Attachment 1).

CARRIED 8|0

For	Against	Abstained
Cr Allen	Nil	Nil
Cr Bodsworth		
Cr Gazzard		
Cr Hodge		
Cr Pattison		
Cr Schonfelder		
Cr Stapleton		
Cr Wellington		

### Outcome

2. If Council accepts this recommendation, immediate implementation of the Youth Strategy 2022 – 2025 can occur.

### **Key Considerations**

3. The Youth Strategy 2022 - 2025 provides a clear vision and direction for Council and stakeholders to support and empower young people in our community to thrive.
4. The outcome of stakeholder and community consultation highlighted considerable support for the proposed Youth Strategy and its focus areas / key priorities.
5. The Strategy emphasises Council's aspirations to embed inclusivity in our daily practise making every effort to ensure that Council facilities, programs and events are respectful and inclusive of everyone in our community, including LGBTQI+ people, people with disability and culturally and linguistically diverse people.
6. Surf Coast Shire Council will foster a safe and welcoming environment for everyone and work hard to address the needs of all young people across the shire so they can thrive.

### **Background**

7. The Surf Coast Shire Youth Action Plan 2019 – 2021 has expired. A new Youth Strategy 2022 – 2025 has been developed to supersede the previous Action Plan.
8. The Youth Strategy 2022 – 2025 (attachment 1) provides a significant level of detail to assist in formulating an understanding of the background, intent, impact and development of the Strategy.
9. The key focus areas for the Strategy, as a result of information gathered from the Surf Coast Youth Census 2021 and stakeholder consultation, are:
  - 9.1. Recreation
  - 9.2. Arts
  - 9.3. Culture
  - 9.4. Mental Health Support
  - 9.5. Alcohol and Other Drug Support
  - 9.6. Environment
10. Over a four-week period in October 2022, the draft Youth Strategy 2022 - 2025 was circulated to stakeholders and shared via the 'Have You Say' section on Council's website to gather feedback and suggestions from our community.
11. In total 23 responses were received. Feedback received and responses are in attached document.
12. Receiving feedback has resulted in some minor changes implemented into the strategy document as follows:
  - 12.1. Inclusion of 'ensure data collection to inform decision making will be inclusive, representing the diversity of Surf Coast's young people' on page 10.
  - 12.2. Adding the Foreword from Surf Coast Secondary Principal Erin Wright.

- 12.3. Adding Geelong Regional Libraries to the stakeholder list on page 10.
13. Twenty young people aged between 12 and 17 years provided feedback on what focus areas they consider most important to them.
14. The results indicate Mental Health Support followed by the Environment are most important to these young people. This is consistent with the Youth Census 2021 results.
15. Community consultation identified that the Strategy focus areas are supported and relevant to the Shire's young people.

### **Options**

16. Alternative Option 1 – That Council does not adopt the Youth Strategy 2022-2025. This option is not recommended by Officers as this would delay the implementation of activities and initiatives to start addressing issues facing our young people in the region.

### **Council Plan (including Health and Wellbeing Plan) Statement**

#### **Theme One - First Nations Reconciliation**

Strategy 1 - Work with Traditional Owners and other Aboriginal and Torres Strait Islander people in our community to achieve reconciliation.

#### **Theme Two - Healthy Connected Community**

Strategy 4 - Improve access to local services and programs that support people to be healthy and well.

Strategy 6 - Enable communities to strengthen their social connections and participate in community life.

#### **Theme Three - Environmental Leadership**

Strategy 7 - Protect significant habitats, landscapes and biodiversity Strategy.

Strategy 8 - Reduce greenhouse gas emissions to limit the impacts of climate change.

Strategy 10 - Adapt to a changing climate.

#### **Theme Six - Arts And Creativity**

Strategy 16 - Foster an environment where people with clever and creative ideas can make a difference in their communities.

Strategy 17 - Increase support for creative industries and arts.

17. The Youth Strategy 2022 – 2025 has a strong alignment to the Council Plan 2021 – 2025, the Municipal Public Health and Wellbeing Plan and impending Community Development Action Plan 2022 - 2024. Throughout the Strategy there is a clear connection with specific Council Plan Themes and Municipal Public Health and Wellbeing Plan objectives.

### **Financial Considerations**

18. Implementation of the Youth Strategy 2022-2025 will occur within the existing operational budgets, confirmed state funding, and through liaising with stakeholders.

### **Community Engagement**

19. Community engagement occurred over a four-week period in October 2022, the draft Youth Strategy 2022 - 2025 was circulated to stakeholders and shared via the 'Have You Say' section on Council's website. During this period the Youth Development Team also spent time engaging directly with students to encourage them to provide feedback.

20. In total 23 responses were received including:

- 20.1. A response from Geelong Regional Libraries noted the importance of Climate Change and the impact on young people, referring to Theme 4 Mental Health Support and Theme 6 Environment. This feedback focused on continuing to work in partnership with the Surf Coast Youth Development Team to address Climate Change.
- 20.2. A response from a community member suggesting Surf Coast Shire should ensure specialised spaces, services and programs for LGBTQIA+ people with intersections are available in the community, and to use data that is far more inclusive and accessible to many.

Both of the above submissions received a response from Council Officers.

- 20.3. Twenty young people aged between 12 and 17 years provided feedback on what focus areas they consider most important to them. The results indicate Mental Health Support followed by the Environment are most important to our young people. This is consistent with the Youth Census 2021 results. The feedback exercise with young people has confirmed to Council Officers that the Strategy focus areas are supported and relevant to our community.

### **Statutory / Legal / Policy Considerations**

21. There is a strong alignment with the Council Plan 2021 - 2025, Municipal Public Health and Wellbeing Plan and impending Community Development Action Plan 2022 – 2024.
22. Consultation to gather public feedback on Strategy development is aligned to the *Local Government Act 2020*, Community Engagement Principles and Council's Community Engagement Policy.

### **Risk Assessment**

23. If the strategy is not adopted there will be a delay with the implementation of the actions outlined.

### **Sustainability Considerations**

24. If adopted the Strategy document will be distributed electronically to key stakeholders across the community and be available on Council's website. There is no intention to provide printed copies of the document.

### **Conflict of Interest**

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

### **Confidentiality**

26. This report and attachment contain no confidential information under section 66(2) of the *Local Government Act 2020*.

### **Transparency**

#### **Audit and Risk Committee involvement**

This matter has not been considered by the Audit and Risk Committee.

### **Councillor Briefings**

This item was discussed at the following Councillor briefings prior to being presented to Council for consideration. Councillor attendance at each briefing was as follows:

Councillor Briefing Date: 29 November 2022

<i>Councillor name</i>	<i>In attendance (Y/N)</i>	<i>Councillor name</i>	<i>In attendance (Y/N)</i>
<i>Cr Gary Allen</i>	<i>Y</i>	<i>Cr Liz Pattison</i>	<i>Y</i>
<i>Cr Paul Barker</i>	<i>N</i>	<i>Cr Adrian Schonfelder</i>	<i>Y</i>
<i>Cr Mike Bodsworth</i>	<i>N</i>	<i>Cr Libby Stapleton</i>	<i>Y</i>
<i>Cr Kate Gazzard</i>	<i>Y</i>	<i>Cr Heather Wellington</i>	<i>N</i>
<i>Cr Rose Hodge</i>	<i>Y</i>		

Councillor attendance at briefings is not a statutory requirement. Councillors are able to access and request information through a number of mechanisms to understand matters being presented at a Council Meeting.

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# Youth Strategy 2022-2025

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[@surfcoastyouth](https://www.instagram.com/surfcoastyouth)



## Acknowledgement of Country

Surf Coast Shire spans the traditional lands of the Wadawurrung Peoples, and the Gulidjan and Gadubanud Peoples of the Maar nation. 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.

Surf Coast Shire Council is seeking to build strong relationships with our Traditional Owners and other Aboriginal and Torres Strait Islander people in our community. Council is working towards ongoing partnerships with Traditional Owners, that are respectful of their culture and traditions and supports their respective strategic goals.



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## Celebrating Diversity and Inclusion

We will make every effort to ensure that all of our facilities, programs and events are respectful and inclusive of everyone in our community, including LGBTQI+ people, people with disability and culturally and linguistically diverse people. We will foster a safe and welcoming environment for everyone. We will work hard to address the needs of all young people so they can thrive.

In delivery of this Youth Strategy we will ensure all we do is cognisant and considerate of our diverse community.

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## Message from the Mayor

Being a young person today is very different to how it was for me.

There's the internet, social media, smartphones and so much information at our fingertips. Then throw in two years of intermittent lockdowns and remote learning during the COVID-19 pandemic.

It's been a period of significant change.

At the same time, we have a generation that is extremely tech-savvy, creative, entrepreneurial, connected and caring.

Our goal is to ensure that all 5,200 of our local young people living in the Surf Coast Shire, aged 12 to 25 years, find what they're passionate about and are supported to thrive in life. We want our young people to be heard, to make a difference and be supported as they navigate their way through our changing world.

Council's role here is to support young people to reach their potential by partnering with experts and focusing on preventative care. We need to ensure our approach is tailored to the needs of young people in today's world.

Recently, we ran a Youth Census (2021) to find out what matters most to our local young people and how we can help. This invaluable insight along with the work we do with external partners and our local young people has greatly assisted in guiding the development of this Youth Strategy.

The Youth Strategy sets the direction for Council's work and how we collaborate with other organisations and groups so that young people in the Surf Coast Shire can live healthy and happy lives.

I am looking forward to seeing this strategy and actions evolve to support the young people of our community.



Cr Liz Pattison

Mayor, Surf Coast Shire Council

## YOUTH STRATEGY 2022-25



### Message from the Surf Coast Secondary College Principal

Our youth are not just the future, they are what matters right now. Investing in supporting our young people to grow, learn and flourish is one of the most important actions that we can take as a community to ensure that it prospers into the future.

I am very privileged to work each day with almost 1000 of the young people that live in our local area as the principal at Surf Coast Secondary College. That is one fifth of the current youth population in the Surf Coast who are supported locally by our great school to engage in furthering their learning and wellbeing in their local community. As a school, we understand that learning takes place beyond the classroom walls, and working in partnership with the Surf Coast Shire and other local entities to ensure that our young people have an abundance of opportunities to connect to their local community, find meaning, give back and discover more about themselves is vital.

The Surf Coast Youth Census of 2021 has helped our community to identify some important areas for us, as adults, to work together on to improve further the great opportunities that young people have in our local area. I know that the students from Surf Coast Secondary College who participated in the survey, and the focus groups that followed, felt listened to, valued and look forward to seeing what the community can deliver to make a positive impact on improving their experiences even further.

The youth that I am lucky to work with every day are incredible people; they are passionate about local issues, they are supportive of each other, they want to contribute to a brighter future and they all value where they live. I look forward to all of the local schools in the Surf Coast area working in collaboration to help make this Youth Strategy's vision a reality for our young people and to empower the voice of our youth further as we begin to make the words on paper take shape.

Erin Wright

Principal – Surf Coast Secondary College

## YOUTH STRATEGY 2022-25



### Message from the Lorne P-12 College Principal

Every child and young person along the coast has an abundance of strength and knowledge that deserves to be heard and supported. We know that good physical and mental health is integral to youth resilience and a quality life.

Our youth draw their resilience from positive experiences and qualities that start from a very young age, and this helps shape them into becoming caring, responsible, and productive adults. We want to support our young people, so they feel confident and equipped to face the challenges that come their way. Along the Surf Coast we want to create an environment where young people, parents and carers can easily access reputable services, credible information, and a broad range of opportunities to help them better understand the world around them.

The Surf Coast youth were given the opportunity to be heard, in the recent Youth Census and this is an important step moving forward and not only listening to their voice but more importantly valuing it. Being connected and having a sense of belonging is important to our students and their overall resilience and wellbeing. Students at Lorne P-12 College benefit from having positive connections with their family, at school and within the community. Our students shared in the recent survey, that they want to feel empowered. They want to feel safe and be involved.

We have a great opportunity in the Surf Coast shire, to create an environment where young people feel engaged and heard, are connected, and have the skills and opportunities to thrive in an ever-changing world. Their active participation in decision making processes in issues that affect them is a key factor to the engagement of our young people in the Surf Coast shire.

Our young people make invaluable contributions to communities and are empowered themselves when they participate. These are exciting times and when it comes to building our global future, there is no bigger asset than today's youth.

*"Investing in adolescent health and wellbeing brings a tripe dividend of benefits – benefits for adolescents now, for young people's future lives and for the next generation."* – Lancet Commission on Adolescent Health and Wellbeing.

Carly Stafford

Principal - Lorne P-12 College

## Youth Strategy Vision

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To create a community and environment that empowers young people to thrive.

### Council's Purpose

To help our community and environment to thrive.



## YOUTH STRATEGY 2022-25

### About Local Young People and this Strategy

From Torquay to Lorne - via the Great Ocean Road - and our hinterland communities, including Deans Marsh, Winchelsea and Moriac, our shire is home to around 5,200 young people aged 12 to 25 years, who make up 14% of our local population.<sup>1</sup>

Surf Coast Shire has 12 primary schools spread throughout most townships in the shire. Primary schools feed into two local secondary schools: Surf Coast Secondary College, located in Torquay and has around 1,000 students, and Lorne P-12 College, which has close to 100 students in years seven to 12. Many other students residing in the Surf Coast Shire travel to Geelong to complete their secondary schooling. With no tertiary education facilities located within the shire, many young people enrol in university and TAFE options outside of the area, often in nearby Geelong or Melbourne.

The issues affecting young people today are as diverse as young people themselves, however, they are the first generation to have lived their entire lives with the internet, grown up with the evolution of social media and experienced the opportunities afforded by innovations in digital technology. The COVID-19 pandemic, including two years of intermittent lockdowns and remote learning, has also had a major impact on young people.

Mission Australia's Youth Survey 2021 was completed by more than 20,000 15 to 19-year-old Australians. According to this cohort, the key issues Australia needs to address are the negative impacts of COVID-19, the environment, equity and discrimination. The same survey found the top personal concerns for young people are: coping with stress, mental health and school and study problems.<sup>2</sup>

The aim of this Youth Strategy is to set the direction and long-term structure for Council's work with young people. We look forward to sharing the Strategy with others so that together we can ensure we lead a collaborative approach to supporting young people in the Surf Coast Shire.

### What we do and who we work with?

Our Surf Coast Shire Youth Development Team exists to empower local young people aged 12 to 25 years to thrive, now and into the future.

Our goal is to provide young people with the tools and confidence to pursue their passions, have a voice, make informed decisions, and be able to easily access the support services they need.

Our work has a strong health and wellbeing prevention focus and involves linking local young people with relevant and meaningful specialist support services.

To do this work, we must partner with a wide range of groups and agencies, including local schools and government agencies, sport and recreation clubs and associations, community and social groups and health and wellbeing support services.

External funding plays a key role in supporting the delivery of programs, activities and initiatives that make a meaningful impact on our young people. In partnership with key stakeholders, Council will endeavour to source funding through grant and other opportunities to deliver increased initiatives, activities and programs that benefit young people of the Surf Coast.

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<sup>1</sup> Australia Bureau of Statistics National Census Data 2021

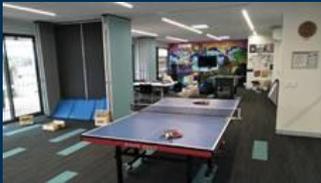
<sup>2</sup> Mission Australia Youth Survey Report 2021

## YOUTH STRATEGY 2022-25

### The Role of Council

- To focus our resources on prevention rather than treatment of health and wellbeing.
- To partner and network with professional support services and organisations to ensure local access is available for the community.
- Act as a facilitator in driving collaborative conversations between key stakeholders in the youth space.
- Apply for grants and funding to deliver programs, activities and initiatives that benefit our young people.
- Provide opportunity to hear the voice of young people for future strategies, planning and feedback to inform decision making.
- Advocate for young people in the Surf Coast.

### Our Current Programs for Young People



The Torquay Youth Space runs after school hours during the week at the Kurrabee Myaring Community Centre. It provides a space where young people can socialise, play music and talk to team members.



The Pod is a converted shipping container that has found a permanent home in Winchelsea. It provides staff and the local youth group with a dedicated youth facility that can be used as a local meeting place. Its opening times are based on community needs.



The FReeZA program is funded from a Victorian Government grant to support young people to engage in the arts. The program is funded until December 2024, activities are youth-led with support from the Youth Development team.



Engage! is funded by the Victorian Government to help young people actively participate in and connect with their local community. The program is funded until December 2024 and the work plan includes programs to support mental health, create positive environment action, develop pathways to employment and support opportunities to enhance social connection.

### Victorian Youth Fest

Victorian Youth Fest is a month-long celebration across Victoria highlighting the contributions and achievements of young people in their communities. The initiative is funded by the Victorian Government.



Good Times, Great Breaks is Surf Coast Shire's harm minimisation program targeting the more than 4,000 school leavers who visit the shire in November/December each year to celebrate finishing high school. The Youth Development team coordinates the efforts of the many organisations that play a vital role in ensuring they return home safe.

## YOUTH STRATEGY 2022-25

### Future Focus

While Council does not access or provide direct funding or service/program delivery to the Primary School age cohort of 5 – 12 year olds, we acknowledge this is an important age to begin the impact of preventative care of health and wellbeing. A future focus for Council is to work closely with our local Primary School sector and community, to ensure this age group and their parents/guardians have access to prevention based education and services, programs and other initiatives.

Additional future focus areas;

- Source funding for ongoing initiatives and activities that engage our young people.
- A greater focus on activities and initiatives for young people outside the Torquay Township.
- Assist the community to create more 'things to do' in our remote areas of the Surf Coast Shire.
- Assist in addressing the need for more employment opportunities for our young people in Surf Coast.
- Assist in creating more local volunteering opportunities for our young people.
- Ensure data collection to inform decision making will be inclusive, representing the diversity of Surf Coast's young people.

### Our Engagement Methodology

Our engagement approach for the development of this Strategy has focused on results of the 2021 Surf Coast Youth Census. The Youth Census was commissioned in 2021 to support Council in better understanding what matters to young people, including their health and wellbeing, challenges, interests and opportunities, as well as the impacts of COVID-19.

In addition to the Census, the development of the Youth Strategy has been informed by the following research and engagement activities:

- Desktop research of current local, state and national data and trends (a desktop research report was completed of existing data).
- In-person forums and focus groups, which were held in the four Wards to allow real time opinions to be heard as Census results were being captured via the online questionnaire.
- Consultation with local education providers and health and wellbeing services, via Council's regular youth network meetings, attended by representatives of local schools, police and health and wellbeing support agencies.
- Consultation with young people during youth programs such as the Music and Arts Program, youth spaces, recreation and health and wellbeing programs.

Results and feedback from this research and engagement inform much of the Surf Coast Shire Council's future action plans, programs and services for young people.

### Key Stakeholders Engaged in Strategy Development

- Barwon Child Youth Family Services
- Victoria Police
- Surf Coast Secondary College
- Lorne P-12 College
- Torquay College
- Drummond Street

### Other Key Youth Stakeholders

- Barwon Health
- Headspace
- Training Providers
- Regional Parenting Service (Geelong)
- G21 - Geelong Region Alliance
- Primary schools within the shire
- Geelong Regional Libraries (GRLC)
- Victorian State Government

## Surf Coast Youth Census

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The Surf Coast Youth Census was designed to provide comprehensive research and analysis of young people aged 10 - 25 who live within the Surf Coast Shire. Young people aged 10 and 11 years were included in the Census as they will soon enter the youth age demographic, therefore their opinions are highly valuable for future planning. Council's Youth Development Team and consultants 'Youth Gurus' worked collaboratively with a team of young people from across the shire to co-design a questionnaire and roll-out process that were both accessible and youth friendly.

The Census was advertised for participation widely via online channels, local signage, and through all schools within the shire. An abbreviated hardcopy questionnaire 'postcard' was produced and disbursed throughout the schools and community to enable increased participation.

A total of 1,084 young people from across the shire, from three age cohorts; 10 - 14 years, 15 - 19 years and 20 - 25 years completed the questionnaire component of the Census. This participation equates to 21% of our youth population in the shire at the time of the Census taking place.

## YOUTH STRATEGY 2022-25

### Engagement Findings

A number of key themes regarding 'what matters to our young people' emerged from the Youth Census, including environmental issues, a need for diverse recreation facilities, and support for social and emotional issues.

Environmental issues were identified as the two biggest issues in the community for young people. In particular they identified rubbish as a problem followed by the need for climate action.

Young people strongly expressed a desire to have improved access to recreation facilities, with the focus being outside of traditional sports. Desires included:

- The creation of expert and advanced level mountain biking facilities.
- Improved parks and age appropriate playgrounds or 'hang out areas'.
- More access to and improved youth spaces, groups and activities

Support for social and emotional issues was a trend throughout the Census data. Issues included:

- Supports for young people to access mental health and alcohol and other drug support services.
- Creating opportunities for young people to connect and socialise in environments where they feel safe, to combat social isolation.

Consultation with local education providers, police and health and wellbeing services indicated a need for improved supports for parents and the need for increased parent education to equip them with skills and strategies to help address youth wellbeing.

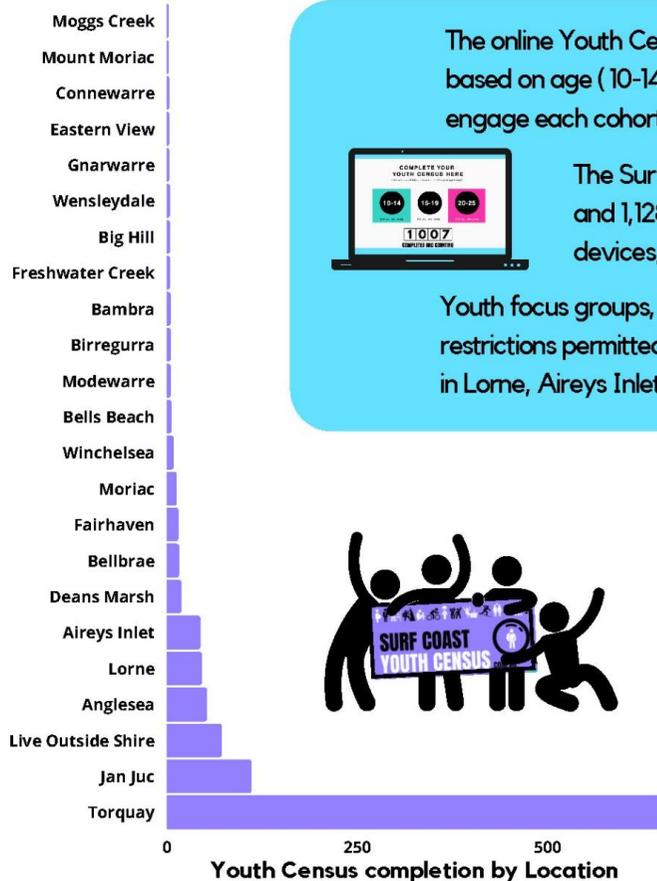


# surf coast youth census report back



## Engagement Overview

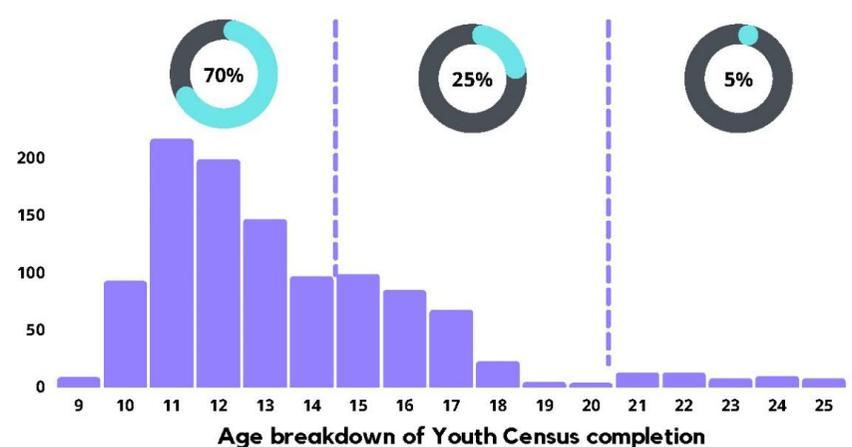
In the second half of 2021 the Surf Coast Youth Census was conducted in partnership by Surf Coast Youth, Youth Gurus and the Surf Coast Shire Council. In total 1,084 young people aged between 10 and 25 years of age completed the online youth census providing data and insight that has helped create this final report.



The online Youth Census survey was designed to target three separate cohorts based on age (10-14 | 15-19 | 20-25 year olds) with survey questions being curated to engage each cohort on key issues and topics in an age appropriate manner.

The Surf Coast Youth Census website attracted 910 unique site visits and 1,128 site sessions (572 from desktop computers, 521 from mobile devices, 35 from tablets/iPads).

Youth focus groups, forums and engagement activities were held when Covid restrictions permitted across all four wards and engaged 150 young people including in Lorne, Aireys Inlet, Anglesea, Torquay and Winchelsea.



# surf coast youth census report back



## Background

The Surf Coast Youth Census was commissioned to support the Surf Coast Shire Council to better understand young people including the health and wellbeing, challenges, interests and opportunities, as well as the impacts of Covid-19, and inform the Surf Coast Shire Council's future action plans, programs and services for young people.

The Youth Census was conceived as a mechanism to undertake a comprehensive research and analysis of young people aged 10-25 who live within the Surf Coast Shire. Youth Gurus and Surf Coast Youth worked collaboratively with a team of young adult co-designers from across the Shire to bring the initiative to life using the human centred design approach (below) and manage its rollout amidst Covid outbreaks/lockdowns.

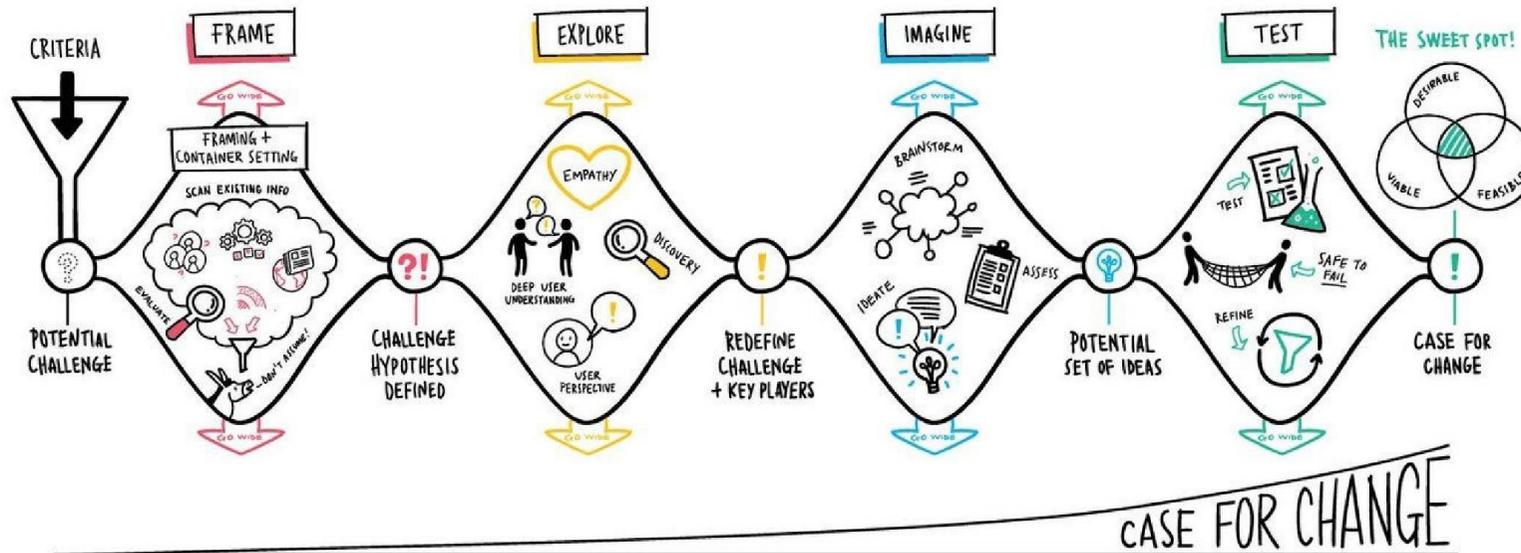


Image Source: <https://www.aucklandco-lab.nz/>

# surf coast youth census report back



-  **97%** of young people would describe living on or near the Surf Coast as either good (22%), great (35%) or amazing (40%)
-  **95%** of young people said they were excited about the future. (sometimes 31% mostly 44% always 20%)
-  **72%** of young people told us they have a strong connection to their community (38% sometimes 34%)
-  **52.5%** of young people were unsure if they would be living, working or studying on or near the Surf Coast in ten years time, or not?

## What young people do for fun (top 10)

- Hanging out with friends
- Watching shows or movies
- Listening or playing music
- Time with pets/animals
- Hanging out with family
- Online gaming
- Playing sport
- Physical exercise
- Social media
- Spending time in nature



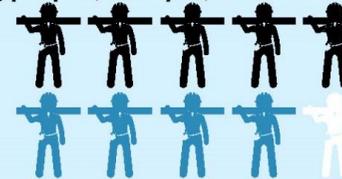
## Young people described their relationship with social media as:

**Healthy (51%)**

- Addictive (32%)
- Educational (27%)
- Helpful (27%)
- It's Complicated (25%)



## Young people (15-25 y.o.) and their relationship with work:



**5 out of 10** young people were happy with their work status

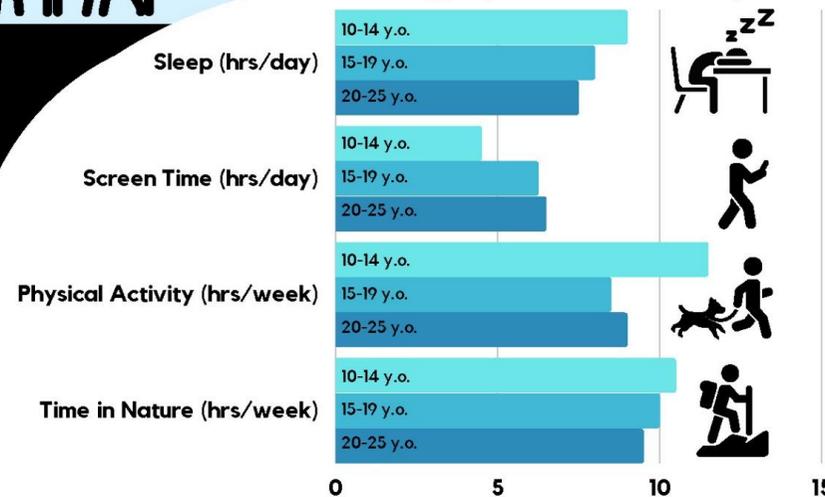
**4 out of 10** young people wanted work or more work.



**9 out of 10** young people thought their parents/guardians set appropriate rules and boundaries for them in regards to:

-  i) how they choose to spend their own money
-  ii) where they go out with friends and their curfew
-  iii) what they eat and drink
-  iv) how much time they spend on screens/devices

## Young people and their relationship with time:



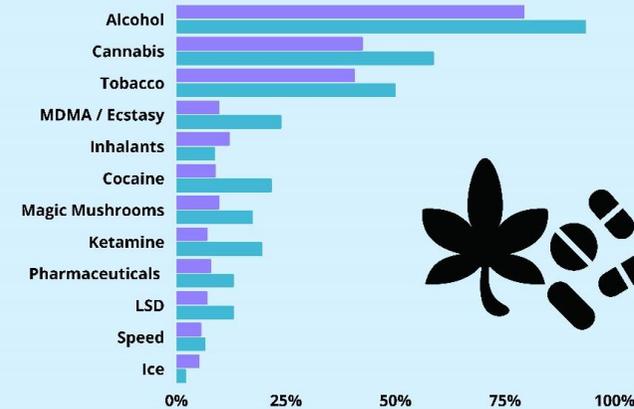
# surf coast youth census report back



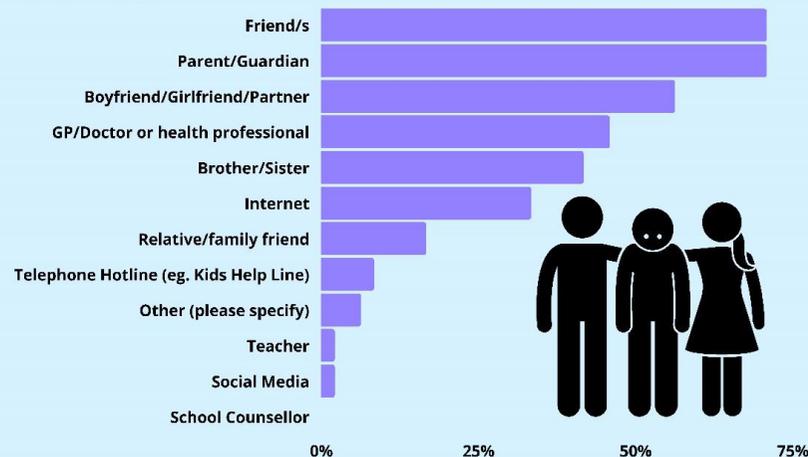
Where young people 10-25 reported feeling safe:



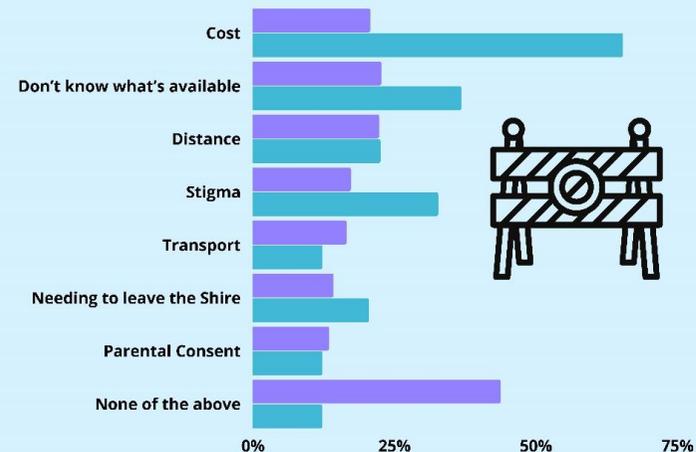
The substances young people (15-19 y.o. & 20-25 y.o.) self report ever having used before:



Where young people (10-25) reported that they would go for help:



The barriers that exist for young people seeking help or accessing services? (15-19 y.o. & 20-25 y.o.)



# surf coast youth census report back



## The biggest personal challenges faced due to COVID-19:



#1 Social Isolation



#2 Remote Learning



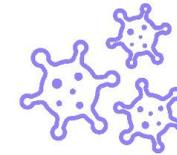
#3 Mental Health



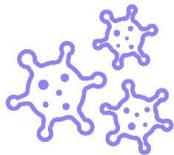
#4 Family Separation



#5 Participation in Sport



## COVID-19 has negatively impacted upon young peoples (15-25 y.o.):



#1 Activities/Interests



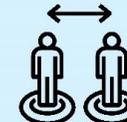
#2 Education



#3 Mental Health



#4 Physical Health



#5 Friendships

## The important things in life in a COVID-19 world:



#1 Friendships



#2 Family



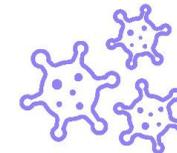
#3 Mental Health



#4 Physical Health



#5 Internet Connection

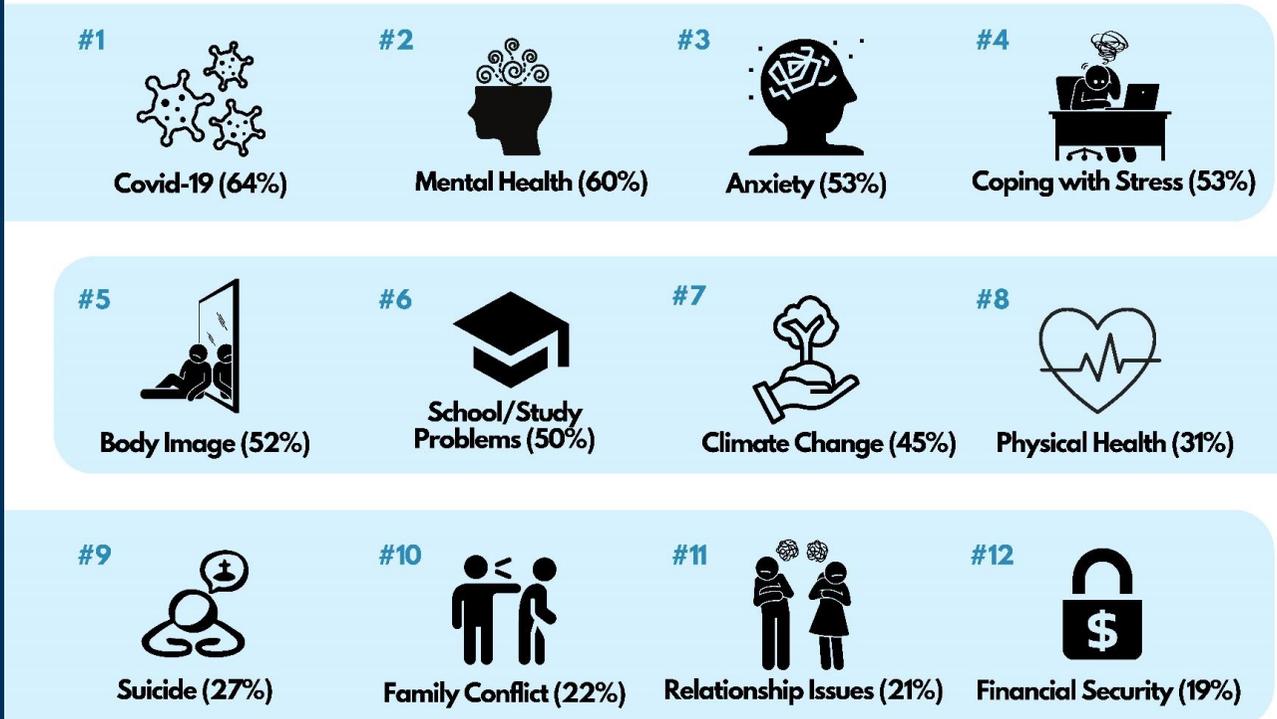


Young people were able to clearly articulate the challenges and negative impacts resulting from COVID-19 but also the things they found important in their life at the time. Like most Victorians they were frustrated by and suffering from having to isolate at home during lockdowns, not being able to see their friend and family, and from not being able to participate in social, recreational and educational activities as they normally would. The data sets above provide Surf Coast Shire Council with a set of clearly defined areas for continued and future investment to support our young people in those areas COVID-19 has had the most negative impact upon and helps reinforce and reinvest in those things young people identify as the most important things in life - friends, family, mental health, physical health and online connectivity.

# surf coast youth census report back



The issues of greatest personal concern to young people aged 15-25 y.o.



It is not surprising to have **COVID-19** listed as the #1 issue as the Youth Census was conducted in the second half of 2021 when Victoria was still in and out of lockdowns and remote learning. **Mental health** in all its forms (including anxiety, stress and suicide) is of concern to our young people who want more resources and supports allocated to address youth mental health in our communities. **Body image** was an issue that was consistently raised by young people, at a higher frequency than anticipated and recorded in other statewide surveys, that should be a priority area for further examination and increase support. **Suicide** was listed as an issue by just over 1 in 4 young people in the Youth Census signalling it as a topic young people have an increased awareness of within our community and along with mental health are keen to see additional resources and youth-led initiatives delivered in the Surf Coast.

Data from the Surf Coast Youth Census is comparable to the finding of Mission Australia's Annual Youth Survey (15-19 y.o.) 2021:

- #1 Coping with Stress
- #2 Mental Health
- #3 School or study problems
- #4 Body Image
- #5 COVID-19
- #6 Physical Health
- #7 Climate Change
- #8 Personal Safety\*\*\*
- #9 Family Conflict
- #10 Discrimination
- #11 Suicide
- #12 Social Media
- #13 Financial Security
- #14 LGBTQIA+ Issues
- #15 Bullying/Emotional Abuse

\*\*\*Personal Safety was added in 2021 and not measured in the Surf Coast Youth Census.

# surf coast youth census report back



What young people (10-25 y.o.) see as the biggest issues in their community

#1



Rubbish

#2



Climate Action  
& the Environment

#3



Sport | Recreation  
Mountain Biking

#4



Anti-Social Behaviour  
Crime | Eshays

#5



Alcohol & other Drugs

#6



Urban Growth  
& Development

#7



Covid-19

#8



Mental Health

#9



Bullying &  
Discrimination

#10



Road Safety

#11



Shops | Retail | Eateries

#12



Inclusion & Diversity

Young people in the Surf Coast Shire are upset by amount of **rubbish** left on our beaches, foreshores, parks and playgrounds. They are extremely passionate about protecting our **natural environment** and want to be better resourced to take **climate action** on both a local and global scale. Young people reported they struggled with **safety** because of discrimination, cyber-bullying or the threat of violence / sexual assault on our streets from eshays and 'creepy' or 'drug affected' men. **Drug and alcohol** use was identified as a big issue in the community, especially the youth vape culture, with higher rates of drug use reported by the older youth cohort. Young people who are concerned about the rate of **urban growth** and its impacts on the natural environment and our community, but also **a lack of affordable housing** forcing young people to leave the shire before they are ready to leave.

What young people said:

"I want policy to make rental and home ownership more accessible. I want free programs to empower people to affect systemic change to address the climate crisis."

21 yo Torquay

"I think that there is a lot of stigma and stereotypes that teenagers are bad ... it would be nice to just be seen as a person and not a "teenager" along with all their stereotypes."

16 yo Torquay

"We need to be making mountain biking more accessible for kids looking for a sport. We need more jumps and tracks in more places in the Surf Coast please."

17 yo Lorne

# surf coast youth census report back



What would make the Surf Coast Shire better for young people (10-25 y.o.)

#1



Recreation

#2



Youth Spaces  
Groups & Activities

#3



Entertainment, Shops,  
Retail & Eateries

#4



The Environment

#5



Mental Health  
& Support Services

#6



Less Rubbish

#7



Diversity  
& Inclusion

#8



Education

#9



Transport

#10



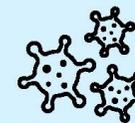
Job Opportunities

#11



Housing & Development

#12



Better Covid-19  
Response

More/better recreational opportunities was not only #1 way young people think we can make the Surf Coast Shire better for young people, it was also raised by 738 respondents, which is more than the rest of the top 5 topics combined. The desire to have increased **mountain bike facilities** was the standout suggestion with young people throughout the shire consistently speaking about the need for more jumps and tracks with great passion and excitement. Parks, playgrounds, skate/scooter parks, pools and splash parks as well as organised sports and music/arts/culture events were all identified as priorities for young people in their local community (as shown on the righthand side of this page).

## Breakdown of Recreation by number of mentions



Mountain Bike Jumps/Tracks (198)



Parks & Playgrounds (179)



Organised Sport (128)



Skateboard / Scooter Parks (80)



Music, Arts & Culture (77)



Aquatic Facilities (76)

## Annual Review

For the duration of the Youth Strategy (2022 – 2025), actions will be reviewed annually against each strategy and focus area to determine the progress and outcomes achieved and to provide an opportunity to assess the relevancy of actions as the Strategy ages. As part of this annual review process, actions may evolve or change to adapt to the current societal/ demographic issues and challenges that arise.

Although this annual review will be completed by the Youth Development Team, overall responsibility for implementation and achievement of the Youth Strategy lies with the entire Surf Coast Shire Council. Some aspects will be the responsibility of one area of Council, whilst others will be the responsibility of multiple units working together in partnership.

Council will also be working closely with a number of external stakeholders who will be pivotal in helping to achieve success together for our young people.

### Measures of Success

The below key measures are embedded in the annual review process to ensure progress in achieving the outcomes of this Strategy;

- Key stakeholders recognise Council's role in health and wellbeing preventative care rather than treatment for the community.
- Adherence to State and other funding partner criteria and requirements.
- Young people across the Surf Coast Shire participate in and attend the FReeZA and Engage! programs and events.
- Regular opportunities are provided to ensure the voice of our young people is heard.
- Outcomes of the actions are aligned to the Council Plan 2021 - 2025 (incorporating Health and Wellbeing Plan).



## Focus Areas

A series of focus areas form the key priorities of this Strategy. Aligning with the objectives of the Council Plan 2021 - 2025, and based on insights gained through our community engagement consultation, the key priority areas of this strategy are:

- Recreation
- Arts
- Culture
- Mental health support
- Alcohol and other drug support
- Environment



## Focus Area One: Recreation

**Outcome: Recreation facilities and programs meet the needs of young people.**

**Key Stakeholders Include:**

Local sport and recreation clubs, leagues and associations, government agencies, not-for-profit sport and recreation organisations, non-traditional recreation activity providers and young people.

Strategy	Alignment to Council Plan 2021-2025 (incorporating Health and Wellbeing Plan)	Action(s)
<p><b>When recreation facilities are being considered, ensure the voice of our young people is heard and considered.</b></p> <p><b>Enhance existing facilities for young people which creates opportunities that allow them to excel in their interests and socialise in spaces that meet their needs.</b></p> <p><b>Enhance sport and recreation activity participation opportunities for young people.</b></p>	<p><b>Council Plan</b></p> <p>Theme 2: A Healthy Connected Community</p> <p>Goal: To foster a thriving, connected, healthy community</p> <p><b>Health and Wellbeing Plan</b></p> <ul style="list-style-type: none"> <li>- Increase Healthy Eating and Active Living</li> <li>- Improved Mental Health and Social Connection</li> </ul>	<p>1.1. Ensure there is a youth friendly engagement process to capture the voice of young people in the planning and design of new facilities and upgrades to existing facilities.</p> <p>1.2. Inform young people of proposed facility plans and encourage and support them to engage in a youth friendly consultation process.</p> <p>1.3. Continue to grow, explore new opportunities and develop current youth spaces and groups such as the KMCC Youth Centre, Youth Pods, FReeZA and Youth 4 Climate.</p> <p>1.4. Investigate opportunities to establish new youth groups to support the specific needs of young people in our community, such as a LGBTIQ+ youth group.</p> <p>1.5. Collaborate with local sport and recreation providers (clubs and associations) to ensure they have participation opportunities available for the 12 – 25 year old cohort.</p> <p>1.6. Promote participation opportunities available across the community for young people to engage in.</p>

## Focus Area Two: Arts

**Outcome: Arts programs are high quality and valued by young people.**

**Key Stakeholders Include:**

*The Push, State Government FReeZA Program, Multi Arts Centre (MAC), local schools, Aireys Inlet Open Mic Group, local committees, local artists, mentors, musicians and young people.*

Strategy	Alignment to Council Plan 2021-2025 (incorporating Health and Wellbeing Plan)	Action(s)
<p><b>Foster an environment where young artists and creatives are valued in their community and have the opportunity to pursue their passions.</b></p>	<p><b>Council Plan</b></p> <p>Theme 6: Arts and Creativity</p> <p>Goal: Acknowledge the value of arts and creativity and nurture their growth</p>	<p>2.1. Continue to grow and explore new opportunities to develop the FReeZA program where young and emerging artists can build connections and skills with like-minded people in a safe and approachable environment.</p> <p>2.2. Host and support partners to deliver high quality and meaningful events where young artists can perform and showcase their talents to the community.</p> <p>2.3. FReeZA staff pursue opportunities to nominate young artists to perform at community events delivered by both internal and external stakeholders.</p> <p>2.4. Engage industry professionals to provide training opportunities to assist young artists in pursuing their passions and redefining their skills and expertise.</p> <p>2.5 Encourage and promote volunteer opportunities for our young people to gain valuable experience and give back to their community.</p> <p>2.6 Facilitate discussions with key stakeholders regarding local employment, work experience and other career opportunities for our young people.</p>

## Focus Area Three: Culture

**Outcome: Young people are empowered to be a part of Reconciliation with Traditional Owners and other Aboriginal and Torres Strait Islander people and are inspired to understand local Aboriginal cultural heritage.**

**Key Stakeholders Include:**

Wadawurrung Traditional Owners Aboriginal Corporation, and Eastern Maar Aboriginal Corporation and young people.

Strategy	Alignment to Council Plan 2021-2025 (incorporating Health and Wellbeing Plan)	Action(s)
<p><b>Provide opportunities for young people to contribute to the national conversation of Reconciliation with First Nations People.</b></p> <p><b>Support young people to grow their understanding of local Aboriginal cultural heritage and pursue respectful relationships with Traditional Owners.</b></p>	<p><b>Council Plan</b></p> <p>Theme 1: First Nations Reconciliation</p> <p>Goal: Reconciliation with Traditional Owners and other Aboriginal and Torres Strait Islander people in our community through respectful engagement, acknowledgement and collaboration</p>	<p>3.1. Actively pursue Reconciliation learning opportunities for young people. E.g. Reconciliation Australia Frameworks discussion with schools.</p> <p>3.2 Engage and work with local young Aboriginal and Torres Strait Islander people to share their voice in the community.</p> <p>3.3. Continue to provide Walking On Country (WOC) cultural education opportunities for young people by pursuing further opportunities for cultural education from Traditional Owners within the Surf Coast Shire, including Wadawurrung Traditional Owners Aboriginal Corporation and Eastern Maar Aboriginal Corporation.</p>

## Focus Area Four: Mental Health Support

**Outcome: Mental health services and resources are relevant, meaningful and available to young people.**

**Key Stakeholders Include:**

Barwon Child Youth Family Services, Head Space, Barwon Health, Training Providers, Regional Parenting Service (Geelong), Victoria Police, local school Principals and staff, Drummond Street, parents and carers, mentors and young people.

Strategy	Alignment to Council Plan 2021-2025 (incorporating Health and Wellbeing Plan)	Action(s)
<p><b>Enable access to mental health education programs that develop the skills of young people and their families to better support each other and make informed decisions.</b></p>	<p><b>Council Plan</b></p> <p>Theme 2: A Healthy Connected Community</p> <p>Goal: To foster a thriving, connected, healthy community</p>	<p>4.1. Upskill, educate and support our adult community to better support young people by working collaboratively with external providers and partners to deliver workshops, seminars and programs.</p> <p>4.2. Work collaboratively to engage our adult community to participate as mentors/ role models for our young people.</p>
<p><b>Partner with specialist mental health services to enable them to provide local access to support young people and their families.</b></p>	<p><b>Health and Wellbeing Plan</b></p> <p>- Improved Mental Health and Social Connection</p>	<p>4.3. Deliver Teen Mental Health First-aid courses to 300 young people in the shire.</p> <p>4.4. Ensure the Youth Team is engaged with our local school communities to support the delivery of beneficial programs that support mental health and wellbeing.</p>

**Engage young people across the shire to provide input and feedback on mental health initiatives to ensure they are relevant, accessible and meaningful.**

#### **YOUTH STRATEGY 2022-25**

*4.5. Work collaboratively with and support expert service providers and agencies to ensure services with a focus on mental health are available for our Surf Coast community.*

*4.6. Actively facilitate and contribute to working groups to devise collaborative and consistent approaches and messages to tackle mental health issues.*

*4.7. Use existing and emerging youth working groups to discuss issues young people are facing and gather their input on creating beneficial and meaningful solutions.*

## Focus Area Five: Alcohol and Other Drug Support

**Outcome: Young people make informed choices in regards to alcohol and other drugs.**

**Key Stakeholders Include:**

*Barwon Child Youth Family Services, Barwon Health, Training Providers, Victoria Police, local schools, parents and carers and young people*

Strategy	Alignment to Council Plan 2021-2025 (incorporating Health and Wellbeing Plan)	Action(s)
<p><b>Collaborate with specialist alcohol and other drug services to provide local access support services to young people and their families.</b></p>	<p><b>Council Plan</b></p> <p>Theme 2: A Healthy Connected Community</p> <p>Goal: To foster a thriving, connected, healthy community</p>	<p>5.1. Enable specialist alcohol and other drug support services to be delivered in the local community.</p>
<p><b>Partner with community and specialist stakeholders to address local alcohol and other drug concerns.</b></p>	<p><b>Health and Wellbeing Plan</b></p> <p>- Improved Mental Health and Social Connection</p>	<p>5.2 Upskill, educate and support our adult community to better support young people by working collaboratively with external providers and partners to deliver workshops, seminars and programs for adults to attend.</p> <p>5.3. Remain flexible and progressive in the services we advocate for and provide to ensure we are meeting the ever-changing needs of our community.</p> <p>5.4 Actively drive and contribute to working groups to devise a consistent approach and message to tackle drug and alcohol usage across our community.</p> <p>5.5 Work collaboratively to engage our adult community to participate as mentors/ role models for our young people.</p>

## Focus Area Six: Environment

**Outcome: Young people are educated, empowered and informed to take positive environmental action.**

**Key Stakeholders Include:**

*State Government Engage! Program, local environmental groups, Surf Coast Youth 4 Climate and young people.*

Strategy	Alignment to Council Plan 2021-2025 (incorporating Health and Wellbeing Plan)	Action(s)
<p><b>Ensure young people are heard and represented on key environmental matters.</b></p> <p><b>Empower young people to incorporate climate mitigation into their lives.</b></p>	<p><b>Council Plan</b></p> <p>Theme 3: Environmental Leadership</p> <p>Goal: Protect our environment and help our community to thrive through environmental leadership</p> <p><b>Health and Wellbeing Plan</b></p> <p>- Tackling the impacts of climate change on health</p>	<p>6.1. Utilise existing and emerging youth working groups to discuss environmental issues/impacts young people are facing and support them to take action.</p> <p>6.2. Support community events to provide a platform for young people to educate the community on environmental issues and encourage climate action at a local level.</p> <p>6.3 Provide opportunities to engage and educate young people empowering them to take positive environmental action.</p> <p>6.4 Encourage and promote volunteer opportunities for our young people to gain valuable experience and give back to their community.</p> <p>6.5 Work collaboratively to educate young people to better understand the importance of climate change and maintaining and nurturing our local natural environment.</p>

**YOUTH STRATEGY 2022-25**



## DRAFT Youth Strategy 2022-2025

Feedback gathered through consultation via:

- The 'Have Your Say' section on the Surf Coast Shire website open for the month of October 2022
- 13 September Council Briefing with Councillors
- Meeting with Surf Coast Secondary College and Lorne P-12 College Principals
- Local secondary school students

Feedback	Response
<p>Specialised spaces, services and programs for LGBTQIA+ people with intersections. Create these by community for community. Use data that is far more inclusive and accessible to many. The SC youth report was not accessible to many community members and therefore does not represent them. More data on vulnerable at risk community groups to ascertain their needs</p>	<p>Inclusion of: 'ensure data collection to inform decision making will be inclusive, representing the diversity of Surf Coast's young people' on page 11.</p> <p>Officers met with feedback correspondent to discuss feedback in further detail and to network with the community representative. Council Officers look forward to continuing work in this space and liaising with stakeholders around spaces, services and programs for LGBTQIA+ people with intersections.</p>
<ul style="list-style-type: none"> <li>• Happy with the themes of mental health and drugs, alcohol and other substances being separate and defined.</li> <li>• Need to make sure that activities and initiatives are not just focused on Torquay – Aireys Inlet, Anglesea, Lorne need attention.</li> <li>• Limited services the further out you go from Torquay and this is a challenge for everyone.</li> <li>• More after school activities are required for kids in Lorne.</li> <li>• As some kids have nothing else to do living in more regional area of the shire, they turn to drugs and alcohol for fun (weed).</li> <li>• Employment, work experience, volunteerism and sport and recreation opportunities to keep youth off the streets and misbehaving.</li> <li>• Heated and covered pool at Lorne for all year round use would be great.</li> <li>• Cinema at the Stribling Reserve precinct would be great.</li> <li>• A stage near the foreshore to run a music program?</li> </ul>	<p>Future Focus section (page 11) now includes;</p> <ul style="list-style-type: none"> <li>• A greater focus on activities and initiatives for young people outside the Torquay Township.</li> <li>• Assist the community to create more 'things to do' in our remote areas of the Surf Coast Shire.</li> </ul> <p>Now included on page 11;</p> <ul style="list-style-type: none"> <li>• Assist in addressing the need for more employment opportunities for our young people in the Surf Coast.</li> <li>• Assist in creating more local volunteering opportunities for our young people.</li> </ul> <p>Officers recognise the opportunity for place-based activities across shire towns, utilising our</p>

[www.surfcoast.vic.gov.au](http://www.surfcoast.vic.gov.au)

**Feedback - DRAFT Youth Strategy**

	<p>facilities and landscapes to provide and partner with others in providing activities of interest to young people.</p>
<p>Council needs to strengthen its work in the Early Childhood Space.</p>	<p>Future Focus on page 11 relates to this feedback;</p> <p>‘While Council does not access or provide direct funding or service/program delivery to the Primary School age cohort of 5 – 12 year olds, we acknowledge this is an important age to begin the impact of preventative care of health and wellbeing. A future focus for Council is to work closely with our local Primary School sector and community, to ensure this age group and their parents/guardians have access to prevention based education and services, programs and other initiatives.’</p>
<p>Strong interest by youth in mountain biking activities. Needs to include the place making area/place making accessibility, access.</p>	<p>Officers recognise the opportunity and will work with local mountain bike clubs to enable data collected and presented in the Youth Census to be used in advocacy to seek funding and support from external agencies and governing bodies to support the delivery of advanced level and fit for purpose mountain bike infrastructure that meets young people’s needs.</p>
<p>Needs to include a paragraph around inclusivity in all we do within the Strategy.</p>	<p>When this feedback was received in September the Diversity and Inclusion statement was strengthened;</p> <p>We will make every effort to ensure that all of our facilities, programs and events are respectful and inclusive of everyone in our community, including LGBTQI+ people, people with disability and culturally and linguistically diverse people. We will foster a safe and welcoming environment for everyone. We will work hard to address the needs of all young people so they can thrive.</p> <p>In delivery of this Youth Strategy we will ensure all we do is cognisant and considerate of our diverse community.</p>

**Feedback - DRAFT Youth Strategy**

<p>More mental health support.</p>	<p>Acknowledged in Focus Area Four: Mental Health Support</p> <p>Outcome: Mental health services and resources are relevant, meaningful and available to young people.</p>
<p>I am making a submission on behalf of GRLC. I would consider that SCC consider the following evidence when delivering upon the actions identified for the focus areas of climate and mental health. GRLC would be interested in partnering with SCC and young people to codesign a program/intervention that promotes young people's coping strategies to respond to climate change/mental health. We are looking for opportunities to partner with Council to increase engagement with young people across the LGA but particularly young people experiencing vulnerability ie Winchelsea community.</p> <p>We would be keen to draw on the attached evidenced based approach to inform program and intervention design particularly when responding to both climate change and anxiety. The research recommends that interventions should consider creating meaning-focused coping strategies as they are related to higher well-being and satisfaction with life, a sense of purpose and optimism, and more active engagement in environmental issues, despite serious concerns about climate change. Meaning focused coping strategy involves trust, positive reappraisal, and realistic hope, and is useful when problems cannot be solved immediately but require active long-term engagement, as is the case with climate change. It is often said that the best antidote to anxiety is action. An important way to build young people's resilience, self-efficacy, and agency is by encouraging and supporting their involvement in activities to both mitigate and adapt to climate change (Australian Psychological Society, 2018a).</p>	<p>Returned acknowledgement of feedback was provided, part of which is included the below;</p> <p>In 2019 Surf Coast Shire declared a Climate Emergency and this declaration acknowledged the need for more urgent and extensive action to reduce emissions and respond to local climate change impacts. As part of the climate emergency response Surf Coast Shire has developed a Climate Emergency Corporate Response Plan 2021 – 2031.</p> <p>Action MO4 of this plan is to; Continue and strengthen the Surf Coast Youth for Climate network and skill-building program. Pursue other opportunities to empower youth to increase their understanding of climate change and take climate action.</p> <p>The Surf Coast Youth for Climate program is embedded into the Engage! Work plan and is funded by the State Government for calendar years 2021-22-23.</p> <p>Focus Area Six: Environment, of the Surf Coast Shires Youth Strategy also demonstrates the strong desire Surf Coast Shire has to work with young people to; Ensure young people are heard and represented on key environment matters and; Empower young people to incorporate climate mitigation in their lives.</p> <p>Surf Coast Youth is continually looking to partner with external organisations and look forward to continuing and strengthening our existing relationship with GRLC.</p>

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### Feedback - DRAFT Youth Strategy

Secondary school students provided the following feedback on the most important themes to them within the strategy after being presented the DRAFT version for feedback:

Focus Area 1: Recreation	8
Focus Area 2: Arts	6
Focus Area 3: Culture	7
Focus Area 4: Mental Health Support	14
Focus Area 5: Alcohol and Other Drug Support	7
Focus Area 6: Environment	12

The above indicates Mental Health Support followed by the Environment are most important to these young people. This is consistent with the Youth Census 2021 results. The feedback exercise with young people has confirmed to Council Officers that the Strategy focus areas are supported and relevant to our young people.

## 4.3 Department of Transport Pedestrian Investment Program Opportunity

### Council Plan

### Theme Two - Healthy Connected Community

Strategy 4 - Improve access to local services and programs that support people to be healthy and well.

Strategy 5 - Make it easier for people to move around our towns and in nature without relying on cars

### Author's Title:

Senior Project Design Engineer

### General Manager:

Chris Pike, General Manager Placemaking & Environment

### Division:

Placemaking and Environment

### Department:

Assets and Engineering

### Attachments:

1. Project Maps [4.3.1 - 2 pages]

### Purpose

1. The purpose of this report is to seek approval to submit an Expression of Interest for three pedestrian upgrade projects which meet the Department of Transport Pedestrian Investment Program funding criteria.

### Recommendation

That Council:

1. Submits an expression of interest for the Pedestrian Investment Program for the following projects:
  - 1.1. Fischer Street Pedestrian Link, Torquay – total project cost \$464,000, consisting of \$348,000 from the Pedestrian Investment Program and \$116,000 from Council.
  - 1.2. Surf World to Torquay Town Centre Pedestrian Link, Torquay – total project cost \$376,000 to be fully funded from the Pedestrian Investment Program and supported by the Council-funded Torquay Jan Juc Development Contributions Plan project to signalise the intersection of Bristol Road and Surf Coast Highway.
  - 1.3. Anglesea West Pedestrian Connection, Anglesea - total project cost \$360,000 to be fully funded from the Pedestrian Investment Program.
2. Authorises allocation of the following funds in the event that Council's applications are successful:
  - 2.1. \$116,000 from the 2022-2023 Pathway Construction Program.
3. Authorises the Chief Executive Officer to execute Pedestrian Investment Program agreements if the applications are successful.

## **Council Resolution**

### **Moved Cr Hodge, Seconded Cr Stapleton**

That Council:

1. Submits an expression of interest for the Pedestrian Investment Program for the following projects:
  - 1.1. Fischer Street Pedestrian Link, Torquay – total project cost \$464,000, consisting of \$348,000 from the Pedestrian Investment Program and \$116,000 from Council.
  - 1.2. Surf World to Torquay Town Centre Pedestrian Link, Torquay – total project cost \$376,000 to be fully funded from the Pedestrian Investment Program and supported by the Council-funded Torquay Jan Juc Development Contributions Plan project to signalise the intersection of Bristol Road and Surf Coast Highway.
  - 1.3. Anglesea West Pedestrian Connection, Anglesea - total project cost \$360,000 to be fully funded from the Pedestrian Investment Program.
2. Authorises allocation of the following funds in the event that Council's applications are successful:
  - 2.1. \$116,000 from the 2022-2023 Pathway Construction Program.
3. Authorises the Chief Executive Officer to execute Pedestrian Investment Program agreements if the applications are successful.

CARRIED 8|0

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

### **Outcome**

2. If Council supports this recommendation, it will provide a rare opportunity to secure external funding for pedestrian improvements across Surf Coast Shire network in line with the principles within the Surf Coast Shire Council Plan and which are key deliverables of the Pathway and Safer Cycling Strategies.

### **Key Considerations**

3. There is community benefit by providing safer pedestrian links connecting to key activity precincts.

4.3 Department of Transport Pedestrian Investment Program Opportunity

4. Council will need to commit \$116,000 from Councils existing Pathway Construction Budget to these projects to increase viability of attracting investment funds from the program. Should Council not seek these grant applications then these priority actions identified in Safer Cycling and Pathway Strategies would need to be directly funded from Council funds through future budgets.
5. Each of these proposals form part of the recently endorsed Safer Cycling Strategy and/or the 2012 Pathway Strategy. Community engagement on the detailed design of proposals is planned if the funding application is successful.

**Background**

6. The Department of Transport is seeking expressions of interest for an upcoming Safe System Pedestrian Investment Program with up to \$23 million available across the state.
7. This Pedestrian Investment Program requires a detailed assessment of potential projects in line with safe system principles and relies on accident and traffic data analysis to support applications. Projects will compete with submissions across Victoria for funding and projects receiving funding must align well with safe system principles and have a known accident pattern or crash risk for pedestrians.
8. Projects that will be considered include:
  - 8.1. Those having a value between \$250,000 to \$1,000,000.
  - 8.2. Incorporating safe system treatments such as wombat crossings, raised intersection platforms and pedestrian operated signals which are a priority for investment.
  - 8.3. Being the completion of missing links and 40km/hr speed zones may also be considered within the program.
  - 8.4. Should be either part of a route treatment or within an activity precinct.
  - 8.5. Co-funding by Council which will be considered favourably in assessment process.
9. Council has recently adopted a Safer Cycling Strategy, has an active Pathway Strategy with a significant number of outstanding pedestrian links and has recently adopted a new Road Safety Strategy. This program provides an excellent opportunity for Council to seek funding at high-risk pedestrian locations aligning with relevant strategy priorities.
10. Council officers have reviewed the funding criteria and recommend submitting the following applications for the following highest priority projects:
  - 10.1. Fischer Street Pedestrian Link – Zeally Bay Road to Merrijig Drive – Wombat crossings at high-risk intersections along the pathway on the eastern side of road (Attachment 1).
  - 10.2. Surf World to Torquay Town Centre Pedestrian Link – Beach Road to Bristol Road – Wombat crossings and construction of missing shared path segments (Attachment 1).

- 10.3. Anglesea West Pedestrian Connection - Missing footpath link on Noble Street and wombat crossings at high-risk intersections of Murray Street, River Reserve Road and Cameron Road (Attachment 1).

### **Options**

11. **Alternative Option 1** – Do not submit Expression of Interest under this program This option is not recommended by officers as Council has committed to pedestrian and cycling improvements at each of these locations through the Pathway Strategy Safer Cycling Strategy and in the absence of grant funding these will need to be funded from within its own budget. This work will help to prevent potential future accidents as traffic volumes continue to grow at each of these key pedestrian locations.
12. **Alternative Option 2** – Submit Funding Application for highest priority location only – Fischer Street based on accident data. This option is not recommended by officers as each of the locations are important and submitting a number of applications increases Council's potential for success in at least one application.

### **Council Plan (including Health and Wellbeing Plan) Statement**

#### **Theme Two - Healthy Connected Community**

Strategy 4 - Improve access to local services and programs that support people to be healthy and well.

Strategy 5 - Make it easier for people to move around our towns and in nature without relying on cars

13. These projects aim to support a transition to more sustainable modes of transport by providing safe and connected pedestrian infrastructure which will support a move away from greenhouse gas emissions.

### **Financial Considerations**

14. If successful in the Fischer Street application Council would need to allocate \$116,000 from Council's existing \$149,000 Pathway Construction Budget allocation to these projects to increase viability of attracting investment funds from the program. Therefore, officers will be seeking Council endorsement of the application and a commitment to the matching funding.
15. The application process after the initial expression of interest phase is reasonably resource intensive and may impact resource allocation on day-to-day operations. This is considered justifiable where a reasonable chance of success is expected for Council's application. Should Department of Transport advise that an application is unlikely to be considered it is proposed that further work on that application will cease.

### **Community Engagement**

16. Each of these proposals form part of Council's Safer Cycling Strategy and/or the 2012 Pathway Strategy. No direct community engagement has been carried out on these applications, although officers receive frequent community requests for pedestrian improvements at the proposed project locations. Community engagement on the detail design of proposals is planned if the funding application is successful.

### **Statutory / Legal / Policy Considerations**

17. The actions proposed align with Council's Road Safety, Pathway and Safer Cycling Strategies, which refers to developing and maintaining a safe and connected road, pathway and cycling network. They also align with state wide best practice road safety policy.

### **Risk Assessment**

18. Standard risk assessment has been undertaken in accordance with engineering principles and practice as part of the scope development for each of the projects including incorporation of contingency into estimates.

### **Sustainability Considerations**

19. Supports a transition to more active transport between key destinations in Anglesea and Torquay supporting a reduction in emissions.

### **Conflict of Interest**

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

### **Transparency**

#### **Audit and Risk Committee involvement**

This has not been considered by the Audit and Risk Committee.

**Councillor Briefings**

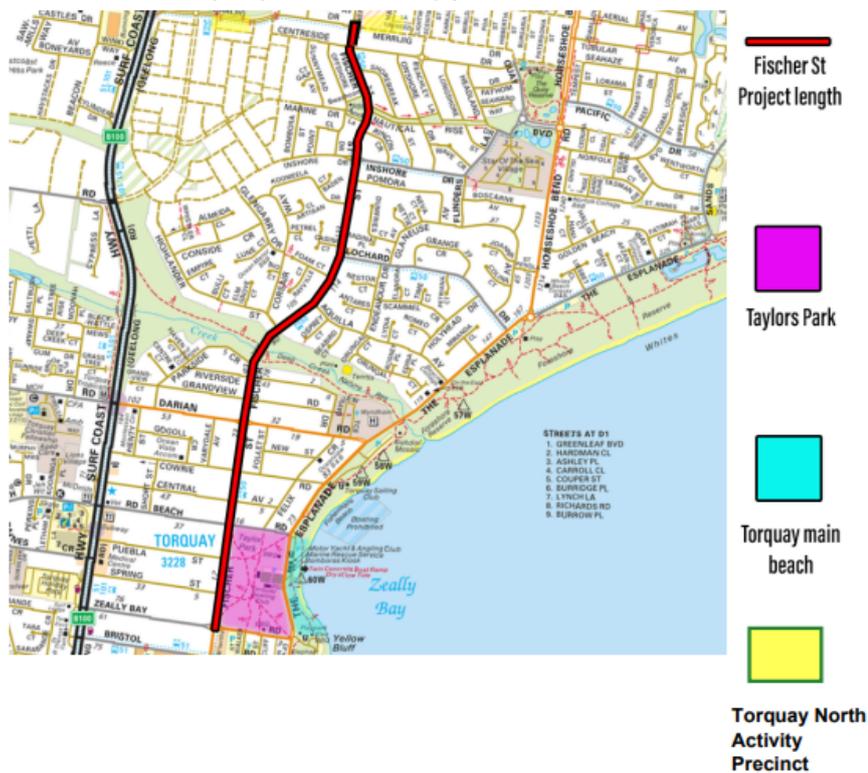
This item was discussed at the following Councillor briefings prior to being presented to Council for consideration. Councillor attendance at each briefing was as follows:

Councillor Briefing Date: 08/11/2022

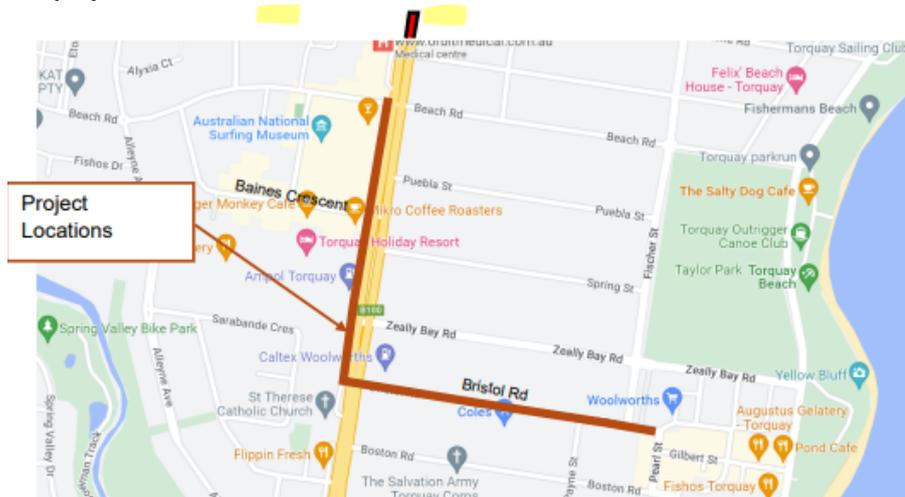
<i>Councillor name</i>	<i>In attendance (Y/N)</i>	<i>Councillor name</i>	<i>In attendance (Y/N)</i>
<i>Cr Gary Allen</i>	<i>Y</i>	<i>Cr Liz Pattison</i>	<i>Y</i>
<i>Cr Paul Barker</i>	<i>N</i>	<i>Cr Adrian Schonfelder</i>	<i>Y</i>
<i>Cr Mike Bodsworth</i>	<i>Y</i>	<i>Cr Libby Stapleton</i>	<i>Y</i>
<i>Cr Kate Gazzard</i>	<i>N</i>	<i>Cr Heather Wellington</i>	<i>N</i>
<i>Cr Rose Hodge</i>	<i>Y</i>		

Councillor attendance at briefings is not a statutory requirement. Councillors are able to access and request information through a number of mechanisms to understand matters being presented at a Council Meeting.

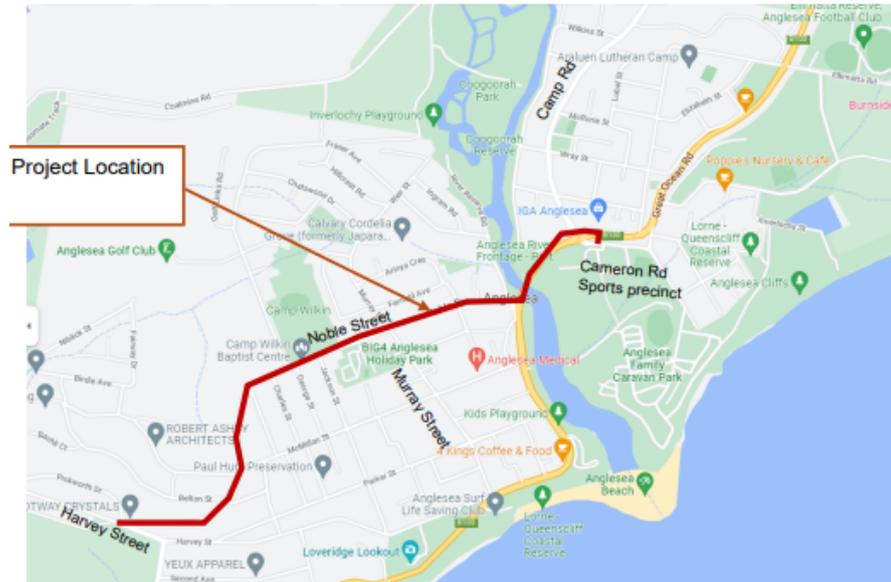
**Fischer Street – Zeally Bay Road to Merrijig Drive**



**Torquay Town Centre to Surfworld Precinct**



**Anglesea West to Town Centre**



## 4.4 Targeted Reviews of Community Amenity Local Law - Progress Report

### Council Plan

### Theme Three - Environmental Leadership

Strategy 10 - Adapt to a changing climate.

### Theme Four - Sustainable Growth

Strategy 12 - Improve access to affordable residential accommodation.

### Author's Title:

Manager Community Safety

### General Manager:

Gail Gatt, General Manager Community Life

### Division:

Community Life

### Department:

Community Safety

### Attachments:

1. Attachment 1 Target Review of Community Amenity Local Law Burning Off Council Re [4.4.1 - 3 pages]
2. Attachment 2 Target Review of Community Amenity Local Law Key Worker Accommodati [4.4.2 - 1 page]
3. Attachment 3 Target Review of Community Amenity Local Law Nature Strips Council [4.4.3 - 1 page]
4. Attachment 4 Target Review of Community Amenity Local Law Smoke Free Areas to In [4.4.4 - 1 page]
5. Attachment 5 Target Review of Community Amenity Local Law Tiny House on Wheels C [4.4.5 - 1 page]

### Purpose

1. To seek Council's endorsement of the progress of the targeted review of the Community Amenity Local Law 2021 as per Council's resolution of 7 December 2021.

### Recommendation

That Council:

1. Notes the report relating to the targeted review of the Community Amenity Local Law 2021, as per Council's resolution of 7 December 2021.
2. Does not change the Community Amenity Local Law 2021 provisions relating to:
  - 2.1. burning off for the reasons outlined in the report, and support an education program to reduce smoke impacts.
  - 2.2. key worker accommodation for the reasons outlined in this report, and promote this provision leading into the peak visitor season.
3. Notes that the Nature Strip Policy and Guidelines have been drafted and are being reported separately, including gravelling on nature strips.
4. Progress the development of drafting new revisions to the Community Amenity Local Law 2021 to:
  - 4.1. incorporate the Nature Strip Policy and Guidelines into the Community Amenity Local Law 2021
  - 4.2. amend Clause 6.6 – Storage of Vehicles (including Caravans and Trailers) of the Community Amenity Local Law 2021 to clarify that storage of vehicles in public places does not apply to nature strips.
  - 4.3. amend Clause 4.10 – Smoke Free Areas to include e-cigarettes.
5. Progress the development of a process to allow a trial of Tiny Homes on Wheels.

## **Council Resolution**

### **Moved Cr Stapleton, Seconded Cr Allen**

That Council:

1. Notes the report relating to the targeted review of the Community Amenity Local Law 2021, as per Council’s resolution of 7 December 2021.
2. Does not change the Community Amenity Local Law 2021 provisions relating to:
  - 2.1. burning off for the reasons outlined in the report, and support an education program to reduce smoke impacts.
  - 2.2. key worker accommodation for the reasons outlined in this report, and promote this provision leading into the peak visitor season.
3. Notes that the Nature Strip Policy and Guidelines have been drafted and are being reported separately, including gravelling on nature strips.
4. Progress the development of drafting new revisions to the Community Amenity Local Law 2021 to:
  - 4.1. incorporate the Nature Strip Policy and Guidelines into the Community Amenity Local Law 2021
  - 4.2. amend Clause 6.6 – Storage of Vehicles (including Caravans and Trailers) of the Community Amenity Local Law 2021 to clarify that storage of vehicles in public places does not apply to nature strips.
  - 4.3. amend Clause 4.10 – Smoke Free Areas to include e-cigarettes.
5. Progress the development of a process to allow a trial of Tiny Homes on Wheels.

CARRIED 8|0

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

### **Outcome**

2. If Council accept these recommendations, Council would be supportive of the targeted reviews of the Community Amenity Local Law 2021 and be providing support to progressing further amendments to the Local Law at a future Council meeting.

### **Key Considerations**

3. Burning off – Recommending Council maintains the Local Law as it is, recognising that air quality is good and a majority of the community who completed the 2021 survey support this. Refer to Attachment 1 for more detail.
4. Key worker accommodation – Recommending Council maintains the Local Law as it is as only two applications were received over the 12 months since implementation. Promote extended camping provisions leading into the peak visitor season and continue to monitor for any change. Refer to Attachment 2 for more detail.

4.4 Targeted Reviews of Community Amenity Local Law - Progress Report

5. Parking on nature strips – Parking on nature strips is not allowed under the Victorian Road Rules. Amend wording to existing Clause 6.6 of the Local Law to clarify that the standing of vehicles in public spaces for up to 7 days does not apply to nature strips. Refer to Attachment 3 for more detail.
6. Gravelling of nature strips – Has been identified as a risk to environment, encourages parking on nature strips and is inconsistent with Council’s Climate Emergency Declaration. Full details of the Nature Strip Policy and Guidelines are being provided in a separate report and, once finalised, the Guidelines will be incorporated into the Local Law via Council resolution. Refer to Attachment 3 for more detail.
7. Vaping or e-cigarettes – A further amendment has been suggested in relation to Clause 4.10 of the Local Law in relation to smoke-free areas to include e-cigarettes. This will provide consistency with the *Tobacco Act 1987* to ensure vaping and the use of e-cigarettes are considered as a like tobacco substance. Refer to Attachment 4 for more details.
8. Tiny Homes on Wheels (THOWs) – amended draft Local Law developed based on external and internal consultation, benchmarking with other Councils, review of state and federal legislation. This is a complex issue with a variety of views and officers are therefore recommending a trial process for two years to allow the ability to seek community feedback and assess impacts on Council resources. Refer to Attachment 5 for more details.

**Background**

9. Council’s Community Amenity Local Law 2021 was adopted on 7 December 2021 with Council also resolving to commence a targeted review in 2022 to consider issues relating to:
  - 9.1. Burning off;
  - 9.2. Gravelling of nature strips;
  - 9.3. Parking of vehicles on nature strips;
  - 9.4. Key worker accommodation; and
  - 9.5. Tiny Homes on Wheels.
10. In response to Council’s resolution a project team was formed using the expertise of officers in the subject areas to continue the targeted review of the Community Amenity Local Law 2021.

## 11. Timeline for review:

Key Action	Timeframes
Tiny Homes on Wheels (THOWs) internal/external workshops and report	March to April - completed
Workshops with Councillors and key staff to discuss THOWs, burning off, enforcement of parking on nature strips, gravelling and keyworker camping. (Using survey data from 2021, benchmarking and EPA info)	June/July 2022 - completed
Development of draft nature strip policy and guidelines – including discussion at Councillor Briefings	May to August 2022 - completed
Community engagement - nature strip guidelines	August/September 2022 - completed
Consideration of feedback - nature strip guidelines	End September/October 2022 - completed
Further external/internal THOWs workshop to check potential wording and process going forward.	October 2022 - completed
Councillor Briefing - discuss proposal to close out burning off, gravelling of nature strips, parking on nature strips, keyworker camping in December, and to consider THOWs as a separate project if going ahead with trial. Include vaping.	November 2022 - completed
Council meeting – recommend Council closes the loop on burning off, gravelling of nature strips, parking on nature strips, keyworker camping and note that THOWs may be separate project if going ahead with a trial - Local Law to be updated to incorporate the nature strip guidelines and other minor changes.	13 December Council meeting
Development of proposed Local Law (2022) - depending on Council decision	December 2022/January 2023
Development of Community Impact Statement and Human Rights Assessment	December 2022/January 2023
Council meeting - adoption of proposed Local Law by Council – depending on progress of Nature Strip Policy and Guidelines.	February 2023
Public exhibition (3 weeks)	February/March 2023
Collation and Hearing of Submissions	March 2023
Councillor Briefing following Hearing of Submissions	March/early April 2023
Development of final proposed version and acquittal by lawyer	April 2023
Final version to Council for adoption	April 2023
Statutory processes and advertising	April 2023

*Dates are subject to change depending on the adoption of the Nature Strip Policy and Guidelines (these will need to have been adopted by Council to be incorporated into the new Local Law).*

### **Options**

12. Alternative Option 1 – That Council does not endorse the progress report and support the recommendations. This option is not recommended by officers as there would be resource and financial implications for ongoing reviews of the Community Amenity Local Law. The resolution of 7 December 2021 committed Council to undertaking a targeted review in 2022.

### **Council Plan (including Health and Wellbeing Plan) Statement**

#### **Theme Three - Environmental Leadership**

Strategy 10 - Adapt to a changing climate.

#### **Theme Four - Sustainable Growth**

Strategy 12 - Improve access to affordable residential accommodation.

### **Financial Considerations**

13. The targeted review of the Community Amenity Local Law 2021 has been governed by Council's Project Delivery Framework which allocated \$42,000 to complete this project.
14. Adoption of Recommendation 5 may be subject to Council's further approval of a budget allocation or impacts on areas of service delivery to undertake a trial for allowing Tiny Homes on Wheels at a future Council meeting.

### **Community Engagement**

15. A workshop was conducted in early 2022 that included external and internal stakeholders with a report being provided to participants. Attendees included submitters to the previous Local Law review in 2021, proponents and opponents of Tiny House on Wheels, technical and lived-experience experts.
16. Extensive community engagement was undertaken during August to September 2022 for the draft Nature Strip Policy and Guidelines.
17. According to the *Local Government Act 2020* Councils must comply with their community engagement policy as part of the process for making local laws. The timeline for community engagement is included under section 11 of this report.

### **Statutory / Legal / Policy Considerations**

18. The *Local Government Act 2020* allows Councils the ability to make local laws 'for or with respect to any act, matter or thing in respect of which the council has a function or power under this or any other Act' (*Local Government Act 2020*, section 71(1)).

### **Risk Assessment**

19. Any proposed changes to the Community Amenity Local Law 2021 are subject to a Community Impact Statement, Human Rights Assessment, public exhibition and final acquittal by lawyer.

### **Sustainability Considerations**

20. The targeted review undertaken of the Community Amenity Local Law 2021 has considered environmental sustainability and climate change. Guidance was sought from Council officers with expertise in each of these areas in conducting the review.

### **Conflict of Interest**

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

### **Confidentiality**

22. This report and attachments contains no confidential information under section 66(2) of the *Local Government Act 2020*.

### **Transparency**

#### **Audit and Risk Committee involvement**

Consultation with the Audit and Risk Committee was not undertaken as part of the targeted review of the Community Amenity Local Law 2021.

#### **Councillor Briefings**

This item was discussed at the following Councillor briefings prior to being presented to Council for consideration. Councillor attendance at each briefing was as follows:

Councillor Briefing Date: 12 July 2022

<i>Councillor name</i>	<i>In attendance (Y/N)</i>	<i>Councillor name</i>	<i>In attendance (Y/N)</i>
<i>Cr Gary Allen</i>	Y	<i>Cr Liz Pattison</i>	Y
<i>Cr Paul Barker</i>	Y	<i>Cr Adrian Schonfelder</i>	Y
<i>Cr Mike Bodsworth</i>	Y	<i>Cr Libby Stapleton</i>	Y
<i>Cr Kate Gazzard</i>	N	<i>Cr Heather Wellington</i>	N
<i>Cr Rose Hodge</i>	Y		

Councillor Briefing Date: 6 December 2022

<i>Councillor name</i>	<i>In attendance (Y/N)</i>	<i>Councillor name</i>	<i>In attendance (Y/N)</i>
<i>Cr Gary Allen</i>	<i>Y</i>	<i>Cr Liz Pattison</i>	<i>Y</i>
<i>Cr Paul Barker</i>	<i>N</i>	<i>Cr Adrian Schonfelder</i>	<i>Y</i>
<i>Cr Mike Bodsworth</i>	<i>N</i>	<i>Cr Libby Stapleton</i>	<i>Y</i>
<i>Cr Kate Gazzard</i>	<i>N</i>	<i>Cr Heather Wellington</i>	<i>N</i>
<i>Cr Rose Hodge</i>	<i>Y</i>		

Councillor attendance at briefings is not a statutory requirement. Councillors are able to access and request information through a number of mechanisms to understand matters being presented at a Council meeting.



## Attachment 1

### Targeted Review Community Amenity Local Law 2021

#### Burning Off

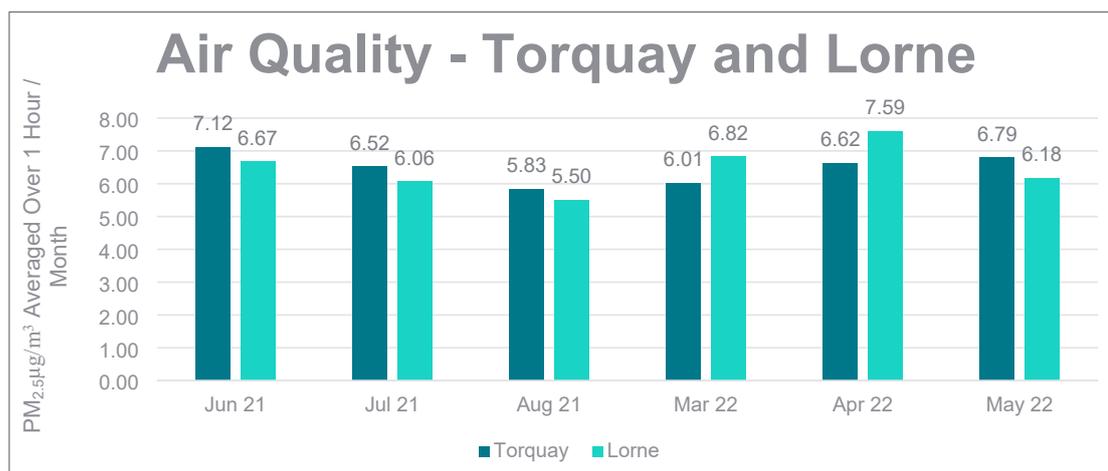
Currently the Local Law prohibits burning off in residential areas, without a permit, other than between the hours of 10am and 3pm on Wednesdays and Saturdays. There are restrictions related to fire danger periods, types of materials that may not be burned, size of the fire area, Council land and public spaces, harm, nuisance, health and safety. Penalties apply for non-compliance. Appliances that do not require a permit include fire pits, barbecues, constructed fireplaces and braziers.

In conducting their review of burning off the project team studied:

- 2021 Local Laws survey data
- EPA data relating to air quality
- Data relating to emissions
- Customer complaints and requests related to burning off
- Benchmarking with other Councils

These revealed that:

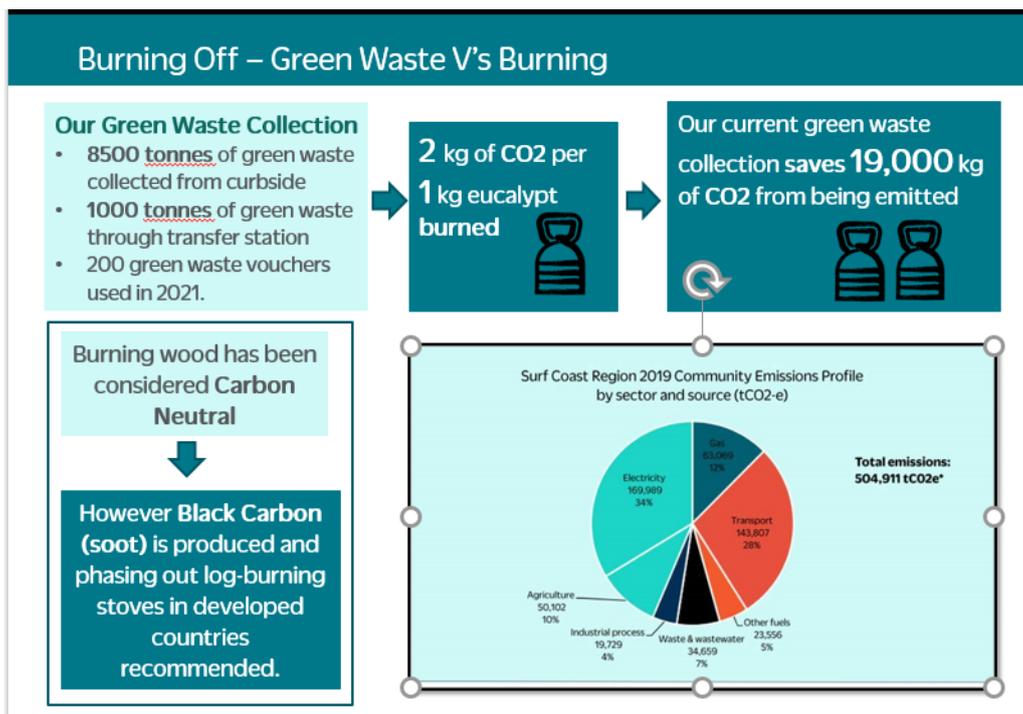
- 63% of residents support keeping the Local Law as it is.
- Four complaints relating to smoke and odour were received in the last financial year – one relating to air quality which was referred to the EPA, the second related to a bonfire on a windy day which was referred to the CFA, the third related to backyard fire causing excess smoke which was attended to and education provided, and the fourth related to burning off in a rural area.
- Air quality data results provided by the EPA (testing locations in Torquay and Lorne) indicate that air quality is good with the worst single results per hour recording 45.1 in Torquay (Saturday 10 July 21) and 45.0 in Lorne (Sunday 17 April 22) – both of which still fall into the ‘fair’ category. The data showed that the worst air quality days were non-burning off days, so there is no clear correlation between the two.



Air quality category	PM <sub>2.5</sub> µg/m <sup>3</sup> averaged over 1 hour
Good	Less than 25
Fair	25–50
Poor	50–100
Very poor	100–300
Extremely poor	More than 300

*Note that data not recorded during September – February. Data is averaged out per hour on a monthly basis – up to 716 recordings were taken per town each month and approximately 3300 in total per town.*

As the following graphic demonstrates, Council’s green waste program is preventing 19,000kg of CO<sup>2</sup> from being emitted into the atmosphere and that Surf Coast Shire’s top contributors to emissions are electricity, transportation and gas.



Black Carbon soot is an issue across the world predominantly from wood heaters. A position paper published by the Centre for Air pollution, energy and health Research (CAR) has suggested that leadership at a national level is required to reduce the impacts from wood heaters. It should also be noted that wood fired heaters are out of scope for the Local Law

review, being governed by the EPA and nuisance provisions under the Victorian Public Health and Wellbeing Act 2008.

Benchmarking with fifteen Councils revealed that most rural Councils allow burning off of 1m<sup>3</sup> in townships, which is usually restricted to one or two days per week. Some Councils did not allow burning off under specific criteria eg size restrictions, within township boundaries or through zoning restrictions. 50% of Councils have a permit system based on a number of variables. Other Councils also provide green waste support such as free green waste at key times or all year, green waste vouchers, bundle kerbside collection and township skip bins.

In light of the above considerations officers recommend the following actions in relation to burning off:

- Maintain the Local Law as it is, recognising that air quality is good and a majority of the community who completed the 2021 survey support this.
- Recognise that there are higher sources of emissions on which to work with the community.
- Carry out a community education program aimed at reducing smoke impacts.
- Council's Emergency Management team to look at introducing a new fuel reduction program to reduce loads on bush blocks and in high risk townships.
- Continue to monitor air quality and complaints to ensure they remain stable.
- Investigate other incentives to reduce burning off e.g. green waste support measures.
- Consider advocacy for wood fire heater reduction.



## Attachment 2

### Targeted Review Community Amenity Local Law 2021

#### Key Worker Accommodation

Clause 4.7 was updated in December 2021 to include provision for key workers to camp for up to 120 days in any year provided certain conditions were met. This was introduced as a possible way to provide affordable accommodation for key workers, particularly during the holiday season.

It was suggested that the provisions should be reviewed to ensure they were not causing a nuisance to neighbouring properties or potentially extended if they were assisting as intended.

In conducting the review Officers have:

- Studied applications for key worker camping
- Looked at customer requests and complaints relating to key worker camping
- Discussed the issues with the Economic Development team and studied their survey data.

The review revealed that only one application for key worker accommodation has been approved since December 2021. This was in Torquay and related to disability services rather than hospitality. A second applicant was requesting a period of 12-18 for clearing land and this was denied. No amenity complaints have been received.

Officers are therefore recommending that in relation to key worker accommodation:

- The provisions remain unaltered.
- Council promotes the key worker accommodation extended camping provisions leading into the peak visitor season.
- The provisions continue to be monitored for any change.



### Attachment 3

## Targeted Review Community Amenity Local Law 2021

### Nature Strips

Currently Council's Local Law does not allow alteration of nature strips without a permit. Graveling of nature strips has been identified as a risk to the environment, encouraging parking on nature strips and being inconsistent with Council's Climate Emergency declaration. The 2021 survey indicated community support for changing the Local Law to allow some customisation of nature strips.

Consequently a new Nature Strip Policy and Guidelines have been developed and community engagement was undertaken during August and September 2022.

The Policy is principles based and will allow customisation of nature strips within the Guidelines. The Policy and Guidelines encourage greening of nature strips as the way forward and gravel has been identified as an unsuitable material for nature strips. The Policy and Guidelines will also clarify that under section 197(1) of the Victorian Road Safety Rules 2017, parking on nature strips is not allowed (unless exceptions apply).

Full details of the Nature Strip Policy and Guidelines are being provided in a separate report and, once finalised, the Guidelines will be incorporated into the Local Law via Council resolution.

Additionally Officers recommend a change of wording to Clause 6.6 of the Local Law to clarify that the storage of vehicles (including caravans and trailers) in public places or spaces for up to seven days does not apply to nature strips, as this is not allowed under the Road Rules (unless exceptions apply).

Officers are therefore requesting that Council notes the review has been conducted and acknowledges that the issues will be resolved through the Nature Strip Policy and Guidelines, plus a change of wording in Clause 6.6 of the Local Law to specify that the storage of vehicles (including caravans and trailers) in public places or spaces does not apply to nature strips.

An updated proposed Community Amenity Local Law could be presented to Council in 2023 to include the updates outlined above.



## Attachment 4

### Targeted Review Community Amenity Local Law 2021

#### **Extension of smoke free laws to cover vaping / e-cigarettes**

A further amendment to the Local Law has been suggested in relation to Council's smoke free areas so it extends to electronic cigarettes / vaping.

Currently the Local Law states that a person must not smoke a cigarette, cigar, pipe or like tobacco substance at any time:

- a) on the sand area of any beach within the municipal district; or
- b) within four metres of a Municipal Building; or
- c) within the signposted boundary of a Council-run or funded event; or
- d) within ten metres of a sports ground.

Letter of support received from Quit Victoria outlining similar legislation now exists in all other Australian states and territories (except for Western Australia).

A number of other local Councils have extended their smokefree local laws to cover e-cigarette use (including City of Melbourne, Glen Eira City Councils and Bayside City Council)

It is proposed that the current local law be expanded to include e-cigarettes/vaping to bring this in line with the Tobacco Act and contemporary practices.



## Attachment 5

### Targeted Review Community Amenity Local Law 2021

#### Tiny House On Wheels (THOWs)

Tiny House on Wheels (THOWs) currently do not feature in the Local Law and their temporary use falls between the Planning Scheme and the camping provisions of the Local Law.

Officers have conducted a review of THOWs that has included:

- Discussions with internal stakeholders – Statutory and Strategic Planning, Environment, Governance, Environmental Health, Community Safety, Building Services, Ranger Services etc.
- A workshop with external and internal stakeholders with a report being provided by Kismet Consulting. Attendees included submitters to the Local Law review in 2021, proponents and opponents of THOWs, technical and lived-experience experts, residents of urban and rural environments.
- Benchmarking and discussion with other Councils.
- Review of legislation to establish potential conflict with state or federal legislation.

While there appears to be interest in pursuing a THOW option in the Local Law, it is clear that the issues are complex and will require more thorough investigation and discussion with relevant parties before a formal position can be reached. There is also the need to better understand the level of contribution THOWs would make to resolving the affordable housing crisis.

It has become clear during the review that due to the complexity and variety of views on this issue, the most favoured approach is to trial a process for 2 years. This allows the ability to seek community feedback and assess impact on Council resources. This would involve development of criteria, an application, permit and monitoring process which would benefit from an officer leading a specialist project team and more time to take this forward.

Officers therefore recommend that Council forms a new project team to further the THOW issue and agrees in principle to developing a trial process for Council's final consideration.

## 4.5 Community Project Development Program - December 2022 update

### Council Plan

### Theme Two - Healthy Connected Community

Strategy 3 Facilitate the provision of social infrastructure and open space to enable healthy lifestyles.

Strategy 5 - Make it easier for people to move around our towns and in nature without relying on cars

Strategy 6 - Enable communities to strengthen their social connections and participate in community life.

### Author's Title:

Community Project Development Officer

### General Manager:

Gail Gatt, General Manager Community Life

### Division:

Community Life

### Department:

Community Strengthening

### Attachments:

1. CP P 67 - Great Ocean Road Service Road Landscape Plan Proposal - Investigation Summary ( December 2 [4.5.1]
2. CP P 69 - Spring Valley Park ( Torquay) Basketball Pad Proposal - Investigation Summary ( December 2 [4.5.2]

### Purpose

1. The purpose of this report is to provide Council with the December 2022 quarterly Community Project Development Program (CPD) update.

### Recommendation

That Council:

1. Affirms the feasibility of the Spring Valley Park Basketball Pad Proposal (CPP66) with a total estimated cost of \$69,000 excl GST and refers it for consideration for Council's future project prioritisation, budget processes and grant opportunities alongside other eligible projects.
2. Refers the Jan Juc Preschool Bike Shelter Shed Proposal (CPP71) to the Community Project Development Program investigation phase.
3. Notes the referral of the Draft Great Ocean Road Service Road Landscape Plan Proposal (CPP67) to the design phase of the current Regional Bike Route – Great Ocean Road PC08 project.
4. Notes the Deans Marsh Streetscape proposal to be provided to Council for consideration with the next quarterly report in March 2023.

## **Council Resolution**

### **Moved Cr Hodge, Seconded Cr Stapleton**

That Council:

1. Affirms the feasibility of the Spring Valley Park Basketball Pad Proposal (CPP66) with a total estimated cost of \$69,000 excl GST and refers it for consideration for Council's future project prioritisation, budget processes and grant opportunities alongside other eligible projects.
2. Refers the Jan Juc Preschool Bike Shelter Shed Proposal (CPP71) to the Community Project Development Program investigation phase.
3. Notes the referral of the Draft Great Ocean Road Service Road Landscape Plan Proposal (CPP67) to the design phase of the current Regional Bike Route – Great Ocean Road PC08 project.
4. Notes the Deans Marsh Streetscape proposal to be provided to Council for consideration with the next quarterly report in March 2023.

CARRIED 7|1

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

### **Outcome**

2. If Council accept these recommendations, Council would support:
  - 2.1. the referral of the draft landscape plan (CPP67) to the design phase of the 2022/23 Regional Bike Route – Great Ocean Road PC08 Project.
  - 2.2. the feasibility assessment for the Spring Valley Park Basketball Pad Proposal (CPP66), noting that this proposal may be referred for consideration to Council's future project prioritisation, budget processes or for relevant grant opportunities alongside other eligible projects.
  - 2.3. referral to an investigation phase for the new Jan Juc Preschool Bike Shelter Shed Proposal (CPP71) that will determine if a feasible scope can be determined for this project proposal.

### **Key Considerations**

3. Two community proposals have reached the conclusion of their investigation phase (with a detailed summary provided in Attachment 1 and 2 of how an investigation conclusion was reached for each proposal).

4. **CPP69 - Spring Valley Park Basketball Pad Proposal.**

The project aims to provide a concrete basketball activity space at Torquay's Spring Valley Park to service the residents of Great Ocean Views Estate and visitors to the park. An assessment of the level of community interest and support has determined the feasibility of this proposal at this site.

5. **Note\* CPP67 - Great Ocean Road Service Road Landscape Plan Proposal**

A draft landscape plan for this active travel 'greenway' corridor is focused on enhancing both the environment and experience and complementing the Regional Bike Route – Great Ocean Road PC08 project. The community led landscape plan focusses on weed eradication, enhancing biodiversity through appropriate revegetation, playful pathway elements, seating areas at view points and interpretative signage. Feedback to the draft landscape plan will be sought concurrently with a draft design scope for the Regional Bike Route – Great Ocean Road PC08 covering approximately 2.6km of the total 3.7km project proposal corridor.

6. **Note\* CPP70 - Deans Marsh Streetscape Proposal** will continue into a second quarter, with a recommendation on the feasibility of this proposal to be provided to Council for consideration with the next quarterly report in March 2023. This proposal aims to deliver on a MADCAP (Deans Marsh Community Plan) action to develop a streetscape plan inclusive of avenue planting, an art and heritage trail and township entry signage.

7. The Community Initiatives Assessment Panel received 16 proposals during the quarter. **CPP71 Jan Juc Preschool Bike Shelter proposal** was recommended to the CPD program (with a HIGH proposal rating of 64 when assessed via the Community Project Proposal Assessment Matrix). The project aims to provide an undercover and secure bike shelter close to the kindergarten entrance to support an increased number of children and parents cycling to the kinder. A budget of \$5,000 is proposed, to assist the investigation's proposed activities including a concept plan and initial Cultural Heritage assessments. It is expected that the key findings of this investigation will be presented at the March 2023 Council Meeting.

8. From the 2022/23 Community Project Proposal investigation operational budget (\$50,000 total), \$17,703 has been committed to progress proposal investigations to date, leaving a balance of \$32,297. The new project investigation will have \$5,000 allocated from this 2022/23 Community Project Proposal Investigation operational budget balance.

**Background**

9. The Community Project Development Program was initiated in February 2017 to improve Council's ability to respond to community project ideas and to ensure that projects seeking Council support and / or funding are appropriately assessed, scoped and prioritised.

10. Members of the community can register their project idea(s) via the [Community Project Development portal](#) on the Surf Coast Shire website. A Community Initiatives Assessment Panel meets monthly to review each submitted proposal to determine whether it should progress to the Community Project Proposal Master List where it will await further investigation (via the Community Project Development Program).
11. Alternatively, the proposal may be referred to a relevant Council service area, program or process for further action or a notification is sent to the submitting community member(s) that the initiative is not supported to progress.
12. At the 27 September 2022 Council Meeting, a quarterly progress update was provided on the Great Ocean Road Service Road Landscape Plan Proposal (CPP67) which was referred by Council for investigation at the 22 June March 2022 Council Meeting. Investigation continued on this proposal for a second quarter and the investigation has now reached a conclusion.

At the Council Meeting on 27 September 2022, Council resolved to refer two new project proposals to the Community Project Development Program for further investigation including:

- 12.1. Spring Valley Park Basketball Pad (CPP69); and
- 12.2. Deans Marsh Streetscape (CPP70).

13. Sixteen new proposals have been registered via the Community Project Proposal portal since the previous Quarterly Report and have been assessed via Council's monthly Community Initiatives Assessment Panel (noting only one proposal has been recommended to progress to an investigation phase)

### **Options**

14. Alternative Option 1 – That Council does not affirm the feasibility of any projects investigated and resolves that they do not proceed or something of that nature. This option is not recommended by officers as project proposal conclusions and recommendations have been discussed in detail with community project proposal initiators and endorsing a feasible outcome does not bind Council to a funding contribution.

### **Council Plan (including Health and Wellbeing Plan) Statement**

#### **Theme Two - Healthy Connected Community**

Strategy 3 Facilitate the provision of social infrastructure and open space to enable healthy lifestyles.

Strategy 5 - Make it easier for people to move around our towns and in nature without relying on cars

Strategy 6 - Enable communities to strengthen their social connections and participate in community life.

15. Primarily, the discussions and recommendations within this report are linked to the Council Plan theme and strategies (listed above). Other themes and strategies also have relevance and importance specific to community proposals discussed in this report including:

**Theme One – First Nations Reconciliation**

Strategy 2 - Ensure Council decisions consider and respect Traditional Owner perspectives, culture and knowledge.

**Theme Three - Environmental Leadership**

Strategy 7 - Protect significant habitats, landscapes and biodiversity.

**Theme Six – Arts and Creativity**

Strategy 16 - Foster an environment where people with clever and creative ideas can make a difference in their communities.

16. The community proposals discussed within this report specifically align to the following Council Plan strategies (described above):

Current investigations:

- 16.1. Great Ocean Road Service Road Landscape Plan Proposal (CPP67) - *Strategy 3, 5, 6, 7 and 16*
- 16.2. Spring Valley Park Basketball Pad Proposal (CPP69) - *Strategy 2, 3 and 6*
- 16.3. Deans Marsh Streetscape Proposal (CPP70) - *Strategy 2, 3, 5, 6, and 16*

New investigations:

- 16.4. Jan Juc Preschool Bike Shelter Shed Proposal (CPP71) - *Strategy 3, 5 and 6*

**Financial Considerations**

17. The expenditure summary to date for the 2022/23 Community Project Development Program investigation operational budget (\$50,000) is as follows:

#	Title	Estimated Investigation Cost (excl GST)	Actual Investigation Cost to date (Excl GST)
CPP66	Cameron Park Tree Sculpture <i>(funds returned to account as underspent on allowance for Wadawurrung consultation)</i>		-\$87
CPP67	Great Ocean Road Service Road Landscape Plan	\$5,000	\$6,460
CPP68	Bob Pettitt Reserve Playground Shade	\$5,000	\$0
CPP69	Spring Valley Park Basketball Pad	\$5,000	\$4430
CPP70	Deans Marsh Streetscape Plan	\$5,000	\$6900
TOTAL			\$5,460
New Balance (as at 19/11/22) of the Community Project Proposal investigations account for 22/23 (from \$50,000 operational budget)			\$32,297

18. An allocation of \$5,000 from the 2022/2023 Community Project Proposal operational budget will support the CPP71 Jan Juc Preschool Bike Shelter investigation.

**Community Engagement**

19. Regular and ongoing communication and engagement with key community groups is thoroughly undertaken throughout the investigation phase of project proposals. Engagement is conducted via community and stakeholder group meetings and regular contact via phone and email. When community ideas show limited awareness and understanding across the broader community, the investigation phase enables broad engagement with the community as part of the proposal feasibility assessment.

20. The results of broad community engagement undertaken to assess the level of community interest and support for **CPP69 - Spring Valley Park Basketball Pad Proposal** are provided in Attachment 2. An analysis of the results 107 surveys received has determined the 'feasible' recommendation for this project at this site (with 95% in support of the proposal, 2% neutral and 3% in opposition). Scope related suggestions were provided including 25% of responders requesting a larger basketball space at this site. Whilst this and other suggestions could be considered at a detailed design stage, a larger facility at this site has been declined, for reasons outlined in attachment 2.

### **Statutory / Legal / Policy Considerations**

21. This report demonstrates application to the following relevant governance principles under s.9 of the *Local Government Act 2020*:
- 21.1. Innovation and continuous improvement are being pursued by responding to and assessing community-initiated project ideas, working with the community to appropriately scope and cost a proposal to a project or grant ready stage and with a well-defined funding strategy.
  - 21.2. A detailed proposal investigation, completed in collaboration with the community and relevant stakeholders, ensures that proposals being considered by Council have considered current and ongoing financial viability.
  - 21.3. During the thorough proposal investigation phase, regional, state and national plans, policies, guidelines and standards are taken into account when considering proposed project scope and design.
22. The community proposal investigations in this report and those that will be investigated in the next quarter consider the following relevant Council policies:
- 22.1. MPP-019 Non-recurrent Grants
  - 22.2. MPP-034 Open Space Reserve Fund
  - 22.3. Surf Coast Shire Council Policies and Strategies:
    - 22.3.1. Asset Management Strategy
    - 22.3.2. Open Space Strategy
    - 22.3.3. Pathway Strategy
    - 22.3.4. Climate Emergency Response Plan
    - 22.3.5. Creative Places Strategy
    - 22.3.6. Access and Inclusion Policy
    - 22.3.7. Early Years Plan
    - 22.3.8. Age Friendly Strategy

### **Risk Assessment**

23. A key risk of the Community Project Development Program is that it can raise expectations within community groups that projects if determined feasible will also be funded and delivered. While feasible project investigations will consider funding strategy options, the timing of implementation is unknown and is often subject to future project prioritisation processes in annual budget cycles or as grant opportunities arise. Managing community expectations as a result has been a key learning from previous investigations and a focus in each investigation phase.

### **Sustainability Considerations**

24. Community proposals discussed in this report propose sustainability implications or benefits:
- 24.1. Great Ocean Road Service Road Landscape Plan (CPP67) - supports local action to lead a program of weed eradication and management, enhancement of biodiversity and improvements to a linear trail to encourage active transport.
  - 24.2. Spring Valley Park Basketball Pad Proposal (CPP66) - supports a low site impact approach that considers overland water flows and cultural heritage.

### **Conflict of Interest**

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

### **Confidentiality**

26. This report and attachment contain no confidential information under section 66(2) of the *Local Government Act 2020*.

### **Transparency**

#### **Audit and Risk Committee involvement**

This item has not been considered by the Audit and Risk Committee.

#### **Councillor Briefings**

This item was discussed at the following Councillor briefing prior to being presented to Council for consideration. Councillor attendance at the briefing was as follows:

Councillor Briefing Date: 8 November 2022

<i>Councillor name</i>	<i>In attendance (Y/N)</i>	<i>Councillor name</i>	<i>In attendance (Y/N)</i>
<i>Cr Gary Allen</i>	<i>Y</i>	<i>Cr Liz Pattison</i>	<i>Y</i>
<i>Cr Paul Barker</i>	<i>N</i>	<i>Cr Adrian Schonfelder</i>	<i>Y</i>
<i>Cr Mike Bodsworth</i>	<i>Y</i>	<i>Cr Libby Stapleton</i>	<i>Y</i>
<i>Cr Kate Gazzard</i>	<i>N</i>	<i>Cr Heather Wellington</i>	<i>N</i>
<i>Cr Rose Hodge</i>	<i>Y</i>		

Councillor attendance at briefings is not a statutory requirement. Councillors are able to access and request information through a number of mechanisms to understand matters being presented at a Council Meeting.

## 4.6 Council Event Calendar 2023

### Council Plan

### Theme Two - Healthy Connected Community

Strategy 6 - Enable communities to strengthen their social connections and participate in community life.

### Author's Title:

Manager Community Support

### General Manager:

Gail Gatt, General Manager Community Life

### Division:

Community Life

### Department:

Community Support

### Attachments:

1. Council Awareness Raising Events Calendar 2023 - 2025  
[4.6.1 - 1 page]

### Purpose

1. For Council to consider adopting the updated calendar of awareness raising events for the period 2023 to 2025.

**Recommendation** That Council Adopts the Council Awareness Raising Events Calendar (Attachment 1).

### **Council Resolution**

#### **Moved Cr Stapleton, Seconded Cr Schonfelder**

That Council Adopts the Council Awareness Raising Events Calendar (Attachment 1).

CARRIED 7|1

For	Against	Abstained
Cr Allen Cr Bodsworth Cr Gazzard Cr Hodge Cr Pattison Cr Schonfelder Cr Stapleton	Cr Wellington	Nil

### Outcome

2. Acceptance of this recommendation, will make it clear which awareness raising events Council intends to support for the duration of the current Council Plan. This would support forward planning of the events, give clarity to community members and groups and enable adequate resources to be allocated to event delivery.

### **Key Considerations**

3. The internal awareness raising events calendar confirms Council's commitment to a select number of events that raise awareness on matters of significance to our community. The calendar is not a listing of all events held in Surf Coast Shire. For example, it does not encompass the sporting and cultural events Council supports through other programs and service areas.
4. Having a defined list of awareness raising events helps ensure the necessary resources are available for their successful delivery. There are many worthy causes and the fact that not all can be supported by this means does not diminish the importance of events not included on the calendar.
5. The events listed on the calendar align with the objectives in the current Council Plan. In some cases, events directly support the delivery of specific strategies in the Council Plan, including Council's commitment to Reconciliation and its goal of enabling people to participate in community life.

### **Background**

6. For several years Council has confirmed its commitment to running a series of awareness raising events via the adoption of an annual calendar. In December 2021 Council adopted the 2022 Awareness Raising Events Calendar. This current calendar effectively expires on 31 December.
7. The events featured seek to raise awareness of causes that are aligned with the goals of the current Council Plan and of interest to our community. The calendar does not list entertainment, sporting and cultural events delivered by specialist event companies such as The Rip Curl Pro, Cadel Evans Great Ocean Road Race or Aireys Inlet Open Mic. Nor does it include events such as ministerial openings of projects, Councillor guest speaking engagements or citizenship ceremonies.
8. This report proposes that the awareness raising calendar is now aligned to the term of the current Council Plan. Doing so gives more certainty on the resourcing required for the running of the events and supports the achievement of specific Council Plan themes and strategies. Should a change to the calendar be proposed before the end of the Council Plan term a separate report will be brought to Council for consideration.
9. Events are categorised in the calendar as either Level One or Level Two. This categorisation gives guidance on the resources Council will commit to deliver the event. Attachment 1 describes the types of activities that fit within each level.
10. It is proposed that the event to acknowledge National Volunteer Week is re-categorised from Level One to Level Two to better reflect the scale of the event typically held each year.

11. Two new events are proposed for the calendar. A once off event has been added to acknowledge the 40<sup>th</sup> anniversary of the Ash Wednesday bushfires which will fall on 16 February 2023. An event to acknowledge the impact of 26 January on First Nations people has also been added and is proposed to be held annually. Council is collaborating with the Wadawurrung Traditional Owners Aboriginal Corporation on the event, which will be known as Pilk Purriyn. This means 'sunrise' in Wadawurrung language.

12. In supporting Pilk Purriyn, Council is acting on a resolution made in September 2021, where Council resolved to:

12.1. *Engage(s) with the Wadawurrung Aboriginal Corporation and the Eastern Maar Aboriginal Corporation regarding the potential of future mourning or survival events on 26 January and establish(es) how it can provide support if Traditional Owners determine it is appropriate for events to be delivered.*

### **Options**

13. Alternative Option 1 – That Council does not adopt a calendar of awareness raising events. This option is not recommended by officers as this would remove the framework that guides resource allocations to events.

14. Alternative Option 2 – That Council adopts a different calendar of events. This option is not recommended by officers as the proposed events are aligned to the Council Plan, and in some cases, deliver on other Council resolutions.

### **Council Plan (including Health and Wellbeing Plan) Statement**

#### **Theme One - First Nations Reconciliation**

Strategy 1 - Work with Traditional Owners and other Aboriginal and Torres Strait Islander people in our community to achieve reconciliation.

#### **Theme Two - Healthy Connected Community**

Strategy 6 - Enable communities to strengthen their social connections and participate in community life.

15. Awareness raising events support Themes One and Two of the Council Plan and the associated Municipal Public Health and Wellbeing Plan. Awareness raising is an important component of both themes and event planning and design will take into account the strategies linked to each theme.

### **Financial Considerations**

16. Based on the nominal budget allocation for Level One and Level Two events the cost to deliver the events in the first year of the calendar will be \$36,000. This includes two events new to the calendar – the Ash Wednesday anniversary event and Pilk Purriyn event.

17. The cost to deliver the events in the second year of the calendar is likely to be slightly higher, noting that the Ash Wednesday event won't be held but that if Pilk Purriyn becomes an annual event it may require further specific funding through Council's budget process.
18. Some costs can be defrayed via grant applications and officers will continue to seek suitable grant opportunities between now and the conclusion of the proposed events calendar in 2025.

### **Community Engagement**

19. The awareness raising events calendar is directly linked to the current Council Plan, which was informed by a two-part community engagement project known as People Place Future.
20. Part one of People Place Future comprised a shire wide participatory engagement opportunity, which elicited more than 1200 responses. Part two comprised a deliberative panel which met between March and May 2021, contributing a combined total of more than 900 hours. The panel produced a recommendations report and community vision which formed the foundation of the current Council Plan.

### **Statutory / Legal / Policy Considerations**

21. The events proposed support the aims of various Government Acts and in turn are guided by those Acts – including the *Local Government Act 2020*, *Public Health and Wellbeing Act 2008*, *Gender Equality Act 2020* and *Aboriginal Heritage Act 2006*.
22. The delivery of the proposed events will be subject to several Council Policies: SCS-008 Plastic Wise Events and Markets on Council owned/managed land policy and SCS-047 Volunteer Policy.

### **Risk Assessment**

23. The design and delivery of each event will be subject to a risk assessment in keeping with Council's OHS and event management frameworks.

### **Sustainability Considerations**

24. Events will be run in accordance with Council's Plastic Wise Events policy which requires the avoidance of single use plastics and mandates a waste hierarchy that prioritises avoidance, reduction, reuse, then recycling, with disposal being the last resort.

### **Conflict of Interest**

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

**Confidentiality**

26. This report and attachment contain no confidential information under section 66(2) of the *Local Government Act 2020*.

**Transparency**

**Audit and Risk Committee involvement**

This report has not been considered by the Audit and Risk Committee.

**Councillor Briefings**

This item was discussed at the following Councillor briefing prior to being presented to Council for consideration. Councillor attendance at the briefing was as follows:

Councillor Briefing Date: 8 November 2022

<i>Councillor name</i>	<i>In attendance (Y/N)</i>	<i>Councillor name</i>	<i>In attendance (Y/N)</i>
<i>Cr Gary Allen</i>	<i>Y</i>	<i>Cr Liz Pattison</i>	<i>Y</i>
<i>Cr Paul Barker</i>	<i>N</i>	<i>Cr Adrian Schonfelder</i>	<i>Y</i>
<i>Cr Mike Bodsworth</i>	<i>Y</i>	<i>Cr Libby Stapleton</i>	<i>Y</i>
<i>Cr Kate Gazzard</i>	<i>N</i>	<i>Cr Heather Wellington</i>	<i>N</i>
<i>Cr Rose Hodge</i>	<i>Y</i>		

Councillor attendance at briefings is not a statutory requirement. Councillors are able to access and request information through a number of mechanisms to understand matters being presented at a Council Meeting.

## Council Awareness Raising Events Calendar 2023-2025

Date	Event	Level (See event level framework below)	Link to Council Plan 2021-25
26 January annually	Pilk Purriyn ('sunrise') day of reflection with Wadawurrung Traditional Owners	Not funded via events budget for 2023	Theme 1 – First Nations Reconciliation
16 February 2023	40 <sup>th</sup> anniversary of Ash Wednesday bushfires	Not funded through events budget	Theme 2 – Healthy Connected Community
8 March annually	International Women's Day	1	Theme 2 – Healthy connected community
April (Dates TBC)	National Youth Week	2	Theme 2 – Healthy Connected Community
27 May - 3 June (2023)	National Reconciliation Week including National Sorry Day (26/5)	1	Theme 1 – First Nations Reconciliation
17 May annually	IDAHOBIT Day	2	Theme 2 – Healthy Connected Community
15-21 May (2023)	National Volunteer Week	2	Theme 2 – Healthy Connected Community
2-9 July 2023 (Held first week in July annually)	NAIDOC Week	2	Theme 1 – First Nations Reconciliation
October annually (Dates TBC)	Seniors' Festival	2	Theme 2 – Healthy Connected Community
October annually (Dates TBC)	Children's Week	2	Theme 2 – Healthy Connected Community
November annually	Barwon Month of Action – Prevention of Violence Against Women	1	Theme 2 – Healthy Connected Community
3 December annually	International Day of People with a Disability	2	Theme 2 – Healthy Connected Community

*(This calendar is updated annually and adopted by Council. Events may vary each year)*

Event Level Framework		
Level	Allocated budget	Example of activities (Guided by the event allocated budget)
<b>Level 1 Events</b>	\$5,000	<ul style="list-style-type: none"> <li>Substantial Event / Activity – Larger scale community gathering e.g.; breakfast, afternoontea, arts events.</li> <li>Significant communication campaign.</li> <li>Use of Banyul Warri Fields Billboard and / or the Pond or Front Lawn flag pole for relevant events provided it meets the conditions of Council's Flag Policy.</li> <li>High level of staff and community involvement.</li> </ul>
<b>Level 2 Events</b>	\$2,000	<ul style="list-style-type: none"> <li>Smaller event/Business unit level activity. Could involve other service providers.</li> <li>Local communication campaign.</li> <li>May use Pond / Front Lawn flag pole for relevant events provided it meets the conditions of the Flag Policy.</li> <li>May include staff as the audience.</li> <li>Counter sales of ribbons, pens etc.</li> </ul>

## 4.7 Reappointment of the CEO Employment Matters Committee Independent Chair

<b>Council Plan</b>	Nil
<b>Author's Title:</b>	Coordinator WHS
<b>General Manager:</b>	Damian Waight, Acting General Manager Strategy and Effectiveness
<b>Division:</b>	Strategy and Effectiveness
<b>Department:</b>	People and Culture
<b>Attachments:</b>	Nil

### Purpose

1. For Council to consider the reappointment of the the Chief Executive Officer (CEO) Employment Matters Committee Independent Chair Anne-Marie Leslie for a one-year term.

### Recommendation

That Council reappoints Anne-Marie Leslie as Chair of the CEO Employment Matters Committee for a term of one year effective from 24 January 2023.

### Council Resolution

#### **Moved Cr Hodge, Seconded Cr Schonfelder**

That Council reappoints Anne-Marie Leslie as Chair of the CEO Employment Matters Committee for a term of one year effective from 24 January 2023.

CARRIED 8|0

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

### Outcome

2. The outcome of this report is Council appoints the chair of the CEO Employment and Remuneration Committee.

### Key Considerations

3. Ms Anne Marie Leslie has performed the role to the satisfaction of the CEO Employment and Remuneration Committee in accordance with her contract and has expressed a willingness to continue for a further year.

#### 4.7 Reappointment of the CEO Employment Matters Committee Independent Chair

4. A one-year term from 24 January 2023 is proposed. The Chair's meeting fee is proposed to remain unchanged.
5. The Policy states that the role of the Chair will receive a standard fee of \$600 payable for each meeting attended. This will be accommodated within Council's operating budget.

#### **Background**

6. Anne-Marie Leslie's term on the CEO Employment Matters Committee expires on 23 January 2023 having undertaken the role since January 2019.
7. Council adopted the SCS-007 CEO Employment and Recruitment Policy (the Policy) at its 14 December 2021 meeting.
8. The policy outlines the requirement of the *Local Government Act 2020* (the Act) s45(1) to establish an advisory committee to assist Council in fulfilling its responsibilities relating to CEO employment matters. Membership of the Committee includes all Councillors and an Independent Chair.
9. Anne-Maree Leslie has indicated her willingness to accept a further one-year term to continue to chair the Committee for another 12 months.
10. Anne-Marie Leslie is a Senior Human Resources Executive with extensive experience in executive recruitment, remuneration, performance management and development. She holds a Masters in Human Resources and is both a fellow of the Australian Human Resources Industry and a graduate of the Australian Institute of Company Directors. Anne-Marie is a board member of Colac Area Health and the Deakin University Human Research Ethics Committee. She has a broad range of experience having worked in both executive and non-executive board roles, advisory committees and sponsor roles.
11. Anne-Marie Leslie has indicated her willingness to support the Council and the CEO to continue to build capability and align the objectives and performance of the CEO with the strategic imperatives of the Council. This includes reviewing and establishing ongoing success factors for the CEO including performance objectives and KPIs and undertaking remuneration reviews in accordance with the CEO's employment contract.

#### **Options**

12. Alternative Option 1 – Do not reappoint Anne-Marie Leslie and start the process to recruit a new chair.

This option is not recommended by officers as this option will require an external recruitment process to be undertaken which will require resources to be applied. This recruitment may take up to three months (pending Council resolution) and will result in the Chair position being vacant during the CEO's mid-year performance review or the review being deferred.

**Council Plan (including Health and Wellbeing Plan) Statement**

This matter is not within the scope of the Council Plan (including Health and Wellbeing Plan).

**Financial Considerations**

13. The Policy states that the role of the Chair will receive a standard fee of \$600 payable for each meeting attended. This will be accommodated within Council's operating budget.

14. The Policy states that the role of the Chair will receive a standard fee of \$600 payable for each meeting attended.

**Statutory / Legal / Policy Considerations**

15. This decision will enable Council to adhere the CEO Employment & Remuneration - SCS-007 – policy.

**Risk Assessment**

16. This decision ensures that Council is acting in accordance with SCS-007 CEO Employment & Remuneration policy requiring an independent chair be appointed.

**Conflict of Interest**

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

**Confidentiality**

18. This report and attachment contain no confidential information under section 66(2) of the *Local Government Act 2020*.

**Transparency**

**Audit and Risk Committee involvement**

This is not in scope of the Audit and Risk Committee.

**Councillor Briefings**

This item was not discussed at a Councillor Briefing prior to being presented to Council for consideration.

## 4.8 SCS - 051 Public Transparency Policy

### Council Plan

### Theme Seven - Accountable and Viable Council

Strategy 19 - Improve Council's credibility as a trusted decision maker through meaningful engagement.

### Author's Title:

Acting Manager Integrity and Governance

### General Manager:

Damian Waight, Acting General Manager Strategy and Effectiveness

### Division:

Strategy and Effectiveness

### Department:

Governance

### Attachments:

1. SCS 051 Transparency Policy Draft review 2022 Clean [4.8.1 - 7 pages]
2. SCS 051 Transparency Policy Draft review 2022 marked up [4.8.2 - 7 pages]

### Purpose

1. The purpose of this report is for Council to consider adopting Public Transparency Policy SCS – 051.

### Recommendation

That Council adopts Public Transparency Policy SCS – 051 (Attachment 1).

### Council Resolution

#### Moved Cr Allen, Seconded Cr Stapleton

That Council adopts Public Transparency Policy SCS – 051 (Attachment 1).

CARRIED 8|0

For	Against	Abstained
Cr Allen	Nil	Nil
Cr Bodsworth		
Cr Gazzard		
Cr Hodge		
Cr Pattison		
Cr Schonfelder		
Cr Stapleton		
Cr Wellington		

### Outcome

2. If Council accept this recommendation, Council will adopt the updated Public Transparency Policy, a policy that is legislated under the *Local Government Act 2020* (the Act).

### Key Considerations

3. A public transparency policy adopted under the Act must:

- 3.1. Give effect to the public transparency principles in the Act.
  - 3.2. Describe the ways in which Council information is to be made publicly available.
  - 3.3. Specify which Council information must be publicly available, including all policy, plans and reports required under this Act or any other Act.
4. One of the overarching principles of the Act is that “*the transparency of Council decisions, actions and information is to be ensured*”. The public transparency principles, outlined in section 58 of the Act, must be applied to all aspects of a Council’s operations and decision making.
5. The public transparency principles are:
- 5.1. Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act.
  - 5.2. Council information must be publicly available unless:
    - 5.2.1 The information is confidential by virtue of this Act or any other Act; or
    - 5.2.2 Public availability of the information would be contrary to the public interest.
  - 5.3. Council information must be understandable and accessible to members of the municipal community; and
  - 5.4. Public awareness of the availability of Council information must be facilitated.
6. The Public Transparency Policy describes the way in which Council information is to be made publicly available. The Policy:
- 6.1. Supports Council in its ongoing drive for good governance and the importance of open and accountable conduct;
  - 6.2. Supports the Overarching Governance Principles and the supporting Public Transparency Principles.
  - 6.3. Outlines what information will be made publicly available and how will be made available.
  - 6.4. Identifies information that will not be made publicly available.

### **Background**

7. The *Local Government Act 2020* received Royal Assent on 24 March 2020. The Act is a result of a four-year review of the *Local Government Act 1989*.
8. Council was required under section 57 of the Act to adopt a Public Transparency Policy by 31 October 2020.

9. Council adopted its first Public Transparency Policy on 7 September 2020 pursuant to section 57 of the *Local Government Act 2020* and by doing so, resolved that the Policy would be reviewed by September 2022.
10. Engagement on the draft Public Transparency Policy commenced on 5 September 2022 for a four-week period. The Audit and Risk Committee were also given the opportunity to provide feedback.

### **Options**

11. Alternative Option 1 – That Council does not adopt the Public Transparency Policy. This option is not recommended by officers as Council would not have a maintained policy in accordance with the Act.

### **Council Plan (including Health and Wellbeing Plan) Statement**

#### **Theme Seven - Accountable and Viable Council**

Strategy 19 - Improve Council's credibility as a trusted decision maker through meaningful engagement.

12. By adopting and maintaining a Transparency Policy, Council is complying with its legislative obligations, and importantly, stating its commitment to providing public access to Council information.

### **Financial Considerations**

13. There are no direct financial considerations related to this report.

### **Community Engagement**

14. Community consultation on the draft Public Transparency Policy was undertaken for a period of four weeks commencing 5 September 2022.
15. The community were encouraged to provide input on the draft policy via the Surf Coast Times, Winchelsea Star and Council's communications channels. Community members were encouraged to provide submissions via Council's website.
16. Council's Audit and Risk Committee were also engaged and provided feedback.
17. No feedback was received from the community, however feedback was provided by the Audit and Risk Committee which has been included in the proposed Policy.

### **Statutory / Legal / Policy Considerations**

18. The Public Transparency Policy has been developed in accordance with section 57 and 58 of the *Local Government Act 2020*.

### **Risk Assessment**

19. The policy supports transparency and access for the public to information. This policy helps provide clear direction and expectation around transparency. Having the policy promotes greater transparency and helps mitigate the risk of information being less accessible to the community.
20. Failure to provide access to information and this could undermine community trust in decisions made by the Shire and the Council.

### **Sustainability Considerations**

21. There are no sustainability implications associated with this report.

### **Conflict of Interest**

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

### **Confidentiality**

23. This report and attachment contain no confidential information under section 66(2) of the *Local Government Act 2020*.

### **Transparency**

#### **Audit and Risk Committee involvement**

Audit and Risk Committee Meeting Date: 16 September 2022

<i>Feedback Received</i>	<i>Action Taken</i>
Reviews the changes to paragraph 3.1. as it is unclear in terms of its application or intent to the Audit and Risk Committee	Paragraph 3.1 amended advisory committees to community asset committees as the Audit and Risk Committee has no delegated duties for functions.

### **Councillor Briefings**

This item was discussed at the following Councillor briefings prior to being presented to Council for consideration. Councillor attendance at each briefing was as follows:

Councillor Briefing Date: 9 August 2022

<i>Councillor name</i>	<i>In attendance (Y/N)</i>	<i>Councillor name</i>	<i>In attendance (Y/N)</i>
<i>Cr Gary Allen</i>	Y	<i>Cr Liz Pattison</i>	N
<i>Cr Paul Barker</i>	Y	<i>Cr Adrian Schonfelder</i>	Y
<i>Cr Mike Bodsworth</i>	Y	<i>Cr Libby Stapleton</i>	Y
<i>Cr Kate Gazzard</i>	N	<i>Cr Heather Wellington</i>	N
<i>Cr Rose Hodge</i>	Y		

Councillor attendance at briefings is not a statutory requirement. Councillors are able to access and request information through a number of mechanisms to understand matters being presented at a Council Meeting.



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COUNCIL POLICY

## SCS 051 Public Transparency Policy

TRIM Reference:	D22/132804	Due for Review:	September 2026
Responsible Officer:	Manager Governance		

### 1. Purpose

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

### 2. Policy Principles

- 2.1. This policy supports the Overarching Governance Principles and the supporting Public Transparency Principles listed in section 58 of the Act as follows:
  - 2.1.1. Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the Act or any other Act;
- 2.2. Council information must be publicly available unless—
  - 2.2.1. the information is confidential by virtue of this Act or any other Act; or
  - 2.2.2. public availability of the information would be contrary to the public interest;
- 2.3. Council information must be understandable and accessible to members of the municipal community.
- 2.4. Public awareness of the availability of Council information must be facilitated.

### 3. Scope

- 3.1. This policy applies to the Council and anyone carrying out delegated duties or functions of the Council including Councillors, Delegated Committee and Community Asset Committee members, volunteers and Council staff.

### 4. Definitions

Closed meetings	Where Council resolves to close the meeting to the general public in accordance with section 66 of the Act, in order to consider a confidential matter as defined in S.3 of the Act, for example issues of a legal, contractual or personal nature and other issues deemed not to be in the public interest.
Community	People of the municipality, including individuals or groups who live, work, play, study, visit, invest in or pass through the municipality.
Community Engagement Policy	Means the community engagement policy as adopted by Council under section 55 of the Act and the principles as specified in section 56 of the Act.
Confidential information	As described at section 3(1) of the Local Government Act 2020 or as confidential in any other Act or Regulation
Council	The Surf Coast Shire comprised of Councillors
FOI Act	Freedom of Information Act (Vic) 1982
Governance Rules	Means the Governance Rules adopted by Council under section 60 of the Act, as amended from time to time
Public interest	Public interest envelops the functioning of government, including the services and instruments of government, and that which is acknowledged to be for the good order and wellbeing of a society and its members. The public interest is therefore the interest (welfare and or wellbeing) of the general public as a whole,



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## COUNCIL POLICY

	as distinct from the interest of an individual or a minority, and distinct from being of interest, i.e. satisfying a curiosity. To be considered contrary to the public interest would be where public interest considerations against release are, on balance, outweighed by the public interest considerations in favour of release.
The Act	Local Government Act 2020
Transparency	A process of being open, honest and straightforward about Council decisions and decision making processes, financial performance, corporate strategies and their implementation, Council policies and procedures, and other activities of the Council that are not considered confidential under section 3 of the Act, or any other Act, considered to be contrary to the public interest, or considered to be personal information under the Privacy and Data Protection Act 2014.

### 5. Policy

Council supports transparent decision-making processes and public awareness of the availability of Council information. Council is committed to promoting:

- 5.1. Greater clarity in Council's decision-making processes;
- 5.2. Increased confidence and trust in the community through greater understanding and awareness;
- 5.3. Enhanced decision making by the community;
- 5.4. Improve Council's performance;
- 5.5. Access to information that is current, easily accessible and disseminated in a timely manner; and
- 5.6. Reassurance to the community that Council is spending public monies wisely.

### 6. How Council will be transparent with decision making processes

#### 6.1 Decision Making at Council Meetings

- 6.1.1. Will be undertaken in accordance with the Act, any other relevant legislation and the Governance Rules;
- 6.1.2. Will be conducted in an open and transparent forum, unless provided in accordance with the provisions in the Act and Governance Rules;
- 6.1.3. Will be informed through community engagement, in accordance with the Community Engagement Principles and the Community Engagement Policy; and
- 6.1.4. Will be made fairly and on the merits, and where any person whose rights will be directly affected by a decision of the Council, that person will be entitled to communicate their views and have their interests considered.

#### 6.2. Decision made under delegation

- 6.2.1. Surf Coast Shire officers make decisions under delegation or authorisation of Council under the Act or any other legislation must have regard to public transparency principles in the Act.

#### 6.3. Publicly available information

- 6.3.1. A list of available Council information is provided in the Part II Statement published in accordance with the *Freedom of Information Act 1982*. Part II of the *Freedom of Information Act 1982* requires government agencies and local councils to publish a number of statements designed to assist members of the public in accessing the information it holds. This information includes but is not limited to:



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Type	Description
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	Terms of Reference or Charters for Council committees
Local Laws	Community Amenity Local Law
	Common Seal and Miscellaneous Penalties Local Law
	Governance Rules
Policies, Strategies, Reports	Council Plan, Annual Report, Strategies, Council Policies, Budget
Organisation	Organisation chart
Councillors	Councillor payment summaries
	Councillor profiles
Council Elections	Election Campaign Donation Returns
	Candidate Information (during elections)
Donations & Grants	Grant programs
Planning	Development plans, reference and incorporated docs
	Development contributions
	Current planning applications
Property	How rates are calculated
	Current planning applications
	Development contributions
Businesses	Council's Terms and Conditions
	Awarded Tenders
Council operations	Events information
	Waste management and recycling information
	Information relating to families, positive ageing, childcare and pets
	Tourism and local area – variety of information
	Parks and reserves - listing
Registers	Register of Building Occupancy Permits
	Register of Authorised Officers
	Register of Instruments of Delegations
	Register of Personal Interest Returns
	Register of Leases
	Register of Information released under FoI
	Register of Overseas or Interstate Travel
	Register of Gifts, Benefits and Hospitality (Councillors' and Staff)
Process/Other Information	Application processes for approvals, permits, grants, access to Council services
	Community engagement processes
	Complaints handling processes
	Practice notes
	Online payments and applications
	Employment with Council
	Lodging a request/complaint
	Economic and population profiles
	Information relating to access (maps and guides)

6.3.2. Information and access to some documents is available on the Council's website [www.surfcoast.vic.gov.au](http://www.surfcoast.vic.gov.au).



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

## 7. Information not Available

- 7.1. Some Council information may not be made publicly available. This will only occur if the information is confidential information by virtue of the Local Government Act 2020, if its release would be contrary to the public interest or not in compliance with the *Privacy and Data Protection Act 2014*.
- 7.2. "Confidential information" is defined in section 3 of the Local Government Act 2020 will also not be made publicly available. It includes the types of information listed in the following table:

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

- 7.3. Council may decide, in the interests of transparency, to release information to the public even though it is confidential under the Act. However, this will not happen if release is contrary to law, in breach of contractual requirements or if releasing the information is likely to cause harm to any person or is not in the public interest to do so.
- 7.4. Information that might be withheld because it is contrary to the public interest to disclose it may include:
- 7.4.1. Internal working documents that have not been approved or submitted to Council, especially where their release may mislead the public;
  - 7.4.2. Directions to Council staff regarding negotiations in contractual or civil liability matters, where release may damage the Council's capacity to negotiate the best outcome for the community; and/or
  - 7.4.3. Correspondence with members of the community, where release may inappropriately expose a person's private dealings.



## 9. Privacy and Data Protection Act 2014

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

## 10. Access to Information

- 10.1. Information will be made available on the Council website, at Council offices, or by request.
- 10.2. Consideration will be given to accessibility and cultural requirements in accordance with the Charter of Human Rights and Responsibilities Act 2006.
- 10.3. Consideration will be given to confidentiality in accordance with the Act and public interest test where appropriate.
- 10.4. Council will respond to requests for information in alignment with the Act including the Public Transparency Principles, and this policy.
- 10.5. If you are interested in viewing a document but have been unable to locate it on Council's website you can contact Council using one of the following methods:
  - 10.5.1. Phoning Customer Service on 03 5261 0600.
  - 10.5.2. Emailing [info@surfcoast.vic.gov.au](mailto:info@surfcoast.vic.gov.au).
  - 10.5.3. Via Council's website using the 'Lodge a Request', 'Make a Complaint' or Freedom of Information application online forms at <https://www.surfcoast.vic.gov.au/About-us/Contact-Us>
  - 10.5.4. The *Freedom of Information Act 1982* gives you right of access to documents other than exempt documents that Council holds. If you cannot find the document you require, call us before you make an FOI application as we may be able to make it available.
  - 10.5.5. Please note that Council's website is not available to view in other languages however a translation service is available only at customer service through TIS (Translating and Interpreting Service).
- 10.6. Council will respond to requests for information in alignment with the Act, the Public Transparency Principles, and this policy. Council officers will continue to explore opportunities to make further information available on Council's website or on request.

## 11. Roles and Responsibilities

It is the role of all Council employees to promote and facilitate access to Council information in accordance with this policy or other laws. The roles and responsibilities relating to this policy include:

Roles and responsibilities	
Council and Councillors	Champion the commitment and principles of public transparency through leadership, modelling practice and decision-making.
Executive Management Team	Champion behaviours that foster transparency and drive the principles through policy, process and leadership.  Monitor implementation of this policy.
Leadership Group	Manage areas of responsibility to ensure public transparency, good governance and community engagement is consistent with this policy.
All Staff	Public transparency is the responsibility of all employees as appropriate to their role and function.



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	All staff respond to requests for information and facilitate provision of information in consultation with their manager and in alignment with the Policy.
Manager Governance	To monitor implementation of this policy and conduct periodic reviews to drive continuous improvement.

### 12. Human Rights Charter

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

### 13. Non-Compliance with this Policy

- 13.1. If a member of the community wishes to question a decision about the release of information, this should be raised directly with the officer handling the matter in the first instance. If you are not satisfied and would like to contest the decision Council's complaints process should be followed – refer <https://www.surfcoast.vic.gov.au/About-us/Contact-Us/Make-a-complaint>.
- 13.2. If you are still not satisfied with Council's response, your concern can be raised directly with the Victorian Ombudsman's office on (03) 9613 6222 or via their website [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au).

### 14. Other Ways to Access Information

- 14.1. The Freedom of Information Act 1982 gives you right of access to documents that Council hold. Council is committed to, where possible, proactive and informal release of information in accordance with the Freedom of Information Professional Standards issued by the Victorian Information Commissioner. Read more at [www.ovic.vic.gov.au](http://www.ovic.vic.gov.au).
- 14.2. A list of available information is provided in the Part II Statement (Statement) published on Council's website in accordance the *Freedom of Information Act 1982*. This Statement requires government agencies and local councils to publish a number of statements designed to assist members of the public in accessing the information it holds.
- 14.3. If you can't find the information you require, call us directly so we may assist you.
- 14.4. Applications can be made by completing the form at <https://www.surfcoast.vic.gov.au/About-us/Council/Policies-plans-strategies-and-reports/Freedom-of-Information> and paying an application fee.

### 15. Monitoring, Evaluation and Review

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

### 16. Related Procedures

- 16.1. MPP 043 Freedom of Information Policy
- 16.2. MPP 005 Privacy & Data Protection Policy
- 16.3. Governance Rules

### 17. References

- 17.1. Local Government Act 2020
- 17.2. Freedom of Information Act 1982
- 17.3. Privacy & Data Protection Act 2014
- 17.4. Health Records Act 2001
- 17.5. Charter of Human Rights and Responsibilities Act 2006



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17.6. Equal Opportunity Act 2010

17.7. Local Government Act 2020 – Public Transparency Principles Guidelines; DEWLP

17.8. Local Government Victoria's – Draft Public Transparency Policy

### 13. Document History

Version	Document History	Approved by – Date
1	<i>Initial development</i>	<i>Council Resolution – 7 September 2020</i>
2	<i>Reviewed</i>	<i>Council Resolution – 13 December 2022</i>



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COUNCIL POLICY

# SCS 051 Public Transparency Policy

TRIM Reference: D22/132804 Due for Review: September 2026  
Responsible Officer: Manager Governance

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Organisation	Organisation chart
Councillors	Councillor payment summaries
	Councillor profiles
Council Elections	Election Campaign Donation Returns
	Candidate Information (during elections)
Donations & Grants	Grant programs
Planning	Development plans, reference and incorporated docs
	Development contributions
	Current planning applications
Property	How rates are calculated
	Current planning applications
	Development contributions
Businesses	Council's Terms and Conditions
	Awarded Tenders
Council operations	Events information
	Waste management and recycling information
	Information relating to families, positive ageing, childcare and pets
	Tourism and local area – variety of information
	Parks and reserves - listing
Registers	Register of Building Occupancy Permits
	Register of Authorised Officers
	Register of Instruments of Delegations
	Register of Personal Interest Returns
	Register of Leases
	Register of Information released under FoI
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Internal arbitration information	Confidential information relating internal arbitration about an alleged breach of the councillor code of conduct.
Councillor Conduct Panel confidential information	Confidential information relating to a Councillor Conduct Panel matter
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- 7.4.1. Internal working documents that have not been approved or submitted to Council, especially where their release may mislead the public;
  - 7.4.2. Directions to Council staff regarding negotiations in contractual or civil liability matters, where release may damage the Council's capacity to negotiate the best outcome for the community; and/or
  - 7.4.3. Correspondence with members of the community, where release may inappropriately expose a person's private dealings.



## 9. Privacy and Data Protection Act 2014

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

## 10. Access to Information

- 10.1. Information will be made available on the Council website, at Council offices, or by request.
- 10.2. Consideration will be given to accessibility and cultural requirements in accordance with the Charter of Human Rights and Responsibilities Act 2006.
- 10.3. Consideration will be given to confidentiality in accordance with the Act and public interest test where appropriate.
- 10.4. Council will respond to requests for information in alignment with the Act including the Public Transparency Principles, and this policy.
- 10.5. If you are interested in viewing a document but have been unable to locate it on Council's website you can contact Council using one of the following methods:
  - 10.5.1. Phoning Customer Service on 03 5261 0600.
  - 10.5.2. Emailing [info@surfcoast.vic.gov.au](mailto:info@surfcoast.vic.gov.au).
  - 10.5.3. Via Council's website using the 'Lodge a Request', 'Make a Complaint' or Freedom of Information application online forms at <https://www.surfcoast.vic.gov.au/About-us/Contact-Us>
  - 10.5.4. The *Freedom of Information Act 1982* gives you right of access to documents **other than exempt documents** that Council holds. If you cannot find the document you require, call us before you make an FOI application as we may be able to make it available.
  - 10.5.5. Please note that Council's website is not available to view in other languages however a translation service is available only at customer service through TIS (Translating and Interpreting Service).
- 10.6. Council will respond to requests for information in alignment with the Act, the Public Transparency Principles, and this policy. Council officers will continue to explore opportunities to make further information available on Council's website or on request.

## 11. Roles and Responsibilities

It is the role of all Council employees to promote and facilitate access to Council information in accordance with this policy or other laws. The roles and responsibilities relating to this policy include:

Roles and responsibilities	
Council and Councillors	Champion the commitment and principles of public transparency through leadership, modelling practice and decision-making.
Executive Management Team	Champion behaviours that foster transparency and drive the principles through policy, process and leadership.  Monitor implementation of this policy.
Leadership Group	Manage areas of responsibility to ensure public transparency, good governance and community engagement is consistent with this policy.
All Staff	Public transparency is the responsibility of all employees as appropriate to their role and function.



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	All staff respond to requests for information and facilitate provision of information in consultation with their manager and in alignment with the Policy.
Manager Governance	To monitor implementation of this policy and conduct periodic reviews to drive continuous improvement.

### 12. Human Rights Charter

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

### 13. Non-Compliance with this Policy

- 13.1. If a member of the community wishes to question a decision about the release of information, this should be raised directly with the officer handling the matter in the first instance. If you are not satisfied and would like to contest the decision Council's complaints process should be followed – refer <https://www.surfcoast.vic.gov.au/About-us/Contact-Us/Make-a-complaint>.
- 13.2. If you are still not satisfied with Council's response, your concern can be raised directly with the Victorian Ombudsman's office on (03) 9613 6222 or via their website [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au).

### 14. Other Ways to Access Information

- 14.1. The Freedom of Information Act 1982 gives you right of access to documents that Council hold. Council is committed to, where possible, proactive and informal release of information in accordance with the Freedom of Information Professional Standards issued by the Victorian Information Commissioner. Read more at [www.ovic.vic.gov.au](http://www.ovic.vic.gov.au).
- 14.2. A list of available information is provided in the Part II Statement (Statement) published on Council's website in accordance the *Freedom of Information Act 1982*. This Statement requires government agencies and local councils to publish a number of statements designed to assist members of the public in accessing the information it holds.
- 14.3. If you can't find the information you require, call us directly so we may assist you.
- 14.4. Applications can be made by completing the form at <https://www.surfcoast.vic.gov.au/About-us/Council/Policies-plans-strategies-and-reports/Freedom-of-Information> and paying an application fee.

### 15. Monitoring, Evaluation and Review

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

### 16. Related Procedures

- 16.1. MPP 043 Freedom of Information Policy
- 16.2. MPP 005 Privacy & Data Protection Policy
- 16.3. Governance Rules

### 17. References

- 17.1. Local Government Act 2020
- 17.2. Freedom of Information Act 1982
- 17.3. Privacy & Data Protection Act 2014
- 17.4. Health Records Act 2001
- 17.5. Charter of Human Rights and Responsibilities Act 2006



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17.6. Equal Opportunity Act 2010

17.7. Local Government Act 2020 – Public Transparency Principles Guidelines; DEWLP

17.8. Local Government Victoria's – Draft Public Transparency Policy

### 13. Document History

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

## 4.9 SCS-013 - Sale, Exchange or Transfer of Council Land Policy

### Council Plan

### Theme Seven - Accountable and Viable Council

Strategy 19 - Improve Council's credibility as a trusted decision maker through meaningful engagement.

### Author's Title:

Property Officer

### General Manager:

Damian Waight, Acting General Manager Strategy and Effectiveness

### Division:

Integrity and Governance

### Department:

Strategy and Effectiveness

### Attachments:

1. Final SC S-013 Sale Exchange or Transfer of Council Land Policy [4.9.1 - 5 pages]
2. Review of Sale Exchange or Transfer of Council Land Policy Submissions Report [4.9.2 - 2 pages]

### Purpose

1. The purpose of this report is for Council to consider the adoption of Sale, Exchange or Transfer of Council Land Policy (SCS-013).

### Recommendation

That Council adopt the updated Sale, Exchange or Transfer of Council Land SCS – 013 (Attachment 1).

### Council Resolution

#### Moved Cr Allen, Seconded Cr Wellington

That Council adopt the updated Sale, Exchange or Transfer of Council Land SCS – 013 (Attachment 1).

CARRIED 8|0

For	Against	Abstained
Cr Allen	Nil	Nil
Cr Bodsworth		
Cr Gazzard		
Cr Hodge		
Cr Pattison		
Cr Schonfelder		
Cr Stapleton		
Cr Wellington		

### Outcome

2. Adopting the reviewed Policy will provide Council with a clear and transparent process regarding the sale, exchange or transfer of Council land.

### **Key Considerations**

3. Adoption of the Policy supports Council to meet all legislative requirements in the sale, exchange or transfer of Council land.
4. The review of the Policy takes into consideration the Local Government Best Practice Guidelines for the Sale, Exchange or Transfer of land.
5. Community consultation was undertaken on a draft policy and one submission was received.
6. Following consultation, an amendment has been made to the Policy, to include advertising in a major metropolitan newspaper to improve reach to non-permanent rate payers.
7. The Policy has been benchmarked against the policies of other similar sized councils and found that this draft policy is in line with legislative requirements and it is advanced compared to other councils benchmarked.
8. Content on monitoring and review has been added to provide the ability to update the Policy with minor amendments subject to authorisation by the Chief Executive Officer from time to time.

### **Background**

9. Council adopted its Sale or Exchange of Council Land Policy on 27 March 2018. The Policy is due for review.
10. *The Local Government Act 2020 (Act)* includes the provisions relating to the sale, exchange or transfer of Council land.
11. The reviewed Policy has been amended to include changes and reflects any remaining requirements of the *Local Government Act 1989*.
12. Discontinuance of roads is yet to be transferred to the Act and the reviewed Policy includes provision for this requirement.

### **Options**

13. Alternative Option 1 – That Council does not adopt the Policy. This option is not recommended by officers as Council runs the risk of non-compliance with the *Local Government Act* and the Local Government Best practice guidelines for the Sale, Exchange and Transfer of Land

### **Council Plan (including Health and Wellbeing Plan) Statement**

#### **Theme Seven - Accountable and Viable Council**

Strategy 19 - Improve Council's credibility as a trusted decision maker through meaningful engagement.

14. The *Local Government Act 2020* and Local Government Best Practice Guidelines set out the parameters of legislative requirements for Council to undertake when selling, exchanging or transferring Council land.

### **Financial Considerations**

15. The policy provides recommendation on the allocation of proceeds from sale of Council land.

### **Community Engagement**

16. The reviewed Policy was released for community consultation in the Surf Coast Times and Councils communications channels, with a period of four weeks for feedback to submitted.
17. On closing one submission was received considered and is outlined in Attachment 2.

### **Statutory / Legal / Policy Considerations**

18. The Policy aligns to the requirements set out in the Act, specifically sections 114, 116 and Schedule 10 of the *Local Government Act 1989*.

### **Risk Assessment**

19. There is a risk if Council did not update their Sale, Exchange or Transfer of Council land Policy then it is less likely to be meeting the legislative requirements of the Act and/or *Local Government Act 1989*.

### **Sustainability Considerations**

20. There are no sustainability considerations associated with this report.

### **Conflict of Interest**

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

### **Confidentiality**

22. This report and attachment contain no confidential information under section 66(2) of the *Local Government Act 2020*.

**Transparency**

**Audit and Risk Committee involvement**

This item is not within the scope of matters considered by the Audit and Risk Committee. The Committee will be advised of the revised Policy being adopted.

**Councillor Briefings**

This item was discussed at the following Councillor Briefings prior to being presented to Council for consideration. Councillor attendance at each briefing was as follows:

Councillor Briefing Date: 6 September 2022

<i>Councillor name</i>	<i>In attendance (Y/N)</i>	<i>Councillor name</i>	<i>In attendance (Y/N)</i>
<i>Cr Gary Allen</i>	<i>Y</i>	<i>Cr Liz Pattison</i>	<i>N</i>
<i>Cr Paul Barker</i>	<i>Y</i>	<i>Cr Adrian Schonfelder</i>	<i>Y</i>
<i>Cr Mike Bodsworth</i>	<i>Y</i>	<i>Cr Libby Stapleton</i>	<i>Y</i>
<i>Cr Kate Gazzard</i>	<i>N</i>	<i>Cr Heather Wellington</i>	<i>N</i>
<i>Cr Rose Hodge</i>	<i>Y</i>		

Councillor attendance at briefings is not a statutory requirement. Councillors are able to access and request information through a number of mechanisms to understand matters being presented at a Council Meeting.



## SCS-013 Sale Exchange or Transfer of Council Land Policy

TRIM Reference: D21/208188 Due for Review: 27 March 2026  
Responsible Officer: Manager Integrity and Governance

### 1. Purpose

- 1.1 This Policy contributes to the Council's strategic and effective management of its land relevant to Council's functions, objectives and the needs of the community.
- 1.2 This policy provides the Council with:
  - a. A framework to consider the sale, exchange or transfer of land it owns; and
  - b. The mechanism to sell, exchange or transfer land owned by Council.

### 2. Policy Principles

- 2.1 All sales, exchanges and transfers of land must comply with the provisions of the *Local Government Act 2020* and/or the *Local Government Act 1989*.
- 2.2 Sales, exchanges and transfers of land should be conducted through a public process unless otherwise provided for in this policy.
- 2.3 Sales, exchanges and transfers of land should be in the best interests of the municipal community and provide the best value, both financial and/or non-financial, for the benefit and wellbeing of the municipal community.

### 3 Scope

- 3.1 This policy applies to all land owned by Council.
- 3.2 This policy does not apply to Crown Land controlled and/or managed by Council, or land leased or licensed to Council.
- 3.3 This policy applies to Council, its employees and contracted service providers.

### 4 Policy

- 4.1 The Council has a responsibility to manage land owned by Council so that it provides best value to the community.
- 4.2 The sale, exchange or transfer of Council land will be conducted in accordance with this policy.
- 4.3 All sales or exchanges will:
  - a. Be considered in the strategic context of Council's economic, social and environmental objectives;
  - b. Be undertaken in a considered and responsible way and in compliance with legislative and other obligations;
  - c. Occur only after consultation with identified stakeholders and relevant sections of the community, taking into account feedback received as a result;
  - d. Be undertaken with the intention of securing the best balance of financial and /or other outcomes for the community; and
  - e. Be conducted transparently.

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### 5 Sale, exchange or transfer of Council Land for consideration

- 5.1 Unless otherwise provided for in this policy, before selling, exchanging or transferring land Council must:
- Obtain a valuation for the land that is proposed for sale, exchange or transfer;
  - At least four weeks prior to selling or exchanging the land, publish notice of intention to do so:
    - On Council's website; and
    - In a newspaper in circulation in the local community and a major metropolitan newspaper
  - Undertake a community engagement process in accordance with its Community Engagement Policy and ensure ratepayers and residents have an opportunity to have their views on the proposed sale, exchange or transfer of land heard.
- 5.2 A failure to comply with 5.1 herein will render the contract for the sale or exchange of land void.
- 5.3 Council may sell, exchange or transfer Council land for less than market value if the outcome of the sale, exchange or transfer:
- Aligns with Council's objectives; and
  - Provides the best value for the benefit and wellbeing of the municipal community.

### 6 Transfer or exchange of land without consideration

- 6.1 Council may transfer or exchange land for no consideration by gifting or nominal fee.
- 6.2 Council is not required to comply with clause 5.1 herein if it transfers or exchanges land for no consideration to the following parties:
- The Crown;
  - A Minister;
  - Any public body; or
  - The trustees appointed under any Act to be held on trust for public or municipal purposes; or
  - A public hospital within the meaning of the *Health Services Act 1988* or other hospital carried on by an association or society otherwise than for profit or gain to the members of the association or society.
- 6.3 Council must comply with clause 5.1 if it proposes to transfer, exchange or lease land for no consideration to a party not listed in 6.2 above.

### 7 Discontinued Roads

- 7.1 Council may sell, transfer or exchange land that formed part of a Council road that has been discontinued.
- 7.2 If Council wishes to sell land from a discontinued road, it must:
- Obtain a valuation for the land that is proposed for sale, exchange or transfer;
  - At least four weeks prior to selling or exchanging the land, publish notice of intention to do so:
    - On Council's website; and
    - In a paper in circulation in the local community and/or major newspaper
  - Invite submissions from the community to be heard in accordance with section 223 of the *Local Government Act 1989*.

### 8 Public Open Space

- 8.1 Council may sell, exchange or transfer land that is public open space.

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- 8.2 The value of the public open space land disposed of by Council must be used by Council to:
- Buy land for use for public recreation or public resort, as parklands or for similar purposes; or
  - Improve land already set aside, zoned or reserved (by the council, the Crown, a planning scheme or otherwise) for use for public recreation or public resort, as parklands or for similar purposes; or
  - With the approval of the Minister administering the *Local Government Act 1989*, improve land (whether set aside on a plan or not) used for public recreation or public resort, as parklands or for similar purposes.
- 8.3 The value of the public open space land may be:
- The net proceeds of sale; or
  - Where the land is exchanged for other land or transferred to a party not listed in clause 6.2 herein, the value of the land minus the costs of transfer.

### 9 Requirement for a current valuation of land

- 9.1 Before Council sells or exchanges land, Council must obtain a valuation from a person who holds qualifications or experience specified under section 13DA(2) of the *Valuation of Land Act 1960*.
- 9.2 A valuation must not be more than six months old prior to the proposed decision of Council to sell, exchange or transfer Council land.

### 10 How land will be sold, transferred or exchanged

- 10.1 The Sale of land, once approved by Council, can proceed by:
- Public auction;
  - Public tender;
  - Public registration or expression of interest; or
  - Private treaty.
- 10.2 The sale, exchange or transfer of land by private treaty shall be exchanged at market value determined in accordance with clause 9 herein, unless otherwise provide for in this policy.
- 10.3 For exchanges of Council land:
- If Council exchanges its land for land of a lesser value, the difference between the value of the Council land and the land received by Council shall be payable to Council; or
  - If Council exchanges its land for land of a greater value, the difference between the value of the Council land and the land being received by Council shall be payable by Council.
- 10.4 A Real Estate Agent may be engaged to conduct the sale, exchange or transfer of land. The Council will engage any Real Estate Agent in accordance with its Procurement Policy.

### 11 Authorisation

The Chief Executive Officer is authorised to negotiate and execute contracts to sell, exchange or transfer Council land in accordance with the Chief Executive Officer's Instrument of Delegation or as resolved by Council.

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### 12 Use of Proceeds

- 12.1 Except for the value of Public Open Space Council Land, proceeds from the sale, exchange or transfer of Council land will be allocated to the Accumulated Unallocated Cash Reserve.
- 12.2 The cash-equivalent of the value of Public Open Space Council land must be allocated to the Public Open Space reserve and used as set out in clause 8.2 herein.

### 13 Property register

- 13.1 Council will maintain a property register listing all Council owned land.
- 13.2 At least once during a Council term, the Council will review the register of Council owned land to determine that the use of Council land aligns with Council strategy, legislation, and community needs and expectations.

### 14 Legislation

*The Local Government Act 2020 and the Local Government Act 1989* outlines the legislative requirements for the sale, exchange or transfer of Council land. Council and Council Officers will follow the State Government's *Best Practice Guidelines for Sale or Exchange of Land* in selling, transferring or exchanging Council land.

### 15 Records

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

Record	Retention/disposal responsibility	Retention Period	Location
Legal documents	Governance	Term of legal arrangements Ongoing	Relevant Council Records System Legal documents register and storage

### 16 Definitions

Best Practice Guidelines	<i>Local Government Best Practice Guidelines for Sale/Exchange of Land June 2009</i> , prepared jointly by Local Government Victoria and the Government Land Monitor and the Department of Planning and Community Development. The Guidelines provide guidance to Local Government on the sale, exchange or transfer of Council land and should be followed.
Council	Surf Coast Shire Council
Council Land	Council owned or vested land excluding where Council is the Committee of Management (CoM) of Crown land
Crown Land	Crown land means land which is or is deemed to be unalienated land of the Crown and includes— a) land of the Crown reserved permanently or temporarily by or under an Act; and b) land of the Crown occupied by a person under a lease licence or other right
Exchange	Transfer of a parcel of land with another parcel of equivalent size

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Real Estate Agent	A Real Estate Agent licenced under the Estate Agents Act 1980 Victoria
Valuer	A Valuer who holds qualifications or experience specified under Section 13DA(2) of the Valuation of Land Act 1960

### 17 Related Procedure

Sale, Exchange or Transfer of Council Land Procedure

### 18 References

*Local Government Act 1989*

*Local Government Act 2020*

Local Government Best Practice Guidelines for the Sale, Exchange or Transfer of Land – June 2009

*Planning and Environment Act 1987*

*Subdivision Act 1988*

*Valuation of Land Act 1960*

### 19 Monitoring and review

The policy may be amended by the Council at any time.

Minor amendments may be made to the policy and authorised by the Chief Executive Officer at any time.

Minor amendments are changes to the policy of an insubstantial, administrative or minor editorial nature, that do not alter the policy's purpose or outcomes or impact on related policies or stakeholders to whom the policy applies. Minor amendments include, but are not limited to, format and typographical improvements, updating the titles of positions and organisational units, changes to the responsible officer, authorising officer and review date, updates to references to legislation, standards, guidelines or other policies.

### Document History

Version	Document History	Approved by – Date
1	<i>Amended</i>	<i>Council Resolution – 27 March 2018</i>
2	Reviewed and Amended	Council Resolution – 13 December 2022



## REVIEW OF SALE, EXCHANGE OR TRANSFER OF COUNCIL LAND SUBMISSIONS REPORT

Council commenced community engagement inviting community members to have their say on the review of the draft Sale, Exchange or Transfer of Council land Policy.

The engagement was open on the your say page on Council's website for a period of four weeks and closed on 20 November 2022

The following submissions were received and considered in relation to the draft Sale, Exchange or Transfer of Council land Policy.

	Submission	Officer comments
1	<i>I would like more transparency around what process of determination would involve who or if any one person can make a determination without rate payers/public input</i>	Agree – The Draft Policy Exhibited has provision for this suggestion. Council are obligated by the Local Government Act 2020 and/or Local Government Act 1989 to give notice to sell, exchange or transfer any parcel of Council owned land and to seek community feedback, undertaken in accordance with Council's Community Engagement Policy.
2	<i>All council members must declare any conflict of interest were it be acquaintance or otherwise with the party or parties purchasing council land, open space or road reserve</i>	Agree - The Draft Policy Exhibited has provision for this suggestion. Conflicts of interests are managed in line with the Local Government Act 2020.  Conflict of interest provisions apply to all Council Staff and Councillors and any conflict is to be declared.
3	<i>I would like a time frame of at least 120 days before valuation of land to be sold so that proper scrutiny and consultation of sale be proposed, with all documents including council officers/councillors communications with the proposed purchaser be available for public scrutiny for clear and open process</i>	Agree - The Draft Policy Exhibited has provision for this suggestion. Section 9 of the Policy bounds Council to obtaining a valuation six months old prior to the proposed decision of Council to sell, exchange or transfer Council land. Public scrutiny of communications can be considered commercial in confidence
4	<i>Advertising should be on a larger scale, this should include major newspapers as not all rate payers and residents will read a locally produced newspaper, this should include The Geelong</i>	Agree - Officers recommend including this suggestion. Draft policy has been amended to include a major metropolitan newspaper.



	<i>Advertiser, The Herald Sun and The Age newspapers. Not all ratepayers live locally</i>	
5	<i>Which Government Ministers are able to override or make determinations on any sale of land. If rate payers have this knowledge they have the opportunity to make submission to said Minister in advance rather than last minute proposals.</i>	Government Ministers do not hold the power to overturn Council decision/s on the sale of Council freehold land, unless Council breaches the provisions of Section 114 of the Local Government Act 2020. If this did occur it would be a matter for the court to determine whether the transaction or contract is void, not a State Government Minister.
6	<i>Submission is all about transparency to rate payers and consideration of rate payers needs over commercial gain of developers</i>	Agree transparency is a key consideration of this Policy. All sales or exchanges will be conducted in accordance with the Policy and will: <ul style="list-style-type: none"> <li>• Be undertaken with the intention of securing the best balance of financial and/or other outcomes for the community</li> <li>• Be conducted transparently</li> <li>• Occur only after consultation with community and identified stakeholders, taking into account feedback received</li> <li>• Be considered in a strategic context of Council's economic, social and environmental objectives.</li> </ul>

## 4.10 Award of Contract T23-016 Provision of Asphalt Services

<b>Council Plan</b>	<b>Theme Seven - Accountable And Viable Council</b> Strategy 18 - Establish a sustainable financial position.
<b>Author's Title:</b>	Manager Operations
<b>General Manager:</b>	Gail Gatt, General Manager Community Life
<b>Division:</b>	Community Life
<b>Department:</b>	Operations
<b>Attachments:</b>	Nil

### Purpose

1. To seek Council's approval to award Contract T23-016 Provision of Asphalt Services.

### Recommendation

That Council:

1. Award contract T23-016 Provision of Asphalt Services for the tendered schedule of rates (excl. GST), for an initial 18-month period with the option of up to a further two years extension to the following tenderers:
  - Greenhall Asphalt Pty Ltd (ATF the Asphalt Settlement Trust) ABN 61 903 904 814
  - Tompsett Asphalt Pty Ltd ABN 12 625 912 772
  - Boral Resources (Vic) Pty Ltd TA Boral Asphalt ABN 87 004 620 731
2. Authorises the Chief Executive Officer to execute contract documents on behalf of Council.

### Council Resolution

#### **Moved Cr Allen, Seconded Cr Hodge**

That Council:

1. Award contract T23-016 Provision of Asphalt Services for the tendered schedule of rates (excl. GST), for an initial 18-month period with the option of up to a further two years extension to the following tenderers:
  - Greenhall Asphalt Pty Ltd (ATF the Asphalt Settlement Trust) ABN 61 903 904 814
  - Tompsett Asphalt Pty Ltd ABN 12 625 912 772
  - Boral Resources (Vic) Pty Ltd TA Boral Asphalt ABN 87 004 620 731
2. Authorises the Chief Executive Officer to execute contract documents on behalf of Council.

CARRIED 8|0

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

### **Outcome**

2. The establishment of a panel of three experienced asphalt service contractors will facilitate asphalt works including road resurfacing and road safety projects, as well as routine maintenance, regulation and patching and pathway works across the shire, and supports the ongoing maintenance of Council assets for residents, visitors and our wider community.

### **Key Considerations**

3. A public tender process was conducted in accordance with Councils Procurement Policy.
4. A total of five suppliers submitted tenders for this contract.
5. Each submission was assessed against pre-determined evaluation criteria, including price and non-price criteria.
6. The contract will operate on a schedule of rates with CPI adjustment and panel arrangement for an initial term of 18-months with the option for a further extension of up to two years.
7. The anticipated value of the contract exceeds officers' delegated authorities and therefore requires a decision by Council.

### **Background**

8. Council's Operations and Assets and Engineering departments undertake various projects throughout the Surf Coast Shire including road resurfacing and road safety projects, as well as routine maintenance, regulation and patching and pathway works.
9. Council is seeking to establish a panel of asphalt service providers for use in these works and projects.
10. The scope of services includes the supply, cart, tally, spread and consolidate asphalt concrete; the priming, maintenance, sealing and profiling of existing pavement; and all testing and certification of product and compaction.

### **Options**

11. Alternative Option 1 – Do not award the contract as per the recommendations in this report.

This option is not recommended by officers as Council has attracted an acceptable tender which allows the completion of the project to scope and budget. The officers' recommendation is as a result of considerable due diligence, and is in accordance with published evaluation criteria and conditions of tender. Any decision that is not in accordance with the formal conditions of tender may compromise good governance and probity standards.

### **Council Plan (including Health and Wellbeing Plan) Statement**

#### **Theme Seven - Accountable And Viable Council**

Strategy 18 - Establish a sustainable financial position.

### **Financial Considerations**

12. The tendered rates fall within the anticipated budget for these services. Council has sufficient funds and resources to deliver the service.
13. Some works may be partly funded by the Australian Government's Blackspot and Roads to Recovery programs, and other funding streams may be available during the life of the contract.
14. A full description of the 'Financial and Resource Impact Analysis' is provided as part of Appendix A and has been issued to Councillors.

### **Community Engagement**

15. No community engagement was undertaken as part of this tender process as it is part of Council's regular operations to fulfil its management obligations to residents, ratepayers and visitors to the area.

### **Statutory / Legal / Policy Considerations**

16. This tender was conducted in accordance with the requirements of S108 of the *Local Government Act 2020* and Council's Procurement Policy.
17. In accordance with S109 of the *Local Government Act 2020* the following information is provided in relation to any opportunities for collaborative procurement:

This tender was not appropriate for a collaborative procurement process, as it was offered as a panel contract based on tendered schedule of rates, with no known quantities of current or future work that could have been leveraged from.

### **Risk Assessment**

18. A tender risk assessment was completed in accordance with Council's Procurement Policy.

### **Sustainability Considerations**

19. The evaluation criteria for this tender included a five per cent weighting for Degree of Innovation in proposals specifically relating to the option to price alternative, sustainable materials such as recycled asphalt products.

### **Conflict of Interest**

20. This report and attachment contain no confidential information under section 66(2) of the *Local Government Act 2020*.

### **Confidentiality**

21. This report and attachment contain no confidential information under section 66(2) of the *Local Government Act 2020*.

### **Transparency**

#### **Audit and Risk Committee involvement**

This item is not within the scope of matters considered by the Audit and Risk Committee.

#### **Councillor Briefings**

This item was not required to be discussed at Councillor Briefings.

### **Tender Details**

#### ***Invitation to Tender***

22. Council issued an open tender T23-016 to appoint a panel of suitably qualified and experienced contractors to undertake asphalt services across the shire.

*Table 1 Invitations to Tender*

<b>Medium</b>	<b>Date Advertised</b>
Council eTendering Portal (Tenderlink)	1 October 2022
Geelong Advertiser	1 October 2022
Surf Coast Times	6 October 2022

#### ***Evaluation Panel***

23. The Tender Evaluation Panel comprised of three voting members and one non-voting member as in line with Council's procurement policy.

**Evaluation Criteria**

24. Submissions were evaluated by the panel against pre-established selection criteria.

*Table 2 Mandatory Evaluation Criteria*

<b>Mandatory Criteria</b>	<b>Assessment</b>
Documented OH&S Management System	Pass / Fail
Documented Quality Management System	Pass / Fail
Documented Environmental System	Pass / Fail
Undertaking Working With Children Check	Pass / Fail

25. Tenderers who satisfied the above mandatory criteria were then assessed against the following comparative criteria.

*Table 3 Comparative Criteria*

<b>Comparative Criteria</b>	<b>Weighting</b>
Financial Assessment	50%
Capability & Capacity	25%
Systems	15%
Social & Sustainable Procurement – Local Content	5%
Social & Sustainable Procurement – Degree of Innovation	5%

26. Details of submissions received, pricing and final evaluation rankings are provided in **Confidential Tender Evaluation Summary**, which has been provided to Councillors.

**Suspension of Standing Orders**

**Moved Cr Stapleton, Seconded Cr Allen**

A motion was moved to suspend standing orders temporarily to allow for a short break at 8.01pm.

CARRIED 8|0

**Resumption of Standing Orders**

**Moved Cr Stapleton, Seconded Cr Hodge**

A motion was moved that Council resume standing orders at 8.11pm.

CARRIED 8|0

## 4.11 Project Budget Adjustments and Cash Reserve Transfers - December 2022

<b>Council Plan</b>	<b>Theme Seven - Accountable and Viable Council</b>
	Strategy 18 - Establish a sustainable financial position.
<b>Author's Title:</b>	Coordinator Management Accounting
<b>General Manager:</b>	Damian Waight, Acting General Manager Strategy and Effectiveness
<b>Division:</b>	Strategy and Effectiveness
<b>Department:</b>	Finance
<b>Attachments:</b>	Nil

### Purpose

1. This report contains proposed project budget adjustments and cash reserve transfers for Council ratification and approval relating to the 2022-23 financial year. The report presents the funding sources for all adjustments, and breaks the project budgets adjustments into categories including: existing projects requiring adjustment, project closures, new projects to be initiated, CEO approved transfers under delegation or corrections to prior reports presented to Council.

### 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 8 of this report.
2. Approves the net changes to cash reserves resulting from the project budget adjustments listed in this report:

<b>Funding Sources</b>	<b>Transfers From / (To) Reserve \$</b>
Asset Renewal Reserve	196,853
Torquay/Jan Juc Developer Contribution Reserve	7,472
Winchelsea Infrastructure Plan Reserve	330,000
<b>Grand Total</b>	<b>534,325</b>

## **Council Resolution**

### **Moved Cr Schonfelder, Seconded Cr Stapleton**

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 8 of this report.
2. Approves the net changes to cash reserves resulting from the project budget adjustments listed in this report:

<b>Funding Sources</b>	<b>Transfers From / (To) Reserve \$</b>
Asset Renewal Reserve	196,853
Torquay/Jan Juc Developer Contribution Reserve	7,472
Winchelsea Infrastructure Plan Reserve	330,000
<b>Grand Total</b>	<b>534,325</b>

CARRIED 8|0

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

### **Outcome**

2. This report brings decisions to Council about material changes to project budgets and provides visibility about CEO approved project changes. Project budget transfers relating to material scope changes 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 changes and are kept informed; allowing for smooth project delivery. The report also provides transparency for the community.

### **Key Considerations**

3. This report contributes to Council's financial management principles by recording the allocation and movement of project funds that may impact on current and future budgets.
4. This report contributes to public transparency by ensuring that the allocation and movement of project funds is made available to the community.

### **Background**

5. The project budget adjustments presented in this report relate to the 2022-23 financial year. All figures in this report are exclusive of GST.

6. 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 project scope. 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 / (Saving) \$
Victorian Electoral Commission Compulsory Voting Enforcement	Contribution Funded	Recognise electoral voting enforcement fine revenue received from Surf Coast Shire Council General elections 2020.	5,723
Surf Coast Aquatic and Health Centre Project	Grant Funded	Regional Infrastructure grant funding for the Surf Coast Aquatic and Health Centre.	3,000,000

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

Project Name	Funding Source	Basis for Variation	Project Allocation \$
Lorne Men's Shed Drainage Upgrade	Project Savings Account	Re-establish grass under tree near drainage works at Stribling Reserve including installation of protective bollards.	11,875
Strategic Asset Modelling - Asset Condition Audit Renewal Program	Asset Renewal Reserve	Additional funding to obtain expert services to undertake Strategic Asset Modelling that incorporates scenario modelling, social infrastructure criticality and constraints. This will support improved efficiency in renewal funding allocation and future budgeting whilst better utilising current Council asset data.	90,000
Fischer Street / Centreside Drive Intersection Renewal	Asset Renewal Reserve	Additional design has identified increase in depth of asphalt required due to shallow services. Total cost of design, construction and project management has increased as a result.	115,000
Karaaf Program of Works	Project Account	As part of the Karaaf Program of Works, existing project budgets will be consolidated to enable efficient delivery and management of future works following the recently completed stormwater and environmental reports. This budget consolidation relates to the existing Karaaf Stormwater Management and the Environmental Management Plan for the Sands projects.	(99,590)
		The future Karaaf Program of Work will progress the following specific elements: <ul style="list-style-type: none"> <li>• Progress with the development of options and the feasibility for future stormwater diversion and reuse to help reduce the volume entering the Karaaf through the Sands (Project 3)</li> <li>• Improvements to the existing constructed wetland and storm water system in Torquay North to improve the functionality of the</li> </ul>	99,590

Project Name	Funding Source	Basis for Variation	Project Allocation \$
		existing system and quality of storm water (Project 4) • Progress the development in collaboration with an inter- agency working group an Integrated Adaptive Management Approach for the long-term future health of the Karaaf (Project 5) • Development of an appropriate Planning Framework which clearly defines roles and responsibilities including an updated S173 and EMP with The Sands (Project 6)	
South Beach Road Upgrade (RD09) - Street Lighting	Torquay Jan Juc DCP Reserve	DCP requirement for the installation of street lighting on South Beach Road. Works were not delivered at time of road widening upgrade and Powercor will deliver street lighting works at Council's request.	7,472
Building Renewal Program	Project Account	Consolidate existing renewal allocation and scope the for the Anglesea Community House main entrance ramp with the existing Disability Discrimination Act project budget for efficient delivery.	(36,000)
DDA Program - Anglesea Community House - Main Entry Ramp			36,000

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 \$
Barwon River Loop Walk- Stage 2	Grant Funded	Victorian Government funding for the Barwon River Loop Walk - Stage 2 which will deliver the final stage of a 2km trail connecting the four quadrants of the Winchelsea Township, improving access to facilities and services, enhancing the visitor experience and economic impact of this key tourist destination.  As per Council Resolution (28 June 2022), Council contribution to the Barwon River Loop Walk Stage 2 from the Winchelsea Infrastructure Plan Allocation.	330,000
	Winchelsea Infrastructure Plan Reserve		330,000
Fire Access Road Subsidy Scheme	Grant Funded	Victorian Government funding for installation of a 25,000 litre water tank at 8 Grassdale Road Paraparap. Council Contribution \$4,595 from Recurrent Cost Centre Budget Fire Fuel Reduction and Community Fire Safety.	9,189
Council Flood Support Fund	Grant Funded	State Government funding towards Council Flood Support. This will support clean-up activities resulting from the October 2022 Victorian floods. This contributes towards funding for flood related activities that are ineligible under the Disaster Recovery	500,000

Project Name	Funding Source	Basis for Variation	Project Allocation \$
		Funding arrangements. Will be spent on damaged assets.	

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

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

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 / (Savings) \$
Cape Otway Road Widening Stage 5	Project Savings Account	Cape Otway Road, Winchelsea from Lowndes Road to Batsons Road scope complete. Life of project cost \$1,112,002.	Nil
Victorian Youth Fest 2022	Grant Funded	Scope complete. Life of project cost \$2,000.	Nil
Core System Review	Asset Renewal Reserve	Scope complete. Life of project cost \$76,424.	(8,147)
Nautical Rise Linear Park Indigenous Edible Orchard Garden	Project Savings Account	Project completed. Minor additional unforeseen cost associated with the naming agreement proposed to be funded from the Project Savings Account. Project to close. Life of project cost \$36,837.	63

There are no projects in Table 6 which usually contains projects that have been endorsed under Council delegation by the Chief Executive Officer.

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

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

There are no projects in Table 7 which usually contains corrections or adjustments to prior reports presented to Council.

**Table 7 – For Council Approval – Corrections to Prior Reports**

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

**Table 8 – Accumulated Unallocated Cash Reserve Movement**

Accumulated Unallocated Cash Reserve	2022-23 \$'000	2023-24 \$'000	2024-25 \$'000	2025-26 \$'000
Opening Balance	4,365	5,340	6,191	5,233
Budgeted Annual Surplus/(Deficit)	825	851	(958)	(1,243)
Transfer for Adopted Projects Funded	285	-	-	-
Net Allocations During Year (From)/To	(134)	-	-	-
New Allocations Proposed (From)/To	-	-	-	-
<b>Closing Balance *</b>	<b>5,340</b>	<b>6,191</b>	<b>5,233</b>	<b>3,989</b>

Accumulated Unallocated Cash Reserve	2022-23 \$'000
<b>Net Allocations During Year (From)/To</b>	
Gender Impact Assessments	(48)
Stribling Reserve Community Asset Committee - Furniture	(50)
Provision Support Request	
Integrated Water Management Project Winchelsea - Winchelsea	(37)
Greening and Stormwater Treatment Upgrades	
<b>Net Allocations (From)/To</b>	<b>(134)</b>
<b>New Allocations Proposed (From)/To</b>	
Nil	-
<b>Total New Net Allocations (From)/To</b>	<b>-</b>

\*Note: Includes budgeted annual surplus/(deficit) as per Adopted Budget 2022-23.

### Options

- Alternative 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 that have been through a series of governance checks.

### Council Plan (including Health and Wellbeing Plan) Statement

#### **Theme Seven - Accountable and Viable Council**

Strategy 18 - Establish a sustainable financial position.

### Financial Considerations

- This report contributes to Council's financial management principles by recording the allocations and movements of project funds that may impact on the budget, current and future, and the achievement the Council Plan strategies and objectives.

### **Community Engagement**

9. Community engagement was not undertaken on the content of this report. This report contributes to public transparency by ensuring that the allocation and movement of project funds is made available to the community.

### **Statutory / Legal / Policy Considerations**

10. Under the *Local Government Act 2020*, this report contributes to:
  - 10.1. 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;
  - 10.2. Transparency by ensuring that the allocation and movement of project funds is made available to the community;
  - 10.3. Financial management principles by recording the allocation and movement of project funds that may impact on the budget, current and future; and
  - 10.4. Performance for project delivery by considering the allocation and movement of project funds for successful project outcomes.

### **Risk Assessment**

11. Decisions have an impact of project delivery and the implementation of the Council Plan (including Health and Wellbeing Plan 2021-25).
12. If Council did not receive this report, this would risk public transparency and potentially reduce the financial rigour applied to managing projects.

### **Conflict of Interest**

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

### **Confidentiality**

14. This report and attachments contain no confidential information under section 66(2) of the *Local Government Act 2020* (Vic).

### **Transparency**

#### **Audit and Risk Committee involvement**

This monthly Council Report item is not within the scope of matters considered by the Audit and Risk Committee.

#### **Councillor Briefings**

This item was not required to be discussed at Councillor Briefings.

## 4.12 Appointment of Audit and Risk Committee Independent Member

<b>Council Plan</b>	<b>Theme Seven - Accountable and Viable Council</b> Strategy 19 - Improve Council's credibility as a trusted decision maker through meaningful engagement.
<b>Author's Title:</b>	Acting Manager Integrity and Governance
<b>General Manager:</b>	Damian Waight, Acting General Manager Strategy and Effectiveness
<b>Division:</b>	Strategy and Effectiveness
<b>Department:</b>	Governance
<b>Attachments:</b>	Nil

### Purpose

1. The purpose of this report is for Council to consider appointing one independent member to the Audit and Risk Committee.

### Recommendation

That Council:

1. Acknowledges the valuable contribution of John Gavens and Debra Russell throughout their eight year term on the Audit and Risk Committee, noting that Mr Gavens has served as Chair in his term.
2. Appoints Michael Ulbrick as an independent member of the Audit and Risk Committee for a period of 1 February 2023 to 31 January 2027.
3. Notes an additional committee member appointment will be considered at a future Council Meeting.

### Council Resolution

#### **Moved Cr Wellington, Seconded Cr Hodge**

That Council:

1. Acknowledges the valuable contribution of John Gavens and Debra Russell throughout their eight year term on the Audit and Risk Committee, noting that Mr Gavens has served as Chair in his term.
2. Appoints Michael Ulbrick as an independent member of the Audit and Risk Committee for a period of 1 February 2023 to 31 January 2027.
3. Notes an additional committee member appointment will be considered at a future Council Meeting.

CARRIED 8|0

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

### **Outcome**

2. If Council accept this recommendation, Council would be meeting its obligation in line with the Audit and Risk Charter by having three independent members.

### **Key Considerations**

3. The tenure of independent members of the Audit and Risk Committee, John Gavens (Independent Member and Chair) and Debra Russell, (Independent Member) will expire on 26 January 2023 with both having served two terms on the Committee which is the maximum of eight years.
4. Council advertised for expressions of interest for the two independent member vacancies in October 2022 and 25 responses were received.
5. A selection panel was established in accordance with the Audit and Risk Committee Charter. The selection panel comprised of two Councillors, the interdependent chair and Chief Executive Officer.
6. The panel reviewed all applications against the desired attributes of members as per the Charter and four applicants were shortlisted for interviews.
7. Referee checks have been completed independently by the Audit and Risk Committee Chair. Relevant police checks are being undertaken.
8. Council will consider the appointment of a second Audit and Risk Committee member at a future Council meeting in early 2023.

### **Background**

9. In accordance with section 53 of the *Local Government Act 2020* (the Act), Council must establish an Audit and Risk Committee that consists of the majority of members who are not Councillors.
10. Surf Coast Shire Council's Audit and Risk Committee Charter states that the Audit and Risk Committee will consist of a minimum of three, but up to four suitability qualified independent members.

11. The following attributes are required when appointing independent members:
  - 11.1. Senior business or financial management/reporting knowledge and experience.
  - 11.2. High levels of financial literacy.
  - 11.3. Understanding of corporate risk management, and risk management practices including treatments, mitigations and controls.
  - 11.4. Knowledge of Council's operations and the environment in which it operates.
  - 11.5. Strong communication skills.
  - 11.6. High levels of personal integrity and ethics; and
  - 11.7. Sufficient time available to devote to executing responsibilities

### **Options**

12. Alternative Option 1 – That Council does not appoint the recommended independent member to the Audit and Risk Committee for the period outlined.

This option is not recommended by officers as the Committee would not be compliant with the *Local Government Act 2020* or the Committee Charter.
13. Alternative Option 2 – Appoint different members to the Committee.

This option is not recommended by officers. While Council received applications from many well-qualified and experienced candidates, the person recommended has been identified following a thorough process that complies with the legislation and the Committee's Charter, including the requirement for the Committee to collectively possess the required skills and experience.

### **Council Plan (including Health and Wellbeing Plan) Statement**

#### **Theme Seven - Accountable and Viable Council**

Strategy 19 - Improve Council's credibility as a trusted decision maker through meaningful engagement.

### **Financial Considerations**

14. Independent members of the Audit and Risk Committee and remunerated at \$550 per meeting and this is allocated in Council's budget.

### **Community Engagement**

15. An expression of interest was advertised in the Surf Coast Time, Geelong Advertiser, The Age and LinkedIn for interested applicants.
16. Community engagement is not required when appointing of members to the Audit and Risk Committee.

**Statutory / Legal / Policy Considerations**

17. The appointment of independent members is done in accordance with the Audit and Risk Committee Charter and the *Local Government Act 2020*.

**Risk Assessment**

18. If Council does not appoint the independent member to the Audit and Risk Committee it would not be complying with the *Local Government Act 2020* and the Audit and Risk Committee Charter.

**Sustainability Considerations**

19. There are no sustainability considerations associated with this report.

**Conflict of Interest**

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

**Confidentiality**

21. This report and attachment contain no confidential information under section 66(2) of the *Local Government Act 2020*.

**Transparency**

**Audit and Risk Committee involvement**

Audit and Risk Committee Meeting Date: 18 November 2022

The Audit and Risk Committee were provided an update on the process for recruitment.

Feedback Received	Action Taken
The report was noted by the Committee.	Nil

**Councillor Briefings**

This item was not discussed at Councillor Briefings prior to being presented to Council for consideration.

## 4.13 Audit and Risk Committee Charter Review

### Council Plan

**Author's Title:**  
**General Manager:**

**Division:**

**Department:**

**Attachments:**

### Theme Seven - Accountable and Viable Council

Strategy 18 - Establish a sustainable financial position.

Governance Statutory Compliance and Reporting Officer

Damian Waight, Acting General Manager Strategy and Effectiveness

Strategy and Effectiveness

Governance

1. Audit and Risk Committee Charter - Dec 2022 [4.13.1 - 9 pages]
2. Track Changes - Audit and Risk Committee Charter - Dec 2022 [4.13.2 - 9 pages]

### Purpose

1. To present a reviewed Audit and Risk Committee Charter to Council to consider adopting.

### Recommendation

That Council adopts the Audit and Risk Committee Charter (Attachment 1).

### Council Resolution

#### Moved Cr Wellington, Seconded Cr Schonfelder

That Council adopts the Audit and Risk Committee Charter (Attachment 1).

CARRIED 8|0

For	Against	Abstained
Cr Allen	Nil	Nil
Cr Bodsworth		
Cr Gazzard		
Cr Hodge		
Cr Pattison		
Cr Schonfelder		
Cr Stapleton		
Cr Wellington		

### Outcome

2. Adoption of the updated Charter will enable the Audit and Risk Committee to continue to provide structured oversight of Council's governance, risk management, internal control practices and financial reporting.

### Key Considerations

3. Council is required to prepare and approve an Audit and Risk Committee Charter that specifies the functions and responsibilities of the Audit and Risk Committee.

4. The current Audit and Risk Committee Charter outlines that the document must be reviewed annually by the Committee and recommended to Council for adoption.

### **Background**

5. The Audit and Risk Committee reviewed and provided feedback about the Charter at its 18 November 2022 meeting. The Committee resolved that the attached Charter be recommended to Council for adoption.
6. There were a small number of changes recommended by the Audit and Risk Committee. These include:
  - 6.1. Removal of sections that are no longer relevant or that are covered in other sections of the Charter.
  - 6.2. Inclusion of the Committee's responsibility to review and endorse the Internal Audit Charter.
  - 6.3. The addition of an extra meeting in which the Committee meets internal auditors without management present.
  - 6.4. Inclusion of the requirement to consider Council's Gender Equity and Diversity Plan as part of recruitment to the committee.

### **Options**

7. Alternative Option 1 – That Council does not adopt the reviewed Audit and Risk Committee Charter as attached. This option is not recommended by officers as the revised Charter has been recommended by the Audit and Risk Committee to ensure that it can perform its role adequately.

### **Council Plan (including Health and Wellbeing Plan) Statement**

#### **Theme Seven - Accountable and Viable Council**

Strategy 18 - Establish a sustainable financial position.

8. The Charter includes a section relating to the Committee's role in reviewing and providing advice about Council's financial position.

### **Financial Considerations**

9. Financial management within the Charter remains unchanged. This section ensures appropriate application of Council's accounting policies and includes the Committee's review of quarterly financial reports, annual financial statements, Councillor and CEO reimbursements and financial risks.

### **Community Engagement**

10. Community engagement was not undertaken for this review as the charter is specific to the internal functioning of the Audit and Risk Committee.

### **Statutory / Legal / Policy Considerations**

11. Section 54(2) of the Act requires that an Audit and Risk Committee Charter is adopted and maintained which specifies the functions and responsibilities of the Committee. The reviewed Charter continues to comply with the requirements outlined in the Act.

### **Risk Assessment**

12. Risk management within the Charter remains unchanged. The Committee's role is largely focused on continuous improvement of Council's risk management framework.
13. Section 54 of the Act requires Council to approve an Audit and Risk Committee Charter. By not having an adopted Charter, Council would not be compliant with the Act.

### **Sustainability Considerations**

14. There are no sustainability considerations associated with the report.

### **Conflict of Interest**

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

### **Confidentiality**

16. This report and attachment contain no confidential information under section 66(2) of the *Local Government Act 2020*.

### **Transparency**

#### **Audit and Risk Committee involvement**

The Audit and Risk Committee resolved that the attached Charter be recommended to Council for adoption.

Audit and Risk Committee Meeting Date: 18 November 2022

Feedback Received	Action Taken
Feedback is presented as track changes in attachment two.	The Committee's feedback was incorporated into the document presented.

### **Councillor Briefings**

This item was not discussed at Councillor Briefings prior to being presented to Council for consideration.



# **Audit and Risk Committee Charter**

*Adopted by Council - December 2022*



### **Purpose**

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

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

### **Establishment**

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

Membership is established in accordance with this Charter and section 53 of the Act through resolution of Council.

### **Authority**

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

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

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

- Provide advice and make recommendations to Council on matters within the Committee's areas of responsibility.
- Review key documents and reports that must be approved by Council, including annual financial reports, annual performance statements, new or revised policies and other documents that assist in maintaining a strong internal control environment.
- Review and recommend to the Council for approval the three-year rolling strategic internal audit plan, the annual internal audit plan and any major changes to them, ensuring the proposed strategic internal audit plan appropriately considers Council's strategic risks and allocated budget for the internal audit plan.
- Review and approve proposed scopes for each review in the annual internal audit plan;
- Meet solely with the Internal Auditor at least twice per year without management present.
- Meet solely with the External Auditor at least once per year without management present.
- Request, through the CEO, appropriate management support to enable the Committee to discharge its responsibilities effectively.
- Request, through the CEO, the attendance of Council Officers at meetings, and request the attendance of internal audit, external audit or other assurance providers, where appropriate.
- Request, through the CEO, or recommend directly to the Council, the appointment of relevant independent experts where the Committee considers that it is necessary in order to execute its responsibilities.

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

The scope, functions and responsibilities of the Committee are set out in this Charter. Any request made to Officers by the Committee that falls outside of the express provisions of this Charter will be assessed at the discretion of the Chief Executive Officer (CEO).



### **Role of the Committee**

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

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

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

### **Responsibilities**

#### ***Legislative Compliance***

##### *Council Policies*

- Where a relevant Council policy/procedure has recently been reviewed by Officers, assess it against the overarching governance principles, the Local Government Act 2020 and any other Act or Ministerial direction to monitor compliance prior to its presentation to Council.
- Where any change to the legislation is made, review any relevant or effected policy for legislative compliance with the Act or Ministerial direction.
- Review the CEO Employment Matters Policy and Terms of Reference for the CEO Employment Matters Advisory Committee annually and monitor compliance with the Act.

##### *Financial Policies*

- Consider recent developments in accounting principles or reporting practices that may affect the Council, and assess any subsequent adaptations made to Council policies.
- Assess Council's accounting policies against the financial management principles (s.101 of the Act).
- Intermittently review the Council's Investment Policy.

#### ***Financial Management (including Performance Reporting)***

Monitor Council's financial and performance reporting:

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



### **External Audit**

Oversee Council's external audit functions:

- Review the annual external audit plan.
- Review the external audit interim audit report.
- Review the results as reported in the external closing audit report, including any:
  - difficulties encountered;
  - complex and/or unusual transactions;
  - related-party transactions; and
  - judgmental areas for adjustments recommended by the external auditors, for example, those involving valuation of assets and liabilities; environmental liability and other commitments and contingencies.
- Review the appropriateness, timeliness and effectiveness of the management comments made in response to any external auditor recommendations.
- Report to Council any significant issues identified upon completion of review and discussion with management and external auditors regarding the external audit report.
- Sight representation letters signed by management, considering their completeness and the appropriateness of information provided.
- Review the external auditor's performance.
- Maintain an awareness of local government performance audits undertaken by VAGO, ensuring Council have assessed any relevant recommendations and actioned accordingly (if required).
- At least annually, meet with the external auditor in an "in-camera" session, without management present.

### **Risk Management (including Business Continuity)**

Monitor and provide advice on risk management:

- Review Council's risk appetite statement, risk management framework and risk register, including management's assessment of Council's risks.
- Review the process/es for effective identification of strategic and operational risks, and the processes for assessment, development and implementation of treatment plans.
- Review the appropriateness and effectiveness of Council's business continuity plans.
- Review the approach to business continuity planning arrangements, including whether business continuity and disaster recovery plans have been regularly updated and tested.
- Receive reports from management, including management responses, on the findings of any examinations by regulatory or integrity agencies related to investigations relevant to Council or operations of the Council, such as the Ombudsman, IBAC, and Victoria Government Inspectorate. Where action by management is required, monitor progress.

### **Internal Controls (including Fraud Controls)**

Monitor and provide advice on fraud prevention systems and controls:

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



### **Internal Audit**

Oversee Council's internal audit functions:

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

### **Committee**

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

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

### **Membership**

Appointment to the Committee will be in accordance section 53 of the Act.

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

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

Council's Gender Equality and Diversity Plan will be consider as part of membership recruitment.

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

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



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- Strong communication skills.
- High levels of personal integrity and ethics.
- Sufficient time available to devote to executing responsibilities.

The Committee should collectively have:

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

### **Term of Office**

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

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

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

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

### **Appointment of the Chair**

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

### **Role of the Chair**

The role of the Committee Chair includes:

- Assisting in determining the agenda for Committee meetings.
- Chairing meetings of the Committee in accordance with the meeting agenda.
- Preparation of a biannual audit and risk report that is to be provided to the CEO for tabling at the next practicable Council meeting. The report must describe the activities of the Audit and Risk Committee and include its findings and recommendations.
- Circulating the annual self-assessment, and collating and sharing the results with Committee members and with the CEO for tabling at the next practicable Council meeting.

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

### **Quorum**

At least three members of the Committee are in attendance, at least two of whom are independent members.



## Meetings

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

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

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

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

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

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Members must comply with the same requirements as a 'specified person' as outlined in section 132 of the Act, and are therefore required to complete initial and biannual personal interests returns in accordance with sections 132-136 of the Act. A summary of the Committee's personal interests will be published on the Council's website in accordance with section 10 of the Local Government (Governance and Integrity) Regulations 2020.

### **Confidentiality**

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

### **Misuse of Position**

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

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

### **Remuneration**

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

### **Removal of a Member**

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



## APPENDIX 1 – Local Government Act 2020 Principles

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



# Audit and Risk Committee Charter

Adopted by Council December 2022



### **Purpose**

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

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

### **Establishment**

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

Membership is established in accordance with this Charter and section 53 of the Act through resolution of Council.

### **Authority**

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

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

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

- Provide advice and make recommendations to Council on matters within the Committee's areas of responsibility.
- Review key documents and reports that must be approved by Council, including annual financial reports, annual performance statements, new or revised policies and other documents that assist in maintaining a strong internal control environment.
- Review and recommend to the Council for approval the three-year rolling strategic internal audit plan, the annual internal audit plan and any major changes to them, ensuring the proposed strategic internal audit plan appropriately considers Council's strategic risks and allocated budget for the internal audit plan.
- Review and approve proposed scopes for each review in the annual internal audit plan;
- Meet solely with the Internal Auditor at least ~~once~~ twice per year without management present.
- Meet solely with the External Auditor at least once per year without management present.
- Request, through the CEO, appropriate management support to enable the Committee to discharge its responsibilities effectively.
- Request, through the CEO, the attendance of Council Officers at meetings, and request the attendance of internal audit, external audit or other assurance providers, where appropriate.
- Request, through the CEO, or recommend directly to the Council, the appointment of relevant independent experts where the Committee considers that it is necessary in order to execute its responsibilities.

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

The scope, functions and responsibilities of the Committee are set out in this Charter. Any request made to Officers by the Committee that falls outside of the express provisions of this Charter will be assessed at the discretion of the Chief Executive Officer (CEO).



### Role of the Committee

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

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

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

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

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

### Responsibilities

#### Legislative Compliance

##### Council Policies

- ~~• Complete an initial review of relevant established, or newly created Council policies and procedures against the Local Government Act 2020 and its regulations, including the overarching governance principles (s.9 of the Act), and any other Act or Ministerial directions to monitor compliance.~~
- Where a relevant Council policy/procedure has recently been reviewed by Officers, assess it against the overarching governance principles, the Local Government Act 2020 and any other Act or Ministerial direction to monitor compliance prior to its presentation to Council.
- Where any change to the legislation is made, review any relevant or effected policy for legislative compliance with the Act or Ministerial direction.
- Review the CEO Employment Matters Policy and Terms of Reference for the CEO Employment Matters Advisory Committee annually and monitor compliance with the Act.

##### Financial Policies

- Consider recent developments in accounting principles or reporting practices that may affect the Council, and assess any subsequent adaptations made to Council policies.
- Assess Council's accounting policies against the financial management principles (s.101 of the Act).
- Intermittently review the Council's Investment Policy.



### ***Financial Management (including Performance Reporting)***

Monitor Council's financial and performance reporting:

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

### ***External Audit***

Oversee Council's external audit functions:

- Review the annual external audit plan.
- Review the external audit interim audit report.
- Review the results as reported in the external closing audit report, including any:
  - difficulties encountered;
  - complex and/or unusual transactions;
  - related-party transactions; and
  - judgmental areas for adjustments recommended by the external auditors, for example, those involving valuation of assets and liabilities; environmental liability and other commitments and contingencies.
- Review the appropriateness, timeliness and effectiveness of the management comments made in response to any external auditor recommendations.
- Report to Council any significant issues identified upon completion of review and discussion with management and external auditors regarding the external audit report.
- Sight representation letters signed by management, considering their completeness and the appropriateness of information provided.
- Review the external auditor's performance.
- Maintain an awareness of local government performance audits undertaken by VAGO, ensuring Council have assessed any relevant recommendations and actioned accordingly (if required).
- At least annually, meet with the external auditor in an "in-camera" session, without management present.

### ***Risk Management (including Business Continuity)***

Monitor and provide advice on risk management:

- Review Council's risk appetite statement, risk management framework and risk register, including management's assessment of Council's risks.
- Review the process/es for effective identification of strategic and operational risks, and the processes for assessment, development and implementation of treatment plans.
- Review the appropriateness and effectiveness of Council's business continuity plans.
- Review the approach to business continuity planning arrangements, including whether business continuity and disaster recovery plans have been regularly updated and tested.
- Receive reports from management, including management responses, on the findings of any examinations by regulatory or integrity agencies related to investigations relevant to Council or



operations of the Council, such as the Ombudsman, IBAC, and Victoria Government Inspectorate. Where action by management is required, monitor progress.

#### **Internal Controls (including Fraud Controls)**

Monitor and provide advice on fraud prevention systems and controls:

- Consider the effectiveness of internal controls for the security of information technology systems and applications.
- Review the effectiveness of established fraud controls in preventing or mitigating fraud, and any fraud policies.
- Review the compliance framework and assess its effectiveness in achieving legislative compliance.
- Review results and frequency of any control tests conducted relevant to cyber security, fraud and legislative compliance.
- Determine whether security, fraud and compliance systems and controls are reviewed regularly and updated where required.
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Oversee Council's internal audit functions:

- Review and endorse the Internal Audit Charter.
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#### **Committee**

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- Review the Audit and Risk Committee Charter and recommend for Council adoption annually.
- Review and adopt a work plan annually.
- Complete a biannual audit and risk report to Council on the recommendations and activities of the Committee, with administrative support from Council Officers.

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## Membership

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

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

- Two Councillors; and
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Council's Gender Equality and Diversity Plan will be ~~considered~~ as part of membership recruitment.

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The Committee should collectively have:

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Audit and Risk Committee Charter

5



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- Assisting in determining the agenda for Committee meetings.
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## 4.14 Audit and Risk Committee Annual Assessment

### Council Plan

### Theme Seven - Accountable and Viable Council

Strategy 19 - Improve Council's credibility as a trusted decision maker through meaningful engagement.

### Author's Title:

Governance Statutory Compliance and Reporting Officer

### General Manager:

Damian Waight, Acting General Manager Strategy and Effectiveness

### Division:

Strategy and Effectiveness

### Department:

Governance

### Attachments:

1. Summary of Audit and Risk Committee Performance Survey 2022 [4.14.1 - 3 pages]

### Purpose

1. To present the Audit and Risk Committee Annual Assessment to Council for noting.

### Recommendation

That Council notes the Audit and Risk Committee Annual Assessment Report (Attachment 1).

### Council Resolution

#### Moved Cr Wellington, Seconded Cr Bodsworth

That Council notes the Audit and Risk Committee Annual Assessment Report (Attachment 1).

CARRIED 8|0

For	Against	Abstained
Cr Allen	Nil	Nil
Cr Bodsworth		
Cr Gazzard		
Cr Hodge		
Cr Pattison		
Cr Schonfelder		
Cr Stapleton		
Cr Wellington		

### Outcome

2. Council's acceptance of this recommendation will ensure compliance with the *Local Government Act 2020* and help ensure that the Committee can continue to function at a high standard.

### **Key Considerations**

3. The Audit and Risk Committee must undertake an annual assessment of its performance against the Audit and Risk Committee Charter and this report must then be tabled at the next available Council meeting.
4. The assessment process ensures that the Committee continues to function well and is able to perform its role as described in the Act and the Charter. Feedback from the Committee is reviewed by officers and relevant changes are implemented throughout the following year.
5. The results for this year's annual assessment are overwhelmingly positive, with the majority of responses showing that the Committee has the skills and resources to fulfil its role.

### **Background**

6. A survey was sent to Committee members in advance of the 18 November 2022 Audit and Risk Committee meeting and each of the independent committee members returned the survey. The results are presented in the attached report.
7. The following summarises the main findings of the survey:
  - 7.1. The Charter satisfactorily outlines the roles of the Committee and supports its operations.
  - 7.2. The Committee contains members with diverse skills and knowledge.
  - 7.3. Evaluation of Council's provision of training may not be relevant as independent members are expected to have specialised experience and skills when joining the Committee.
  - 7.4. Succinct reporting would enhance the Committee's ability to critically analyse the information provided in each agenda.
  - 7.5. The recommendation from last year's survey to include a financial reporting issues paper was an improvement.
  - 7.6. Communication with Council and officers has improved considerably following a recommendation from last year's survey.
  - 7.7. Implementation of Council's risk management framework has improved in the past year and its progression should remain a focus in the coming year.
  - 7.8. Overall, the Committee was satisfied with the functioning of the internal and external auditors.

### **Options**

8. Alternative Option 1 – That Council does not note the Audit and Risk Committee Annual Assessment Report as attached. This option is not recommended by officers as it is inconsistent with the requirements of the *Local Government Act 2020* and does not share the findings of the assessment with Council.

### **Council Plan (including Health and Wellbeing Plan) Statement**

#### **Theme Seven - Accountable and Viable Council**

9. Strategy 19 - Improve Council's credibility as a trusted decision maker through meaningful engagement.

### **Financial Considerations**

10. The self-assessment process ensures that the Committee is appropriately equipped to perform its role in overseeing Council's financial management.

### **Community Engagement**

11. Community engagement was not undertaken for this review as it is specific to the internal functioning of the Audit and Risk Committee.

### **Statutory / Legal / Policy Considerations**

12. The completion and tabling of this report ensures that Council is adhering to section 54(4) of the *Local Government Act 2020*.

### **Risk Assessment**

13. The self-assessment process mitigates significant risks which would arise as a result of a poorly constructed Charter or poor performance against the Charter.

### **Sustainability Considerations**

14. There are no sustainability considerations associated with this report.

### **Conflict of Interest**

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

### **Confidentiality**

16. This report and attachment contain no confidential information under section 66(2) of the *Local Government Act 2020*.

**Transparency**

**Audit and Risk Committee involvement**

The Audit and Risk Committee resolved that the attached report be recommended to Council for noting.

Audit and Risk Committee Meeting Date: 18 November 2022

Feedback Received	Action Taken
The results were noted by the Committee.	Recommended to Council for noting.

**Councillor Briefings**

This item was not discussed at Councillor Briefings prior to being presented to Council for consideration.

**Summary of Audit & Risk Committee Self-Assessment Survey  
Performance for 2022**

<i>Rating Scale</i>	<i>1 = Strongly Disagree</i>	<i>2 = Disagree</i>	<i>3 = Neutral</i>	<i>4 = Agree</i>	<i>5 = Strongly Agree</i>	<i>N/A = Not Applicable</i>
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ID	Questions	Committee ratings					
		1	2	3	4	5	N/A
<b>A. Audit Committee Charter</b>							
1	The Charter clearly articulates the Committee's roles and responsibilities and provides it with the necessary authority to discharge them				1	3	
2	The Charter facilitates and supports the effective operation of the Committee				1	3	
3	During the past year, the Committee has adequately addressed all of its responsibilities as detailed in the Charter				3	1	
4	The Charter ensures the Committee is sufficiently independent from the management of Council				1	3	
<b>Totals</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>10</b>	<b>0</b>
<u>Comments/suggestions for improvement</u>							
<ul style="list-style-type: none"> <li>In relation to 3 above, the Committee has adequately addressed its responsibilities in relation to risk management but has not been able to effectively discharge those responsibilities as set out in the Charter.</li> </ul>							
<b>B. Skills and Experience</b>							
5	The Committee has the desired mix of skills to allow it to effectively discharge its responsibilities				2	2	
6	The Committee has been able to analyse and critically evaluate information presented to it by management				3	1	
7	There is a clear process that Committee members can follow to access advice and /or training to improve their skills and knowledge	1	1	1		1	
8	The Committee's collective skills are adequate in light of its responsibilities			1	1	2	
9	The Committee has responded appropriately where significant risks and/or control breakdowns have been brought to its attention				2	2	
10	The Committee has shown an openness to new ideas and different views in its deliberations				1	3	
11	The Committee has been sufficiently probing and challenging in its deliberations				2	2	
<b>Totals</b>		<b>1</b>	<b>1</b>	<b>2</b>	<b>11</b>	<b>13</b>	<b>0</b>
<u>Comments/suggestions for improvement</u>							
<ul style="list-style-type: none"> <li>Advise opportunities for training.</li> <li>In relation to 7, this is not in place but given the experience, capability and own resources of members I don't believe this is necessary.</li> <li>Size of documents (Committee papers) can be excessive and lengthy to allow appropriate time to analyse and critically evaluate (re item 6). This emphasizes the importance of succinct covering papers address the key areas of concern.</li> </ul>							

ID	Questions	Committee ratings					
		1	2	3	4	5	N/A
<b>C. Understanding the Business</b>							
12	The Committee has an adequate understanding of Council's:						
	- Risk management framework and risk profile			3	1		
	- Internal control framework to mitigate significant risks				3	1	
	- Financial and statutory reporting requirements				2	2	
	- Legislative compliance requirements				3	1	
13	The Committee receives appropriate briefings on:						
	- Current and emerging business risks			2	1	1	
	- Changes in financial reporting requirements				2	2	
	- Changes in performance reporting requirements				2	2	
	- Integrity Body reports				2	2	
	- Changes in the business/regulatory environment				3	1	
<b>Totals</b>		<b>0</b>	<b>0</b>	<b>5</b>	<b>19</b>	<b>12</b>	<b>0</b>
<u>Comments/suggestions for improvement</u>							
<ul style="list-style-type: none"> <li>Provide briefing on emerging business risks/issues.</li> <li>Risk management is an area of focus for management this is a work in progress.</li> <li>Financial reporting issues paper was an enhancement in 2022.</li> </ul>							
<b>D. Meeting Administration and Conduct</b>							
14	The Committee has had an appropriate number of meetings to properly discharge its responsibilities				1	3	
15	Agendas are structured to allow sufficient time to discuss all critical issues				2	2	
16	The Committee receives agendas and supporting papers in sufficient time prior to meetings				2	2	
17	Agendas and supporting papers are of sufficient clarity and quality to enable the Committee to make informed decisions				2	2	
18	Committee meetings are well run and productive				1	3	
19	Committee minutes are appropriately maintained and provided to Council on a timely basis			1	1	2	
<b>Totals</b>		<b>0</b>	<b>0</b>	<b>1</b>	<b>9</b>	<b>14</b>	<b>0</b>
<u>Comments/suggestions for improvement</u>							
Nil							
<b>E. Communications with Council</b>							
20	Committee communications to Council about its deliberations and decisions are appropriate.				2	2	
21	Committee reports to Council on its activities are appropriate				2	1	
<b>Totals</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>3</b>	
<u>Comments/suggestions for improvement</u>							
<ul style="list-style-type: none"> <li>This was identified as an opportunity for improvement in last year's survey. Considerable work has occurred including presentations to the Council and management on the role of the ARC, raising the profile of ARC reporting to Council, identification of key points to report to Council, workshop with management to improve effectiveness of the ARC.</li> </ul>							
<b>F. Management Commitment &amp; Support</b>							
22	Information and briefing papers presented by management meet the Committee's expectations in respect of:						
	- Council's risk profile and mitigating actions for key risks		2	1	1		

ID	Questions	Committee ratings					
		1	2	3	4	5	N/A
	- Maintenance of a strong internal control environment that is effective in mitigating key risks			1	2	1	
	- Management of Council's compliance and regulatory obligations			1	2	1	
	- Council's external reporting requirements				1	3	
23	The Committee has a positive attitude to continuous improvement in its dealings with management				2	2	
<b>Totals</b>		<b>0</b>	<b>2</b>	<b>3</b>	<b>8</b>	<b>7</b>	<b>0</b>
<u>Comments/suggestions for improvement</u>							
<ul style="list-style-type: none"> <li>Risk management continues to be W.I.P.</li> <li>As above, risk management is immature and a WIP.</li> </ul>							
<b>G. Internal Audit</b>							
24	The Committee reviewed and approved the internal audit plan				1	3	
25	The Committee considered the adequacy of internal audit resources				2	2	
26	The Committee reviewed and approved any significant changes to the internal audit plan				1	3	
27	The Committee considered the performance of the internal audit function				2	2	
28	The Committee reviewed all internal audit reports and monitored management responses to recommendations				1	3	
29	The Committee reviewed the Internal Audit Charter to ensure that appropriate structures, authority, access and reporting arrangements are in place for the internal audit function	1		1	1	2	
<b>Totals</b>		<b>1</b>	<b>0</b>	<b>1</b>	<b>8</b>	<b>15</b>	<b>0</b>
<u>Comments/suggestions for improvement</u>							
<ul style="list-style-type: none"> <li>Does not appear to be part of the Work Plan. Is there an IA Charter?</li> </ul>							
<b>H. External Audit</b>							
30	The Committee reviewed and approved the external audit plan				1	3	
31	The Committee reviewed external audit reports and management letters and monitored management responses to findings and recommendations made by external audit				1	3	
32	The Committee provided feedback on the performance of external audit				1	3	
<b>Totals</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>9</b>	
<u>Comments/suggestions for improvement</u>							
Nil							
<b>I. Other Comments [Please phrase your comments as opportunities for improvement]</b>							
<ul style="list-style-type: none"> <li>Level of remuneration of independent members needs to be reviewed including consideration of payment of travel expenses.</li> </ul>							
		<b>Committee ratings</b>					
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>N/A</b>
<b>Grand Totals for all Responses</b>		<b>2</b>	<b>3</b>	<b>12</b>	<b>68</b>	<b>83</b>	<b>0</b>

## 4.15 Council Representation on Various Regional/Peak Organisations for 2023

### Council Plan

### Theme Seven - Accountable and Viable Council

Strategy 19 - Improve Council's credibility as a trusted decision maker through meaningful engagement.

### Author's Title:

Acting Manager Integrity and Governance

### General Manager:

Damian Waight, Acting General Manager Strategy and Effectiveness

### Division:

Strategy and Effectiveness

### Department:

Governance

### Attachments:

1. 2022 12 13 Councillor Briefings Council Representation on Various Regional Organ [4.15.1 - 3 pages]

### Purpose

1. The purpose of this report is for Council to appoint Councillors to various regional/peak organisations for 2023.

### Recommendation

That Council appoints Councillors to the various regional/peak organisations for 2023 (Attachment 1).

**Cr Barker joined the meeting at 8.24pm.**

### Council Resolution

#### Moved Cr Allen, Seconded Cr Schonfelder

That Council appoints Councillors to the various regional/peak organisations for 2023 (Attachment 1).

CARRIED 9|0

For	Against	Abstained
Cr Allen	Nil	Nil
Cr Barker		
Cr Bodsworth		
Cr Gazzard		
Cr Hodge		
Cr Pattison		
Cr Schonfelder		
Cr Stapleton		
Cr Wellington		

### Outcome

2. If Council accepts this recommendation, Council will be appropriately represented on committees and regional/peak organisations for 2023.

### **Key Considerations**

3. Councillor representation on various committees and regional/peak organisations ensures that Council is well placed to advocate for a broad range of key matters which are significant to the community.
4. By reviewing appointments annually, Council is able to ensure that its involvement in the committees and organisations is relevant to Council's strategic goals, Council plan objectives and community priorities.
5. Council representation on most committees and organisations listed in the Attachment 1 is in a delegate capacity only without director responsibilities, however Council representatives on the following organisations will take on director roles:
  - 5.1. Geelong Regional Library Corporation
  - 5.2. Great Ocean Road Regional Tourism Inc.
  - 5.3. G21 Regional Alliance Ltd.
6. A director is in charge of the management of the company's business; they make the strategic and operational decisions of the company and are responsible for ensuring that the company meets its statutory obligations.
7. Whilst Committee members/delegates have limited authority, power, and responsibilities, and each committee operates under its own charter or terms of reference.

### **Background**

8. Each year, Councillors are nominated to represent Council at the meetings of various committees and organisations.
9. A brief description of the various committees and organisations is outlined in Attachment 1.

### **Options**

10. Alternative Option 1 – That Council does not appoint Councillors to various regional/peak organisations.

This option is not recommended by officers as Council would not be appropriately represented on these organisations. This would limit Council's opportunity to engage with different groups that represent, advocate and provide for the community.

### **Council Plan (including Health and Wellbeing Plan) Statement**

#### **Theme Seven - Accountable and Viable Council**

Strategy 19 - Improve Council's credibility as a trusted decision maker through meaningful engagement.

### **Financial Considerations**

11. There are no financial considerations associated with this report.

### **Community Engagement**

12. The outcome of Councillor appointments will be communicated to relevant organisations and communicated in the Council minutes on [www.surfcoast.vic.gov.au](http://www.surfcoast.vic.gov.au)

### **Statutory / Legal / Policy Considerations**

13. In accordance with section 53(3)(a) of the *Local Government Act 2020*, Councillors must be appointed as members of Council's Audit and Risk Committee. Additionally, Council's CEO Employment and Remuneration Policy also requires Councillor representation.

### **Risk Assessment**

14. If Councillors are not appointed to various committees, Council would not be appropriately represented and would limit Council's opportunity to engage with different groups that represent, advocate and provide for the community.

15. Councillors are required to consider the risks and regulatory requirements of any appointment to a Council committee, including conflicts of interests, confidentiality of information and adherence to other Council policies.

### **Sustainability Considerations**

16. There are no sustainability considerations associated with this report.

### **Conflict of Interest**

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

### **Confidentiality**

18. This report and attachment contain no confidential information under section 66(2) of the *Local Government Act 2020*.

### **Transparency**

#### **Audit and Risk Committee involvement**

This matter is not in scope of the Audit and Risk Committee.

### **Councillor Briefings**

This item was not discussed at Councillor Briefings prior to being presented to Council for consideration.

### Council Representation on Various Regional/Peak Organisations for 2023

Committees/organisation with legislated purpose	Councillors
Audit & Risk Committee	Cr Bodsworth Cr Wellington
Municipal Association of Victoria	Cr Schonfelder Cr Stapleton (sub)
Committees established to provide specific advice to Council	
All Abilities Advisory Committee	Cr Bodsworth Cr Hodge (sub)
Barwon South West Waste and Resource Recovery Group (LG Forum)	Cr Bodsworth
Bells Beach Committee	Cr Bodsworth Cr Gazzard
Chief Executive Officer Employment Matters Committee	All Councillors
Positive Ageing Advisory Committee	Cr Allen
Corporations with local government representation (director positions)	
Geelong Regional Library Corporation	Cr Pattison Cr Schonfelder (sub)
Great Ocean Road Regional Tourism Inc. Board	Robyn Seymour
G21 Geelong Region Alliance Ltd - Board of Directors	Cr Pattison Robyn Seymour
Other organisations/committees	
Lorne Community Impact Advisory Committee	Cr Allen
Torquay Community Impact Advisory Committee	Cr Hodge Cr Barker
Australian Local Government Association	Cr Pattison
Geelong Heritage Centre Collection Advisory Committee	Cr Allen
Peri Urban Group of Rural Councils	Cr Pattison Robyn Seymour
G21 Pillars	
G21 Culture and Economic Development Pillar	Cr Allen
G21 Health and Wellbeing Pillar	Cr Bodsworth
G21 Sustainability Pillar	Cr Pattison Cr Gazzard (sub)
Managing Growth Advisory Group	Cr Stapleton

### Description of the Various Regional/Peak Organisations

<b>Committees/organisation with legislated purpose</b>	<b>Description</b>
Audit & Risk Committee	The Audit and Risk Committee plays a key role in assisting Council to fulfil its governance responsibilities in relation to financial reporting, internal control, compliance with legislative requirements, risk management systems, ethical accountability and the internal and external audit functions. Two Councillors must be appointed to the Audit and Risk Committee.
Municipal Association of Victoria (MAV)	The MAV promotes efficiency in municipal government functions throughout the State of Victoria and protect the interests, rights and privileges of municipal corporation. Functions include advocacy, capacity building, networking, policy development, professional development and awareness.
<b>Committees established to provide specific advice to Council</b>	<b>Description</b>
All Abilities Advisory Committee (AAAC)	The AAAC's objectives are to advise Council on opportunities to improve access and inclusion for people of all abilities that reside in and visit the Surf Coast Shire. The committee advocates for improved access and inclusion and promotes participation for people of all abilities in community activities.
Bells Beach Committee	The Bells Beach Committee provides appropriate advice and recommendations about the Bells Beach Surfing Recreation Reserve to Council.
Chief Executive Officer Employment Matters Committee	The CEO Employment Matters Committee is responsible for reviewing the performance of the CEO. A CEO review is conducted annually and the committee may be required to meet on several occasions whilst finalising a review process.
Positive Ageing Advisory Committee	The Positive Ageing Advisory Committee considers Council's future role in providing services, programs and facilities to older people, within the context of the federal government's Aged Care Reforms and changing community needs.
Barwon South West Waste and Resource Recovery Group (BSWRRG) (LG Forum)	The BSWRRG finds innovative ways to reduce and recycle waste and plans for the future waste and recycling needs of the Barwon South West region.
<b>Corporations with local government representation (Director Positions)</b>	<b>Description</b>
Geelong Regional Library Corporation (GRLC)	The GRLC provides library and information services to residents and visitors across the Geelong region on behalf of member councils. The network comprises of a central library, 16 community libraries, two mobile libraries and a website. It provides free, universal access to lifelong learning, reading and discovery.

Great Ocean Road Regional Tourism Inc. (GORRT)	GORRT facilitates, promotes and advocates for the sustainable development (product, infrastructure and industry), marketing and management of tourism for the region.
G21 Geelong Region Alliance Ltd - Board of Directors	G21 is the formal alliance of government, business and community organisations working together to improve the lives of people within the Geelong region across five municipalities – Colac Otway, Golden Plains, Greater Geelong, Queenscliff and Surf Coast. G21 supports the delivery of projects that benefit the region across municipal boundaries and is a platform for the region to speak with one voice to all levels of government.
<b>Other Organisations/Committees</b>	<b>Description</b>
Community Impact Advisory Committees (CIAC)	Individual CIACs are in place for the townships of Lorne, Anglesea, Torquay and the Hinterlands. Their purpose is to facilitate better integrated planning to enhance community safety in relation to events and during peak visitor times.
Australian Local Government Association (ALGA)	The ALGA represents local government on national bodies and ministerial councils, provides submissions to government and parliamentary inquiries, raises the profile and concerns of local government at the national level and provides forums for local government to guide the development of national local government policies.
Peri-Urban Group of Rural Councils	The Peri Urban Group of Rural Councils represent those council shires that are immediately adjacent to Metro Melbourne and Geelong. The group advocates for support and solutions to shared issues within the Victorian peri urban region at a local, state and national level.
Geelong Heritage Centre Advisory Committee	The purpose of the Geelong Heritage Centre Collection Advisory Committee is to provide Heritage Centre collection related advice and recommendations to the GRLC Board.
G21 Pillars	There are three G21 pillar groups and 1 advisory group based on the region's key priorities including culture and economic development, health and wellbeing, first nations conservation and sustainability.

## 4.16 S6 Instrument of Delegation - Council to staff

<b>Council Plan</b>	<b>Theme Seven - Accountable and Viable Council</b> Strategy 19 - Improve Council's credibility as a trusted decision maker through meaningful engagement.
<b>Author's Title:</b>	Acting Manager Integrity and Governance
<b>General Manager:</b>	Damian Waight, Acting General Manager Strategy and Effectiveness
<b>Division:</b>	Strategy and Effectiveness
<b>Department:</b>	Governance
<b>Attachments:</b>	<ol style="list-style-type: none"><li>s6 Instrument of Delegation Council to Members of Staff Maddocks Biannual Up (1) [4.16.1 - 135 pages]</li><li>S6 Instrument of Delegation Members of Staff Update Biannual 2022 (1) [4.16.2 - 6 pages]</li></ol>

### Purpose

- The purpose of this report is for Council to consider the S6 Instrument of Delegation, which delegates powers, functions and duties to particular Council staff holding the duties of the offices or positions referred to in this Instrument.

### Recommendation

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

- Delegates powers, functions and duties to particular Council staff holding the duties of the offices or positions referred to in this Instrument subject to the conditions and limitations specified in the Instrument;
- Authorises the Chief Executive Officer to execute the S6 Instrument of Delegation;
- Approves the S6 Instrument of Delegation to come into force immediately upon execution;
- Brings this S6 Instrument of Delegation into force and revokes the previous S6 instrument of delegation.

### Council Resolution

#### **Moved Cr Barker, Seconded Cr Allen**

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

- Delegates powers, functions and duties to particular Council staff holding the duties of the offices or positions referred to in this Instrument subject to the conditions and limitations specified in the Instrument;
- Authorises the Chief Executive Officer to execute the S6 Instrument of Delegation;
- Approves the S6 Instrument of Delegation to come into force immediately upon execution;
- Brings this S6 Instrument of Delegation into force and revokes the previous S6 instrument of delegation.

CARRIED 9|0

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

### **Outcome**

2. Through this report, Council can ensure that it delegates decisions appropriately and continues services that deliver ongoing outcomes for the community.

### **Key Considerations**

3. Council's ability to delegate to members of staff is provided under many of the Acts applicable to Council's activities
4. 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.
5. The updates to the S6 Instrument of Delegation are presented following the biannual update in Attachment 2, and the changes are related to the *Planning and Environment Act 1987*.

### **Background**

6. Council's Instruments of Delegation are updated biannually based on specialist legal advice, and are also updated from time to time as required to reflect changes in roles and organisational structure
7. Council has the power to delegate to Council staff in accordance with relevant legislation with each of the Acts described within the Instrument.

### **Options**

8. Alternative Option 1 – That Council does not adopt the Instrument of Delegation.  
This option is not recommended by officers as a thorough review has been conducted to ensure the correct positions are included under each legislative provision. Changes to the report's recommendation could result in unqualified personnel being made responsible for actioning operations, or appropriately qualified personnel being unable to perform their roles.

## **Council Plan (including Health and Wellbeing Plan) Statement**

### **Theme Seven - Accountable and Viable Council**

Strategy 19 - Improve Council's credibility as a trusted decision maker through meaningful engagement.

### **Financial Considerations**

9. There are no financial implications associated with this report.

### **Community Engagement**

10. Community engagement is not required to be undertaken when updating the S6 Instrument of Delegation.

### **Statutory / Legal / Policy Considerations**

11. Section 11 of the *Local Government Act 2020* allows Council to delegate certain matters to the CEO.

12. The below sections of legislation identify the mechanisms by which Council is authorised to delegate the items in the S6 Instrument of Delegation.

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

13. Council's delegations have been reviewed by a specialist legal firm to ensure legal compliance.

### **Risk Assessment**

14. This report will provide the appropriate delegated authority for officers and they will be able to exercise the powers under the relevant legislation.

15. If officers aren't appropriately authorised it would significantly impact service delivery and other decision-making processes resulting in fewer and lower quality outcomes for the community.

### **Sustainability Considerations**

16. There are no sustainability considerations associated with this report.

### **Conflict of Interest**

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

**Confidentiality**

18. This report and attachment contain no confidential information under section 66(2) of the *Local Government Act 2020*.

**Transparency**

**Audit and Risk Committee involvement**

This matter has not been considered by the Audit and Risk Committee.

**Councillor Briefings**

This item was not discussed at Councillor Briefings prior to being presented to Council for consideration.



Surf Coast Shire

## Instrument of Delegation

S6 Instrument of Delegation – Council to Members of Council Staff



## S6 Instrument of Delegation – Council to Members of Council Staff

### Instrument of Delegation

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

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

Abbreviation	Position
AOPD	Administration Officer Planning and Development
AOPlan	Administrative Officer
APO	Asset Protection Officer
BI	Building Inspector
BS	Building Surveyor
CEO	Chief Executive Officer
CRMg	Compliance Resolution Manager
CEng	Construction Engineer
CCO	Coordinator Civil Operations
CDT	Coordinator Design & Traffic
CDE	Coordinator Development Engineering
CEH	Coordinator Environmental Health
CFA	Coordinator Financial Accounting
CPC	Coordinator Planning Compliance
CRS	Coordinator Ranger Services
CSP	Coordinator Statutory Planning
CSLUP	Coordinator Strategic/Land Use Planning
CWM	Coordinator Waste Management
CSO	Customer Services Officer and Team Leader
DE	Development Engineer
EHO	Environmental Health Officer
GMCL	General Manager Community Life



Abbreviation	Position
GMSE	General Manager Strategy and Effectiveness
GMPME	General Manager Place Making and Environment
IDO	Infrastructure Development Officer
MAE	Manager Assets and Engineering
MCSa	Manager Community Safety
MF	Manager Finance
MIP	Manager Integrated Planning
MPCo	Manager Planning and Compliance
MBS	Municipal Building Surveyor
ND	Not Delegated
PPO	Para Planning Officer
PIO	Planning & Investigations Officer
PAO	Planning Administration Officer
PCSASO	Planning Customer Service and Administration Support Officer
PO	Planning Officer
PPIO	Principal Investigations Officer
PStaP	Principal Statutory Planner
PStrP	Principal Strategic Planner
PSO	Project Support Officer
PropO	Property Officer
SPIO	Senior Planning & Development Investigations Officer
SP	Statutory Planner
SPP	Senior Statutory Planner
SAM	Strategic Asset Manager
TLPPS	Team Leader Para Planning and Subdivisions
TLRS	Team Leader Ranger Services
VSP	VicSmart Planner

3. declares that:

3.1. this Instrument of Delegation is authorised by a resolution of Council passed on 22 March 2022, and



- 3.2. the delegation:
  - 3.2.1. comes into force immediately upon signing of this Instrument of Delegation;
  - 3.2.2. remains in force until varied or revoked;
  - 3.2.3. is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
  - 3.2.4. must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
- 3.3. the delegate must not determine the issue, take the action or do the act or thing:
  - 3.3.1. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
  - 3.3.2. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a:
    - (a) policy; or
    - (b) strategy adopted by Council;
  - 3.3.3. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
  - 3.3.4. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

Executed by the Chief Executive Officer on behalf of the Surf Coast Shire Council pursuant to the Council resolution dated 13 December 2022.

.....  
*Robyn Seymour - Chief Executive Officer*

.....  
Dated

Domestic Animals Act 1994			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 41A(1)	Power to declare a dog to be a menacing dog	CRS, TLRS, GMCL, MCSa	Council may delegate this power to a Council authorised officer

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	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,	CEH, EHO	If s 19(1) applies

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	or for any other specified purpose, or for the use of any specified equipment or a specified process		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	CEO, CEH	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	CEO, CEH, 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	CEO, CEH, EHO	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	CEH, EHO	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	CEH, EHO	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	CEH, EHO	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	CEH, EHO	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	CEH, EHO	Where Council is the registration authority
s 19EA(3)	Function of receiving copy of revised food safety program	CEH, EHO	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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
s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	CEH, EHO	Where Council is the registration authority
s 19IA(2)	Duty to give written notice to the proprietor of the premises	CEH, EHO	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	ND	Where Council is the registration authority
s 19N(2)	Function of receiving notice from the auditor	CEH, EHO	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	CEH, EHO	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	CEH	Where Council is the registration authority
	Power to register or renew the registration of a food premises	CEH, EHO	Where Council is the registration authority  Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
s 36A	Power to accept an application for registration or notification using online portal	CEH, EHO	Where Council is the registration authority
s 36B	Duty to pay the charge for use of online portal	CEH	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	CEH, EHO	Where Council is the registration authority
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	CEH	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	CEH, EHO	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	CEH, EHO	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	CEH, EHO	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	CEH, EHO	Where Council is the registration authority
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	CEH, EHO	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	CEH, EHO	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	CEH, EHO	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	CEH, EHO	Where Council is the registration authority  not exceeding the prescribed time limit defined under s 38E(5)

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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 of the food safety program type used for the food premises	CEH, EHO	Where Council is the registration authority
s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	CEH, EHO	Where Council is the registration authority
s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	CEH, EHO	Where Council is the registration authority
s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	CEH, EHO	

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 39A	Power to register, or renew the registration of a food premises despite minor defects	CEH, EHO	Where Council is the registration authority  Only if satisfied of matters in s 39A(2)(a)-(c)
s 39A (6)	Duty to comply with a direction of the Secretary	CEH, EHO	
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	CEH, EHO	Where Council is the registration authority
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	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

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 40D(1)	Power to suspend or revoke the registration of food premises	CEH	Where Council is the registration authority
s 40E	Duty to comply with direction of the Secretary	CEH, EHO	
s 40F	Power to cancel registration of food premises	CEH, EHO	Where Council is the registration authority
s 43	Duty to maintain records of registration	CEH, EHO	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering or renewing registration of a component of a food business	CEH, EHO	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	CEH, EHO	Where Council is the registration authority
s 45AC	Power to bring proceedings	CEH, EHO	
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	CEH, EHO	Where Council is the registration authority

Heritage Act 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 116	Power to sub-delegate Executive Director's functions, duties or powers	CEO, GMPME	Must first obtain Executive Director's written consent

Heritage Act 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation

Local Government Act 1989			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	CSLUP, CSP, MIP, GMPME, MPCo	If authorised by the Minister

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	PO, CSLUP, CSP, PStaP, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 4I(2)	Duty to make and copy of the Victorian Planning Provisions and other documents available in accordance with public availability requirements	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, SPP, PropO, PStrP, TLPPS, MIP, GMPME, MPCo	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	CSLUP, CSP, PStaP, PStrP, MIP, GMPME, MPCo	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	CSLUP, CSP, MIP, GMPME, MPCo	
s 8A(5)	Function of receiving notice of the Minister's decision	CSLUP, CSP, PStaP, PStrP, MIP, GMPME, MPCo	
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, MIP, GMPME, MPCo	
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, MIP, GMPME, MPCo	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, MIP, GMPME, MPCo	
s 12B(1)	Duty to review planning scheme	CSLUP, CSP, MIP, GMPME, MPCo	
s 12B(2)	Duty to review planning scheme at direction of Minister	CSLUP, CSP, MIP, GMPME, MPCo	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	CSLUP, CSP, MIP, GMPME, MPCo	
s 14	duties of a Responsible Authority as set out in s 14(a) to (d)	PO, CSLUP, CPC, CSP, PPIO, PIO, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, VSP, SPP,	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PStrP, TLPPS, CRMg, MIP, GMPME, MPCo	
s 17(1)	Duty of giving copy amendment to the planning scheme	PO, CSLUP, CSP, PStaP, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 17(2)	Duty of giving copy s 173 agreement	PO, CSLUP, CSP, PStaP, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	PO, CSLUP, CSP, PStaP, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	PO, CSLUP, PAO, AOPD, PCSASO, AOPlan, PPO, SPP,	Until the proposed amendment is approved or lapsed

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PStrP, TLPPS, MIP, GMPME, MPCo	
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	PO, CSLUP, CSP, PStaP, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	PO, CSLUP, CSP, PStaP, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	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, PStaP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	Where Council is a planning authority

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 21(2)	Duty to make submissions available in accordance with public availability requirements	PO, CSLUP, CSP, PStaP, PSO, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	Until the end of 2 months after the amendment comes into operation or lapses
s 21A(4)	Duty to publish notice	PO, CSLUP, CSP, PStaP, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 22(1)	Duty to consider all submissions received before the date specified in the notice	PO, CSLUP, CSP, PStaP, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	Except submissions which request a change to the items in s 22(5)(a) and (b) <hr/> Except those referred to a Hearing of Submissions Committee.
s 22(2)	Power to consider a late submission Duty to consider a late submission, if directed by the Minister	MIP, GMPME, MPCo	
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	CSLUP, CSP, MIP, GMPME, MPCo	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	CSLUP, CSP, MIP, GMPME, MPCo	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	CSLUP, CSP, PStaP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
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, PStaP, PStrP, MIP, GMPME, MPCo	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	PO, CSLUP, CSP, PStaP, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	During the inspection period

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 27(2)	Power to apply for exemption if panel's report not received	CSLUP, CSP, PStaP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 28(1)	Duty to notify the Minister if abandoning an amendment	CSLUP, CSP, MIP, GMPME, MPCo	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	PO, CSLUP, CSP, PStaP, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	PO, CSLUP, CSP, PStaP, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 30(4)(a)	Duty to say if amendment has lapsed	CSLUP, CSP, PStaP, PStrP, MIP, GMPME, MPCo	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 30(4)(b)	Duty to provide information in writing upon request	CSLUP, CSP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 32(2)	Duty to give more notice if required	PO, CSLUP, CSP, PStaP, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 33(1)	Duty to give more notice of changes to an amendment	PO, CSLUP, CSP, PStaP, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 36(2)	Duty to give notice of approval of amendment	PO, CSLUP, CSP, PStaP, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 38(5)	Duty to give notice of revocation of an amendment	CSLUP, CSP, PStaP, PSO, VSP, SPP,	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PStrP, TLPPS, MIP, GMPME, MPCo	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	CSLUP, CSP, PStaP, PStrP, MIP, GMPME, MPCo	
s 40(1)	Function of lodging copy of approved amendment	PO, CSLUP, CSP, PStaP, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	PO, CSLUP, CSP, PStaP, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
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	PO, CSLUP, CSP, PStaP, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	ND	Where Council is a responsible public entity and is a planning authority  Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils
s 46AW	Function of being consulted by the Minister	CSLUP, CSP, MIP, GMPME, MPCo	Where Council is a responsible public entity

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy  Power to endorse the draft Statement of Planning Policy	CSLUP, CSP, MIP, GMPME, MPCo	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, PStaP, PStrP, MIP, GMPME, MPCo	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, PStaP, PStrP, MIP, GMPME, MPCo	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, PStaP, PStrP, MIP, GMPME, MPCo	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	CSLUP, CSP, PStaP, PStrP, MIP, GMPME, MPCo	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	CSLUP, CSP, PStaP, PStrP, MIP, GMPME, MPCo	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	CSLUP, CSP, PStaP, PStrP, MIP, GMPME, MPCo	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	CSLUP, CSP, PStaP, PStrP, MIP, GMPME, MPCo	
s 46GP	Function of receiving a notice under s 46GO	CSLUP, CSP, PStaP, PStrP, MIP, GMPME, MPCo	Where Council is the collecting agency

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, PStaP, PStrP, MIP, GMPME, MPCo	
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, PStaP, PStrP, MIP, GMPME, MPCo	
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, PStaP, PStrP, MIP, GMPME, MPCo	
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, PStaP, PStrP, MIP, GMPME, MPCo	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	CSLUP, CSP, PStaP, PStrP, MIP, GMPME, MPCo	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	CSLUP, CSP, PStaP, PStrP, MIP, GMPME, MPCo	
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, PStaP, PStrP, MIP, GMPME, MPCo	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	CSLUP, CSP, PStaP, PStrP, MIP, GMPME, MPCo	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, PStaP, PStrP, MIP, GMPME, MPCo	
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, PStaP, PStrP, MIP, GMPME, MPCo	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	CSLUP, CSP, PStaP, PStrP, MIP, GMPME, MPCo	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, PStaP, PStrP, MIP, GMPME, MPCo	Where Council is the development agency

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	CSLUP, CSP, PStaP, PStrP, MIP, GMPME, MPCo	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, PStaP, PStrP, MIP, GMPME, MPCo	
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	MF, MIP, GMPME, MPCo, GMSE	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, PStaP, PStrP, MIP, GMPME, MPCo	Where Council is the collecting agency
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	MF, MIP, GMPME, MPCo, GMSE	Where Council is the collecting agency

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GY(1)	Duty to keep proper and separate accounts and records	MF, MIP, GMPME, MPCo, GMSE	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	MF, MIP, GMPME, MPCo, GMSE	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	MF, MIP, GMPME, MPCo, GMSE	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	MF, MIP, GMPME, MPCo, GMSE	Where the Council is the planning authority  This duty does not apply where Council is also the collecting agency

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, PStaP, PStrP, MIP, GMPME, MPCo	Where Council is the collecting agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the relevant development agency
s 46GZ(2)(b)	Function of receiving the monetary component	MF, MIP, GMPME, MPCo, GMSE	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	MF, MIP, GMPME, MPCo, GMSE	Where Council is the collecting agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	that are to be forwarded to a development agency under s 46GZ(5)		
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	MF, MIP, GMPME, MPCo, GMSE	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	MF, MIP, GMPME, MPCo, GMSE	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

Planning and Environment Act 1987			
Provision	Power 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	MF, MIP, GMPME, MPCo, GMSE	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, GMPME, MPCo	<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	MF, MIP, GMPME, MPCo, GMSE	Where Council is the development agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	MF, MIP, GMPME, MPCo, GMSE	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	MF, CSLUP, CSP, MIP, GMPME, MPCo	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)	MF, GMSE	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	MF, MIP, GMPME, MPCo, GMSE	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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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)	MF, MIP, GMPME, MPCo, GMSE	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)	MF, MIP, GMPME, MPCo, GMSE	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)	MF, MIP, GMPME, MPCo, GMSE	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	MF, MIP, GMPME, MPCo, GMSE	Where Council is the development agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the collecting agency
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	MF, MIP, GMPME, MPCo, GMSE	Where Council is the collecting agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			This duty does not apply where Council is also the development agency
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	MF, MIP, GMPME, MPCo, GMSE	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	MF, MIP, GMPME, MPCo, GMSE	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)	MF, MIP, GMPME, MPCo, GMSE	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	MF, MIP, GMPME, MPCo, GMSE	Where Council is the collection agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
Provision	Power 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)	MF, MIP, GMPME, MPCo, GMSE	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)	MF, MIP, GMPME, MPCo, GMSE	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	MF, MIP, GMPME, MPCo, GMSE	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	MF, MIP, GMPME, MPCo, GMSE	Where Council is a collecting agency or development agency

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	MF, PropO, MIP, GMPME, MPCo, GMSE	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)	MF, CSLUP, CSP, MIP, GMPME, MPCo, GMSE	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	CSLUP, CSP, PStaP, PStrP, MIP, GMPME, MPCo	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	CSLUP, CSP, PStaP, PStrP, MIP, GMPME, MPCo	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	CSLUP, CSP, PStaP, PStrP, MIP, GMPME, MPCo	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, PStaP, PStrP, MIP, GMPME, MPCo	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	CSLUP, CSP, PStaP, PStrP, MIP, GMPME, MPCo	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	CSLUP, CSP, PStaP, PStrP, MIP, GMPME, MPCo	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CSLUP, CSP, MIP, GMPME, MPCo	
s 46Q(1)	Duty to keep proper accounts of levies paid	MF, CFA, CSLUP, CSP, IDO, DE, CEng, MIP, GMPME, MPCo, GMSE	

Planning and Environment Act 1987			
Provision	Power 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	MF, CFA, CSLUP, CSP, IDO, DE, CEng, MIP, GMPME, MPCo, GMSE	
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	CEO, MF, SAM, CFA, CSLUP, CSP, IDO, DE, CEng, MIP, GMPME, MPCo, GMSE	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	MF, CFA, CSLUP, CSP, MIP, GMPME, MPCo, GMSE	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)	MF, CFA, CSLUP, CSP, MIP, GMPME, MPCo, GMSE	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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	CSLUP, CSP, MIP, GMPME, MPCo	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	MF, SAM, CFA, CSLUP, CSP, MIP, GMPME, MPCo, GMSE	With the consent of, and in the manner approved by, the Minister
s 46QC	Power to recover any amount of levy payable under Part 3B	MF, SAM, CFA, CSLUP, CSP, MIP, GMPME, MPCo, GMSE	
s 46QD	Duty to prepare report and give a report to the Minister	MF, MIP, GMPME, MPCo, GMSE	Where Council is a collecting agency or development agency

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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 in accordance with the public availability requirements, during the inspection period	ND	
s 46V(4)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with s 197B of the Act and on payment of the prescribe fee, after the inspection period	ND	
s 46V(5)	Duty to keep a copy of the approved strategy plan incorporating all amendments to it	ND	
s 46V(6)	Duty to make a copy of the approved strategy plan incorporating all amendments to it available in accordance with the public available requirements	ND	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	PO, CSLUP, CPC, CSP, PPIO, SPIO, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, CRMg, MIP, GMPME, MPCo	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	PO, CSLUP, CPC, CSP, PPIO, SPIO, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, CRMg, MIP, GMPME, MPCo	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 50(4)	Duty to amend application	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 50(5)	Power to refuse to amend application	PO, CSLUP, CSP, PStaP, VSP, SPP, PStrP, TLPPS, MIP, MPCo	
s 50(6)	Duty to make note of amendment to application in register	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan,	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 50A(1)	Power to make amendment to application	PO, CSLUP, CSP, PStaP, VSP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	PO, CSLUP, CSP, PStaP, VSP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 50A(4)	Duty to note amendment to application in register	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	PO, CSLUP, CSP, PStrP, TLPPS, MIP, GMPME, MPCo	
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	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP,	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
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	PO, CSLUP, CSP, PStAP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
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	PO, CSLUP, CSP, PStAP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	PO, CSLUP, CSP, PStAP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP,	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 52(3)	Power to give any further notice of an application where appropriate	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP,	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 54(1)	Power to require the applicant to provide more information	PO, CSLUP, CSP, PStaP, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	PO, CSLUP, CSP, PStaP, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 54(1B)	Duty to specify the lapse date for an application	PO, CSLUP, CSP, PStaP, VSP, SPP,	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PStrP, TLPPS, MIP, GMPME, MPCo	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	PO, CSLUP, CSP, PStaP, VSP, SPP, PStrP, TLPPS, MIP, MPCo	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	PO, CSLUP, CSP, PStaP, VSP, SPP, PStrP, TLPPS, MIP, MPCo	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CSLUP, CSP, MIP, MPCo	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			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	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan,	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 57A(5)	Power to refuse to amend application	PO, CSLUP, CSP, PStaP, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 57A(6)	Duty to note amendments to application in register	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 57B(1)	Duty to determine whether and to whom notice should be given	PO, CSLUP, CSP, PStaP, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	PO, CSLUP, CSP, PStaP, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 57C(1)	Duty to give copy of amended application to referral authority	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 58	Duty to consider every application for a permit	PO, CSLUP, CSP, PStaP, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 58A	Power to request advice from the Planning Application Committee	CSLUP, CSP, PStaP, PStrP, MIP, GMPME, MPCo	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 60	Duty to consider certain matters	PO, CSLUP, CSP, PStaP, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 60(1A)	Duty to consider certain matters	PO, CSLUP, CSP, PStaP, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	PO, CSLUP, CSP, PStaP, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
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	PO, CSLUP, CSP, PStaP, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	<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</p>

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			<p>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 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;</p>

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			<p>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> <p>The authority to determine to refuse an application is limited to the Manager Planning &amp; Development and the General Manager Environment &amp; Development.</p>

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CSLUP, CSP, PStaP, PStrP, MIP, GMPME, MPCo	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, or 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	CSP, GMPME, MPCo	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, MIP, GMPME, MPCo	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment & Development, Manager Planning & Development or Coordinator Statutory Planning.

Planning and Environment Act 1987			
Provision	Power 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, MIP, GMPME, MPCo	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, MIP, GMPME, MPCo	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	PO, CSLUP, CSP, PStaP, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment & Development, Manager Planning & Development or Coordinator Statutory Planning.

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 62(2)	Power to include other conditions	PO, CSLUP, CSP, PStaP, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	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)	PO, CSLUP, CSP, PStaP, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	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	PO, CSLUP, CSP, PStaP, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment & Development, Manager Planning & Development or Coordinator Statutory Planning.

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	PO, CSLUP, CSP, PStaP, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	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)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	PO, CSLUP, CSP, PStaP, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	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)	PO, CSLUP, CSP, PStaP, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment & Development, Manager Planning & Development or Coordinator Statutory Planning.

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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)	PO, CSLUP, CSP, PStaP, VSP, SPP, PStrP, TLPPS, MIP, MPCo	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 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, MPCo	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	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	This provision applies also to a decision to grant an amendment to a permit - see s 75

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 64(3)	Duty not to issue a permit until after the specified period	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	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	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	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 the application, if a relevant recommending referral authority has objected to the grant of a permit	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	This provision applies also to a decision to grant an amendment to a permit - see s 75A

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	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	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 69(1A)	Function of receiving application for extension of time to complete development	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 69(2)	Power to extend time	CSLUP, CSP, PStaP, SPP, PStrP, TLPPS, MIP, MPCo	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment & Development, Manager Planning & Development or Coordinator Statutory Planning, or Principal Statutory Planner.
s 70	Duty to make copy permit available for inspection in accordance with the public availability requirements	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 71(1)	Power to correct certain mistakes	CSLUP, CSP, PStaP, PStrP, MIP, GMPME, MPCo	
s 71(2)	Duty to note corrections in register	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 73	Power to decide to grant amendment subject to conditions	PO, CSLUP, CSP, PStaP, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	<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>

Planning and Environment Act 1987			
Provision	Power 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</p>

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			<p>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> <p>The authority to determine to refuse an application is limited to the Manager Planning &amp; Development and the General Manager Environment &amp; Development.</p>
s 74	Duty to issue amended permit to applicant if no objectors	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	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	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	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, PStaP, PStrP, MIP, GMPME, MPCo	
s 83	Function of being respondent to an appeal	PO, CSLUP, CSP, PStaP, VSP, SPP,	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PStrP, TLPPS, MIP, GMPME, MPCo	
s 83B	Duty to give or publish notice of application for review	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
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, MIP, GMPME, MPCo	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, PStaP, PStrP, MIP, GMPME, MPCo	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, PStaP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	CSLUP, CSP, PStaP, PStrP, MIP, GMPME, MPCo	
s 84AB	Power to agree to confining a review by the Tribunal	CSLUP, CSP, PStaP, PStrP, MIP, GMPME, MPCo	
s 86	Duty to issue a permit at order of Tribunal within 3 working days	PO, CSLUP, CSP, PStaP, VSP, PStrP, MIP, GMPME, MPCo	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	CSLUP, CPC, CSP, CRMg, MIP, GMPME, MPCo	

Planning and Environment Act 1987			
Provision	Power 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	CSLUP, CPC, CSP, PStaP, PStrP, CRMg, MIP, GMPME, MPCo	
s 91(2)	Duty to comply with the directions of VCAT	CSLUP, CPC, CSP, SPIO, PStaP, PStrP, CRMg, MIP, GMPME, MPCo	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	CSLUP, CPC, CSP, PStaP, PStrP, CRMg, MIP, GMPME, MPCo	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	CSO, CSLUP, CPC, SPP, TLPPS, CRMg, MIP, GMPME, MPCo	
s 93(2)	Duty to give notice of VCAT order to stop development	CSLUP, CPC, CSP, PPIO, SPIO, PStaP, SPP, PStrP, TLPPS,	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		CRMg, MIP, GMPME, MPCo	
s 95(3)	Function of referring certain applications to the Minister	CSLUP, CSP, PStaP, PStrP, MIP, GMPME, MPCo	
s 95(4)	Duty to comply with an order or direction	CSLUP, CSP, PStaP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	CSLUP, CSP, PStaP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
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, MIP, GMPME, MPCo	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	CSLUP, CSP, MIP, GMPME, MPCo	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
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	PO, CSLUP, CSP, PStaP, PAO, AOPD,	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 96J	Duty to issue permit as directed by the Minister	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
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	PO, CSLUP, CSP, PStaP, VSP, SPP,	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PStrP, TLPPS, MIP, GMPME, MPCo	
s 97C	Power to request Minister to decide the application	MIP, GMPME, MPCo	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
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	PO, CSLUP, CSP, PSO, VSP, SPP, TLPPS, MIP, GMPME, MPCo	
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP,	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	PO, CSLUP, CSP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, TLPPS, MIP, GMPME, MPCo	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	PO, CSLUP, CSP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, TLPPS, MIP, GMPME, MPCo	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	GMPME, MPCo	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	CSLUP, CPC, CSP, SPP, TLPPS, CRMg, MIP, GMPME, MPCo	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 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	CSLUP, CPC, CSP, PPIO, SPIO, SPP, TLPPS, CRMg, MIP, GMPME, MPCo	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CSLUP, CPC, CSP, PPIO, SPIO, PStaP, SPP, PStrP, TLPPS, CRMg, MIP, GMPME, MPCo	
s 97Q(4)	Duty to comply with directions of VCAT	CSLUP, CPC, CSP, SPIO, TLPPS, CRMg, MIP, GMPME, MPCo	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	CSLUP, CPC, CSP, PPIO, SPIO, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, SPP, PStrP, TLPPS, CRMg, MIP, GMPME, MPCo	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	PO, CSLUP, CSP, PStaP, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	CSLUP, CSP, PStaP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 101	Function of receiving claim for expenses in conjunction with claim	CSLUP, CSP, PStaP, PStrP, MIP, GMPME, MPCo	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 103	Power to reject a claim for compensation in certain circumstances	CSLUP, CSP, MIP, GMPME, MPCo	
s.107(1)	function of receiving claim for compensation	CSLUP, CSP, PStaP, PStrP, MIP, GMPME, MPCo	
s 107(3)	Power to agree to extend time for making claim	CSLUP, CSP, MIP, GMPME, MPCo	
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	CSLUP, CSP, PStaP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 114(1)	Power to apply to the VCAT for an enforcement order	CSLUP, CPC, CSP, PPIO, SPIO, PStaP, PSO, SPP, TLPPS, CRMg, MIP, GMPME, MPCo	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	CSLUP, CPC, CSP, PPIO, SPIO, PStaP, PSO, SPP, TLPPS, CRMg, MIP, GMPME, MPCo	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CSLUP, CPC, CSP, PPIO, SPIO, SPP, TLPPS, CRMg, MIP, GMPME, MPCo	
s 123(1)	Power to carry out work required by enforcement order and recover costs	CSLUP, CPC, CSP, CRMg, MIP, GMPME, MPCo	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	CSLUP, CPC, CSP, CRMg, MIP, GMPME, MPCo	Except Crown Land

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 129	Function of recovering penalties	CSLUP, CPC, CSP, CRMg, MIP, GMPME, MPCo	
s 130(5)	Power to allow person served with an infringement notice further time	CSLUP, CPC, CSP, CRMg, MIP, GMPME, MPCo	
s 149A(1)	Power to refer a matter to the VCAT for determination	CSLUP, CPC, CSP, PPIO, PStaP, SPP, PStrP, TLPPS, CRMg, MIP, GMPME, MPCo	
s 149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	CSLUP, CPC, CSP, PStaP, SPP, PStrP, TLPPS, CRMg, MIP, GMPME, MPCo	
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	CSLUP, CSP, MIP, GMPME, MPCo	Where Council is the relevant planning authority

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	otherwise under s 156(2B)power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)		
s 171(2)(f)	Power to carry out studies and commission reports	CSLUP, CPC, CSP, PStaP, SPP, PStrP, TLPPS, CRMg, MIP, GMPME, MPCo	
s 171(2)(g)	Power to grant and reserve easements	CSLUP, CSP, MIP, GMPME, MPCo	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	GMPME	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)	GMPME	Where Council is a collecting agency specified in an approved infrastructure contributions plan

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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)	GMPME	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, GMPME, MPCo	The MPCo and the GMPME delegated power is limited to agreements required by the planning scheme, building envelopes and waste water management envelopes.
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	GMPME	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	PO, CSLUP, CPC, CSP, PPIO, SPIO, PIO, PStAP, VSP, SPP, PStrP, TLPPS,	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		CRMg, MIP, GMPME, MPCo	
	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	PO, CSLUP, CSP, PPIO, SPIO, PStaP, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
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	CSP, GMPME, MPCo	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, GMPME	GMPME has delegated power where the CEO has a conflict of interest.
s 178A(1)	Function of receiving application to amend or end an agreement	PO, CSLUP, CSP, PIO, PStaP, PAO,	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	CEO, GMPME	Requires agreement of the CEO unless the CEO has a conflict of interest. Prior to making a decision the CEO (or GMPME 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	GMPME	Requires agreement of the CEO unless the CEO has a conflict of interest.

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178A(5)	Power to propose to amend or end an agreement	GMPME	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, MIP, GMPME, MPCo	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	CSLUP, CSP, MIP, GMPME, MPCo	
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	PO, CSLUP, CPC, CSP, SPIO, PIO, PStaP, SPP, PStrP, TLPPS, CRMg, MIP, GMPME, MPCo	
s 178C(4)	Function of determining how to give notice under s 178C(2)	CSLUP, CPC, CSP, PStaP, SPP, PStrP,	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		TLPPS, CRMg, MIP, GMPME, MPCo	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	GMPME, MPCo	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	GMPME, MPCo	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	GMPME, MPCo	If no objections are made under s 178D  Must consider matters in s 178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	GMPME, MPCo	If no objections are made under s 178D  Must consider matters in s 178B

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	GMPME, MPCo	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	GMPME, MPCo	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	GMPME, MPCo	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	GMPME, MPCo	After considering objections, submissions and matters in s 178B Requires agreement of the CEO unless the CEO has a conflict of interest.

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	GMPME, MPCo	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	GMPME, MPCo	
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	GMPME, MPCo	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	CEO, GMPME	GMPME has delegated power 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	PO, CSLUP, CSP, PStaP, VSP, SPP,	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PStrP, TLPPS, MIP, GMPME, MPCo	
s 178(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	PO, CSLUP, CPC, CSP, PStaP, VSP, SPP, PStrP, TLPPS, CRMg, MIP, GMPME, MPCo	
s 179(2)	Duty to make copy of each agreement available in accordance with the public availability requirements	PO, CSLUP, CPC, CSP, SPIO, VSP, SPP, TLPPS, CRMg, MIP, GMPME, MPCo	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	PO, CSLUP, CSP, PStaP, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	PO, CSLUP, CSP, PStaP, VSP, SPP,	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PStrP, TLPPS, MIP, GMPME, MPCo	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	PO, CSLUP, CSP, PStaP, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 182	Power to enforce an agreement	PO, CSLUP, CSP, PIO, VSP, SPP, TLPPS, MIP, GMPME, MPCo	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	PO, CSLUP, CSP, PIO, VSP, SPP, TLPPS, MIP, GMPME, MPCo	
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	GMPME, MPCo	

Planning and Environment Act 1987			
Provision	Power 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	GMPME, MPCo	
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	PO, GMED, MPD, CSLUP, CSP, PIO, PStaP, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
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	PO, GMED, MPD, CSLUP, CSP, PIO, PStaP, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 184G(2)	Duty to comply with a direction of the Tribunal	PO, GMED, MPD, CSLUP, CSP, VSP,	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		SPP, TLPPS, MIP, GMPME, MPCo	
s 184G(3)	Duty to give notice as directed by the Tribunal	PO, GMED, MPD, CSLUP, CSP, VSP, SPP, TLPPS, MIP, GMPME, MPCo	
s 185B(1)	Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice	CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 198(1)	Function to receive application for planning certificate	PO, GMED, MPD, CSLUP, CSP, VSP, SPP, TLPPS, MIP, GMPME, MPCo	
s 199(1)	Duty to give planning certificate to applicant	PO, GMED, MPD, CSLUP, CSP, VSP,	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		SPP, TLPPS, MIP, GMPME, MPCo	
s 201(1)	Function of receiving application for declaration of underlying zoning	PO, GMED, MPD, CSLUP, CSP, VSP, SPP, TLPPS, MIP, GMPME, MPCo	
s 201(3)	Duty to make declaration	PO, GMED, MPD, CSLUP, CSP, PStaP, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment & Development, Manager Planning & Development or Coordinator Statutory Planning or 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	PO, GMED, MPD, CSLUP, CPC, CSP, PPIO, SPIO, PIO, PStaP, VSP, SPP, PStrP, TLPPS, CRMg, MIP, GMPME, MPCo	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,

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			Coordinator Statutory Planning, Coordinator Planning Compliance or 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	PO, GMED, MPD, CSLUP, CPC, CSP, SPIO, PIO, PStaP, VSP, SPP, PStrP, TLPPS, CRMg, MIP, GMPME, MPCo	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 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	PO, GMED, MPD, CSLUP, CPC, CSP, PStaP, VSP, SPP, PStrP, TLPPS, CRMg, MIP, GMPME, MPCo	<b>LIMITATIONS:</b> Delegated power to approve development plans is limited to the Manager Planning & Development, Coordinator Strategic Land Use Planning where there are no unresolved submissions objecting to the plan. Approval of minor amendments to development plans previously approved by Council resolution where there were submissions objecting to the plan and the new

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			<p>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.</p> <p>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>
	Power to give written authorisation in accordance with a provision of a planning scheme	PO, GMED, MPD, CSLUP, CPC, CSP, PStaP, VSP, SPP,	Delegation will be exercised after written support for the intended decision has been obtained from a more senior

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PStrP, TLPPS, CRMg, MIP, GMPME, MPCo	officer, being the General Manager Environment & Development, Manager Planning & Development, or Coordinator Statutory Planning, or Principal Statutory Planner.
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	GMED, MPD, CSLUP, CSP, SPP, TLPPS, MIP, GMPME, MPCo	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	GMED, MPD, CSLUP, CSP, SPP, TLPPS, MIP, GMPME, MPCo	

Residential Tenancies Act 1997			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	CEH, EHO, MBS, BS, BI	

Residential Tenancies Act 1997			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 522(1)	Power to give a compliance notice to a person	CEH, EHO, MBS, BS, BI	
s 525(2)	Power to authorise an officer to exercise powers in 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	CEH, EHO, MBS, BS, BI	
s 526A(3)	Function of receiving report of inspection	CEH, EHO	

<b>Residential Tenancies Act 1997</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CEH, EHO, MBS, BS, BI	

<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	GMPME, MAE	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	GMPME, MAE	
s 11(9)(b)	Duty to advise Registrar	GMPME, MAE	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	GMPME, MAE	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	GMPME, MAE	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	PropO, GMPME, MAE	Where Council is the coordinating road authority
s 12(4)	Duty to publish, and provide copy, notice of proposed discontinuance	PropO, GMPME, MAE	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	GMPME, MAE	Duty of coordinating road authority where it is the discontinuing body

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			Unless s 12(11) applies
s 12(6)	Function of hearing a person in support of their written submission	GMPME, MAE	Function of coordinating road authority where it is the discontinuing body  Unless s 12(11) applies
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	PropO, GMPME, MAE	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	PropO, GMPME, MAE	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

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	GMPME, MAE	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	GMPME, MAE	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	GMPME, MAE	
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	GMPME, MAE	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	MAE	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 15(2)	Duty to include details of arrangement in public roads register	MAE	
s 16(7)	Power to enter into an arrangement under s 15	MAE	
s 16(8)	Duty to enter details of determination in public roads register	MAE	
s 17(2)	Duty to register public road in public roads register	MAE	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	MAE	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	MAE	Where Council is the coordinating road authority

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 17(4)	Power to decide that a road is no longer reasonably required for general public use	MAE	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	MAE	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	MAE	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	MAE	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	MAE	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19(4)	Duty to specify details of discontinuance in public roads register	MAE	
s 19(5)	Duty to ensure public roads register is available for public inspection	MAE	
s 21	Function of replying to request for information or advice	MAE	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	MAE	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	GMPME	
s 22(5)	Duty to give effect to a direction under s 22	GMPME	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 40(1)	Duty to inspect, maintain and repair a public road.	CCO, MAE	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	CCO, MAE	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	CCO, MAE	
s 42(1)	Power to declare a public road as a controlled access road	MAE	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	MAE	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	GMPME, MAE	Where Council is the coordinating road authority

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			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, GMPME, MAE	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, GMPME, MAE	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	GMPME, MAE	
s 49	Power to develop and publish a road management plan	GMPME, MAE	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 51	Power to determine standards by incorporating the standards in a road management plan	GMPME, MAE	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	GMPME, MAE	
s 54(2)	Duty to give notice of proposal to make a road management plan	GMPME, MAE	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	GMPME, MAE	
s 54(6)	Power to amend road management plan	GMPME, MAE	
s 54(7)	Duty to incorporate the amendments into the road management plan	GMPME, MAE	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	GMPME, MAE	
s 63(1)	Power to consent to conduct of works on road	CCO, CDE, APO, IDO, DE, CEng, MAE	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, MAE	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	MAE	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	MAE	Where Council is the coordinating road authority

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	MAE	Where Council is the coordinating road authority
s 67(3)	Power to request information	MAE	Where Council is the coordinating road authority
s 68(2)	Power to request information	MAE	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	MAE	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 86	Duty to keep register re s 85 matters	MAE	
s 87(1)	Function of receiving complaints	MAE	
s 87(2)	Duty to investigate complaint and provide report	MAE	
s 96	Power to authorise a person for the purpose of instituting legal proceedings	GMPME	
s 112(2)	Power to recover damages in court	CCO, MAE	
s 116	Power to cause or carry out inspection	CCO, MAE	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 119(2)	Function of consulting with the Head, Transport for Victoria	GMPME, MAE	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	GMPME, MAE	
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, MAE	
s 121(1)	Power to enter into an agreement in respect of works	CDT, GMPME, MAE	
s 122(1)	Power to charge and recover fees	CDT, GMPME, MAE	
s 123(1)	Power to charge for any service	CDT, GMPME, MAE	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	MAE	
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, MAE	
sch 2 cl 5	Duty to publish notice of declaration	CDT, MAE	
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, MAE	Where Council is the infrastructure manager or works manager

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	CDT, MAE	Where Council is the infrastructure manager or works manager
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	CCO, MAE	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	MAE	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	MAE	Where Council is the infrastructure manager or works manager

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	CDE, APO, IDO, DE, CEng, MAE	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	CDE, APO, IDO, DE, CEng, MAE	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	CCO, CDE, APO, IDO, DE, CEng, MAE	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	MAE	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)	MAE	Where Council is the works manager

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 13(2)	Power to vary notice period	MAE	Where Council is the coordinating road authority
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	MAE	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	CDE, APO, IDO, DE, CEng, MAE	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	CDE, APO, IDO, DE, CEng, GMPME, MAE	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	CDE, APO, IDO, DE,	Where Council is the coordinating road authority

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		CEng, GMPME, MAE	
sch 7 cl 16(6)	Power to set reasonable conditions on consent	CDE, APO, IDO, DE, CEng, GMPME, MAE	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	CDE, APO, IDO, DE, CEng, GMPME, MAE	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	CDE, APO, IDO, DE, CEng, MAE	Where Council is the coordinating road authority
sch 7 cl18(1)	Power to enter into an agreement	CDE, APO, IDO, DE, CEng, MAE	Where Council is the coordinating road authority

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch7 cl 19(1)	Power to give notice requiring rectification of works	CDE, APO, IDO, DE, CEng, MAE	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	CDE, MAE	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, MAE	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	CDT, MAE	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, MAE	Where Council is the responsible road authority

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas	CDT, MAE	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, MAE	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	PO, CSLUP, CSP, VSP, SPP, TLPPS, MIP, GMPME, MPCo	where Council is not the planning authority and the amendment affects land within Council's municipal district; or  where the amendment will amend the planning scheme to designate Council as an acquiring authority.

Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	PO, CSLUP, CSP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, TLPPS, MIP, GMPME, MPCo	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	PO, CSLUP, CSP, VSP, SPP, TLPPS, MIP, GMPME, MPCo	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	PO, CSLUP, CSP, VSP, SPP, TLPPS, MIP, GMPME, MPCo	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	PO, CSLUP, CSP, VSP, SPP, TLPPS, MIP, GMPME, MPCo	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.

<b>Planning and Environment (Fees) Regulations 2016</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CSLUP, MIP, GMPME	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CSP, GMPME, MPCo	
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, MIP, GMPME, MPCo	

<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 7	Function of entering into a written agreement with a caravan park owner	CEH, EHO, MBS, BS, BI	
r 10	Function of receiving application for registration	CEH, EHO	

<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 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	
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, EHO	
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	

<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 14(3)	Power to determine where notice of transfer is displayed	CEH, EHO	
r 15(1)	Duty to transfer registration to new caravan park owner	CEH, EHO	
r 15(2)	Duty to issue a certificate of transfer of registration	CEH, EHO	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	CEH	
r 17	Duty to keep register of caravan parks	CEH	
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	

<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 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	CEH, EHO, MBS, BS	

<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	CEH, EHO, MBS, BS	
r 41(4)	Function of receiving installation certificate	CEH, EHO, MBS, BS	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	MBS, BS	
sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	MBS, BS	

<b>Road Management (General) Regulations 2016</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 8(1)	Duty to conduct reviews of road management plan	MAE	

Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 9(2)	Duty to produce written report of review of road management plan and make report available	MAE	
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)	MAE	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	MAE	
r 13(1)	Duty to publish notice of amendments to road management plan	MAE	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	MAE	

<b>Road Management (General) Regulations 2016</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 16(3)	Power to issue permit	MAE	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	CDT, MAE	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	MAE	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	MAE	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, MAE	Where Council is the responsible road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	MAE	Where Council is the responsible road authority

<b>Road Management (General) Regulations 2016</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	MAE	

<b>Road Management (Works and Infrastructure) Regulations 2015</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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	MAE	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	MAE	Where Council is the coordinating road authority

## RELIANSYS® DELEGATIONS - EXPORT OF UPDATES BY REGISTER - COMPLETE

### S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF

Note - Exported provisions are separated by category into NEW and then CHANGED and then DELETED.

### ROLES AND ACRONYMS

GMSE	General Manager Strategy and Effectiveness
GMPME	General Manager Place Making and Environment
IDO	Infrastructure Development Officer
MAE	Manager Assets and Engineering
MCSa	Manager Community Safety
MF	Manager Finance
MIP	Manager Integrated Planning
MPCo	Manager Planning and Compliance
MBS	Municipal Building Surveyor
ND	Not Delegated
PPO	Para Planning Officer
PIO	Planning & Investigations Officer
PAO	Planning Administration Officer
PCSASO	Planning Customer Service and Administration Support Officer
PO	Planning Officer
PPIO	Principal Investigations Officer
PStaP	Principal Statutory Planner
PStrP	Principal Strategic Planner
PSO	Project Support Officer
PropO	Property Officer
SPIO	Senior Planning & Development Investigations Officer
SP	Statutory Planner
SPP	Senior Statutory Planner
SAM	Strategic Asset Manager
TLPPS	Team Leader Para Planning and Subdivisions
TLRS	Team Leader Ranger Services
VSP	VicSmart Planner

## NEW Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
628617	Cemeteries and Crematoria Act 2003	s 84I(4)	Power to exercise the rights of a holder of a right of internment		_____
628618	Planning and Environment Act 1987	s 22(2)	Power to consider a late submission Duty to consider a late submission, if directed by the Minister		_____
628619	Planning and Environment Act 1987	s 46V(4)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with s 197B of the Act and on payment of the prescribe fee, after the inspection period		_____
628620	Planning and Environment Act 1987	s 46V(5)	Duty to keep a copy of the approved strategy plan incorporating all amendments to it		_____
628621	Planning and Environment Act 1987	s 46V(6)	Duty to make a copy of the approved strategy plan incorporating all amendments to it available in accordance with the public available requirements		_____
628622	Planning and Environment Act 1987	s 185B(1)	Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice		_____

## CHANGED Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
594764	Cemeteries and Crematoria Act 2003	s 74(3)	Duty to offer a perpetual right of interment	ND	Provision commences on 1 March 2022 unless proclaimed earlier
253949	Cemeteries and Crematoria Act 2003	s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment( <del>sole holder</del> )	ND	Reference to 'sole holder' will no longer apply from 1 March 2022
594770	Cemeteries and Crematoria Act 2003	s 110(1A)	Power to maintain, repair or restore the place of interment if unable to find any of the other holders after diligent inquiries and with the consent of the Secretary	ND	Provision commences on 1 March 2022
254050	Planning and Environment Act 1987	s 41(2)	Duty to <del>keep</del> make and copy of the Victorian Planning Provisions and other documents available <u>in accordance with public availability requirements</u>	PO, GMED, MPD, CSLUP, CSP, PStP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, SPP, PropO, SP, PStrP, TLPPS, SP, MIP,	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				GMPME, MPCo	
254065	Planning and Environment Act 1987	s 18	Duty to make amendment etc. available <a href="#">in accordance with public availability requirements</a>	PO, GMED, MPD, CSLUP, PAO, AOPD, PCSASO, AOPlan, PPO, SPP, SP,PStrP, TLPPS, SP, MIP, GMPME, MPCo	<a href="#">Until the proposed amendment is approved or lapsed</a>
254069	Planning and Environment Act 1987	s 21(2)	Duty to make submissions available <a href="#">in accordance with public availability requirements</a>	PO,MPD, CSLUP, CSP, PStaP, PSO, SPP, SP,PStrP, TLPPS, SP, MIP, GMPME, MPCo	<a href="#">Until the end of 2 months after the amendment comes into operation or lapses</a>
254071	Planning and Environment Act 1987	s 22(1)	Duty to consider all submissions <a href="#">received before the date specified in the notice</a>	PO,MPD, CSLUP, CSP, PStaP, VSP, SPP, SP,PStrP, TLPPS, MIP, GMPME, MPCo	Except submissions which request a change to the items in s 22(5)(a) and (b)  <a href="#">Except those referred to a Hearing of Submissions Committee.</a>

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
254076	Planning and Environment Act 1987	s 26(2)	Duty to keep report of panel available <del>for</del> <u>in inspection accordance with public availability requirements</u>	PO, <del>MPD</del> , CSLUP, CSP, PStaP, PSO, VSP, SPP, <del>SP</del> , PStrP, TLPPS, <del>SP</del> , MIP, GMPME, MPCo	<u>During the inspection period</u> _____
254104	Planning and Environment Act 1987	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 <u>in accordance with the public availability requirements, during the inspection period</u>	ND	_____
254203	Planning and Environment Act 1987	s 96J	<del>Power</del> <u>Duty</u> to issue permit as directed by the Minister	PO, <del>GMED</del> , <del>MPD</del> , CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	_____

## 4.17 Instrument of Appointment and Authorisation - Planning and Environment Act 1987

### Council Plan

### Theme Seven - Accountable And Viable Council

Strategy 19 - Improve Council's credibility as a trusted decision maker through meaningful engagement.

### Author's Title:

Governance Officer

### General Manager:

Damian Waight, Acting General Manager Strategy and Effectiveness

### Division:

Strategy and Effectiveness

### Department:

Governance

### Attachments:

1. Attachment 1 - 30 - S 11 A Authorisation - ( Planning and Environment Act 1987) [4.17.1 - 1 page]
2. 30 S11A Authorisation Planning and Environment Act 1987 Marked Changes [4.17.2 - 2 pages]

### Purpose

1. The purpose of this report is to seek Council's endorsement for authorised officers under the *Planning & Environment Act 1987* through the updated Instrument of Authorisation and Appointment ('the instrument'). This report results from recent staff appointments.

### Recommendation

That Council:

1. Authorises the instrument of authorisation as (**Attachment 1**), appointing the Council officers listed on the instrument of authorisation as authorised officers under the *Planning and Environment Act 1987*.
2. Authorises the Chief Executive Officer to execute the instrument by affixing the common seal in accordance with Local Law No. 2 of 2020 Common Seal and Miscellaneous Penalties.
3. Notes that the instrument comes into force immediately upon execution and remains in force until Council determines to vary or revoke it.
4. Authorises that the previous instrument, dated 9 September 2022 is revoked.

### Council Resolution

#### Moved Cr Barker, Seconded Cr Stapleton

That Council:

1. Authorises the instrument of authorisation as (**Attachment 1**), appointing the Council officers listed on the instrument of authorisation as authorised officers under the *Planning and Environment Act 1987*.
2. Authorises the Chief Executive Officer to execute the instrument by affixing the common seal in accordance with Local Law No. 2 of 2020 Common Seal and Miscellaneous Penalties.
3. Notes that the instrument comes into force immediately upon execution and remains in force until Council determines to vary or revoke it.
4. Authorises that the previous instrument, dated 9 September 2022 is revoked.

CARRIED 9|0

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

### **Outcome**

2. By authorising the relevant officers to perform their duties under the Planning and Environment Act 1987, Council will ensure these officers have the required authority to carry out their roles within legislated requirements and services continued to be delivered to the community.

### **Key Considerations**

3. Officers authorised to act under the *Planning and Environment Act 1987* have authorisation for regulatory and enforcement work if required, as appropriate to their level of experience and qualifications.
4. The specific authorisations provided through this instrument include:
  - 4.1 under section 147(4) of the Planning and Environment Act 1987 – appointment as an authorised officer for the purposes of the Planning and Environment Act 1987 and the regulations made under that Act; and
  - 4.2 under section 313 of the *Local Government Act 2020* authorisation generally to institute proceedings for offences against the Act and/or any regulations
5. The attached instrument has been reviewed and updated to reflect recent staff changes.

### **Background**

6. Officers are appointed as authorised officers to exercise statutory powers under various Acts and regulations. Appointments of authorised officers are to individual staff members.
7. The appointment of authorised officers under the Planning and Environment Act 1987 cannot be delegated and must be made through resolution of Council.

### **Options**

8. **Alternative Option 1** – Not endorse the updated instrument of authorisation  
This option is not recommended by officers as it will limit the authorisations and authority of officers and they will not be able to provide services to the community.

## **Council Plan (including Health and Wellbeing Plan) Statement**

### **Theme Seven - Accountable and Viable Council**

Strategy 19 - Improve Council's credibility as a trusted decision maker through meaningful engagement.

### **Financial Considerations**

9. There are no finance implications arising from this report.

### **Community Engagement**

10. Community engagement is not required to be undertaken when updating the Instrument of Appointment and Authorisation - *Planning and Environment Act 1987*.

### **Statutory / Legal / Policy Considerations**

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

### **Risk Assessment**

12. If officers are not appropriately authorised, they will not have the legal authority to perform key aspects of their role which would result in a lack of enforcement and services across the Shire. If officers act without the correct authority, actions can also be challenged and invalidated on that basis.

13. Authorising this instrument helps protect the workplace health and safety conditions for staff undertaking the roles noted in the instrument.

### **Sustainability Considerations**

14. There are no sustainability considerations associated with this report.

### **Conflict of Interest**

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

### **Confidentiality**

16. This report and attachments contains no confidential information under section 66(2) of the *Local Government Act 2020*.

### **Transparency**

#### **Audit and Risk Committee involvement**

This report is not in scope of the Audit and Risk Committee.

#### **Councillor Briefings**

This item was not required to be discussed at Councillor Briefings.



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

In this instrument "officer" means –

Adam Lee	Luke Shanhun
Andrew Hewitt	Melinda (Mindy) Vardy
Anthony (Tony) Rolfs	Michelle Warren
Barbara Noelker	Narelle Tozer
Ben Hynes	Nick Helliwell
Ben Schmied	Paul Lees
Benjamin Lowe Jabornik	Paul Sarapuu
Bianca Wilkin	Rhonda Gambetta
Carol Mitchell	Rhiannan Glenister
Chris Pike	Robert Page
David Priddle	Robert Pitcher
Donna Groves	Rochelle Humphrey
Emma Monteath	Samantha Natt
Guy Price	Sandra Tomic
Mathew Mertuszka	Sarah Farrer
Jason Scammell	Shaan Briggs
Jayde Whitten	Shaun Barling
Jennifer Davidson	Tim Waller
John Bauer	Tracey McCooke
Karen Campbell	Trevor Doueal
Karen Hose	Wayne Sandars
Kate Sullivan	William (Bill) Cathcart
Kristy Prothman	Zac Van Grondelle
Leah Protyniak	Zack Johnston

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

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officers to be authorised officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s 313 of the *Local Government Act 2020* authorises the officers either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

**It is declared that** this instrument -

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

This instrument is authorised by a resolution of the Surf Coast Shire Council pursuant to the Council resolution dated 28 June 2022.

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

.....  
*Chief Executive Officer*

.....  
*Mayor/Deputy Mayor*

.....  
*Date*

.....  
*Date*



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

In this instrument "officer" means –

Adam Lee	Luke Shanhun
Andrew Hewitt	Melinda (Mindy) Vardy
Anthony (Tony) Rolfs	Michelle Warren
Barbara Noelker	<a href="#">Narelle Tozer</a>
Ben Hynes	Nick Helliwell
Ben Schmied	Paul Lees
Benjamin Lowe Jabornik	<a href="#">Paul Sarapu</a>
Bianca Wilkin	Rhonda Gambetta
Carol Mitchell	Rhiannan Glenister
Chris Pike	Robert Page
<a href="#">Claire Cowan</a>	Robert Pitcher
<a href="#">Daniel Gorell</a>	Rochelle Humphrey
<a href="#">David Priddle</a>	Samantha Natt
Donna Groves	Sandra Tomic
Emma Monteath	Sarah Farrer
Guy Price	Shaan Briggs
Mathew Mertuszka	Shaun Barling
<a href="#">Jason Scammell</a>	Tim Waller
Jayde Whitten	<a href="#">Tracey McCooke</a>
Jennifer Davidson	<a href="#">Tracey Simmons</a>
John Bauer	Trevor Doueal
Karen Campbell	Wayne Sandars
Karen Hose	William (Bill) Cathcart
Kate Sullivan	Zac Van Grondelle
Kristy Prothman	<a href="#">Zack Johnston</a>
Leah Protyniak	

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

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officers to be authorised officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s 313 of the *Local Government Act 2020* authorises the officers either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

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- (a) comes into force immediately upon its execution;
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*The COMMON SEAL of SURF COAST  
SHIRE COUNCIL was affixed in the  
presence of:* )  
)  
)

.....  
*Chief Executive Officer*

.....  
*Mayor/Deputy Mayor*

.....  
*Date*

.....  
*Date*

## 4.18 Conflict of Interest Records

### Council Plan

### Theme Seven - Accountable and Viable Council

Strategy 19 - Improve Council's credibility as a trusted decision maker through meaningful engagement.

### Author's Title:

Governance Officer

### General Manager:

Damian Waight, Acting General Manager Strategy and Effectiveness

### Division:

Strategy and Effectiveness

### Department:

Governance

### Attachments:

1. Conflict of Interest Record - Meetings conducted under the auspices of Council - Councillor Briefing [4.18.1 - 1 page]
2. Conflict of Interest Record - Meetings conducted under the auspices of Council - Councillor Briefing [4.18.2 - 2 pages]

### Purpose

1. To present conflict of interest records received since the previous Council meeting.
2. Conflict of interest records are required in accordance with the *Local Government Act 2020* (the Act), and inform Council and the community of any conflicts of interest which have been declared by Councillors at meetings held under the auspices of Council which are not Council meetings.

### Recommendation

That Council notes the conflict of interest records as presented as Attachments 1 and 2 for the following meetings:

1. Conflict of Interest Record - Meetings conducted under the auspices of Council - Councillor Briefings #4 Agenda Review - 22 November 2022.
2. Conflict of Interest Record - Meetings conducted under the auspices of Council - Councillor Briefings #5 Agenda - 29 November 2022.

### Council Resolution

#### **Moved Cr Hodge, Seconded Cr Schonfelder**

That Council notes the conflict of interest records as presented as Attachments 1 and 2 for the following meetings:

1. Conflict of Interest Record - Meetings conducted under the auspices of Council - Councillor Briefings #4 Agenda Review - 22 November 2022.
2. Conflict of Interest Record - Meetings conducted under the auspices of Council - Councillor Briefings #5 Agenda - 29 November 2022.

CARRIED 9|0

4.18 Conflict of Interest Records

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

**Outcome**

3. This report promotes public transparency of any conflicts of interest declared by Councillors during meetings conducted under the auspices of Council.

**Key Considerations**

4. 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.
5. 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.
6. Meetings held under the auspices of Council include (but are not limited to) Councillor briefings or forums, advisory committee meetings, public consultations and site meetings.
7. Publication of these records is an important part of the overall management of conflicts of interest. By making these records publicly available, the community is made aware that interests are recorded and managed effectively. This helps Councillors perform their roles in a way that meets the requirements of legislation and is consistent with community expectation.

**Background**

8. Conflict of interest records are required to be presented to Council in accordance with the *Local Government Act 2020* and Council’s Governance Rules. These records replace the requirement under the *Local Government Act 1989* to present an Assembly of Councillors to Council.

### **Options**

9. Alternative Option 1 - That Council does not note the conflict of interest records. This option is not recommended as it would mean Council is not compliant with legislation.

### **Council Plan (including Health and Wellbeing Plan) Statement**

#### **Theme Seven - Accountable and Viable Council**

Strategy 19 - Improve Council's credibility as a trusted decision maker through meaningful engagement.

10. In undertaking their roles, Councillors will often attend a variety of meetings and other forums associated with the performance of their duties. In the interest of transparency and good conduct, it is essential that the public is made aware of these meetings through records presented in the Council meeting agenda.

### **Financial Considerations**

11. There are no financial considerations associated with this report.

### **Community Engagement**

12. Community engagement is not required when presenting this report.
13. Providing these records to the community ensures the community have the opportunity understand if there are any Councillor conflicts.

### **Statutory / Legal / Policy Considerations**

14. The publication of these records is required in accordance with section 131 of the *Local Government Act 2020*.

### **Risk Assessment**

15. This report helps mitigate the risk of non-compliance with the legislation and the risk that Council is seen to be not open and transparent.

### **Sustainability Considerations**

16. There are no sustainability considerations associated with this report.

### **Conflict of Interest**

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

### **Confidentiality**

18. This report and attachments contain no confidential information under section 66(2) of the *Local Government Act 2020*.

**Transparency**

**Audit and Risk Committee involvement**

This report has not been presented to the Audit and Risk Committee.

**Councillor Briefings**

This item was not required to be discussed at Councillor Briefings.

File No F18/225-4  
Trim Reference Record Number



## 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> Councillor Briefings #4 Agenda Review 22 November 2022
<b>Responsible Officer:</b> Chief Executive Officer
<b>Date:</b> 22 November 2022
<b>In Attendance:</b> Yes (✓) No (X)

Councillors		Officers	
Cr. Liz Pattison, Mayor	✓	Chief Executive Officer - Robyn Seymour	✓
Cr. Mike Bodsworth, Deputy Mayor	✓	General Manager Place Making & Environment - Chris Pike	✓
Cr. Gary Allen	✓	Acting General Manager Strategy & Effectiveness – Damian Waight	✓
Cr. Paul Barker	x	General Manager Community Life - Gail Gatt	✓
Cr. Kate Gazzard	✓	Acting Manager Governance - Jake Brown	✓
Cr. Rose Hodge	✓	Acting Coordinator Governance - Sharon Busuttill	✓
Cr. Adrian Schonfelder	✓	Manager Economic Development - Matt Taylor	✓
Cr. Libby Stapleton	✓	Strategic Land Use Planning Co-ordinator - Karen Hose	✓
Cr. Heather Wellington	x	Manager Planning and Compliance - Kate Sullivan	✓
		Manager Integrated Planning - Shaan Biggs	✓

<b>MEETING COMMENCED</b>	10.00am	<b>MEETING ADJOURNED</b>	10.45am
<b>MEETING RESUMED</b>	10.55am	<b>MEETING CONCLUDED</b>	11.55am

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<b>Matters considered at the meeting</b>		
Presentation - CORA Update: Briefing prior to external presentation		
Agenda Review		
Councillor Topics		
<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: Robyn Seymour</b>
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).

File No F18/225-4  
Trim Reference Record Number



## 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> Councillor Briefings #5 Agenda Review 29 November 2022
<b>Responsible Officer:</b> Chief Executive Officer
<b>Date:</b> 29 November 2022
<b>In Attendance:</b> Yes (✓) No (X)

Councillors		Officers	
Cr. Liz Pattison, Mayor	✓	Chief Executive Officer - Robyn Seymour	✓
Cr. Mike Bodsworth, Deputy Mayor	X	General Manager Place Making & Environment - Chris Pike	✓
Cr. Gary Allen	✓	Acting General Manager Strategy & Effectiveness – Damian Waight	✓
Cr. Paul Barker	X	General Manager Community Life - Gail Gatt	✓
Cr. Kate Gazzard	✓	Acting Manager Governance - Jake Brown	✓
Cr. Rose Hodge	✓	Acting Coordinator Governance - Sharon Busuttill	✓
Cr. Adrian Schonfelder	✓	Manager Economic Development - Matt Taylor	✓
Cr. Libby Stapleton	✓	Strategic Land Use Planning Coordinator - Karen Hose	✓
Cr. Heather Wellington	X	Manager Planning and Compliance - Kate Sullivan	✓
		Manager Integrated Planning - Shaan Biggs	✓
		Strategic Land Use Planning Coordinator - Karen Hose	✓
		Principal Strategic Planner - Michelle Warren	✓
		Manager Community Strengthening - Katie Reaper	✓
		Coordinator Aged, Youth and Access - Abby Ellery	✓
		Coordinator Child and Family Health - Amy Clemens	✓
		Coordinator Early Years - Melissa Iannazzo	✓
		Health and Wellbeing Advisor - Monika Stevanja	✓
		Coordinator Communications and Community Engagement - Darren Chiller	✓
		Coordinator Community Health & Development - Shannon Fielder	✓
		Team Leader Youth Development - Jack Pearson	✓
		Strategic Initiatives Coordinator – Alicia Hooper	✓

<b>MEETING COMMENCED</b>	10.03am	<b>MEETING ADJOURNED</b>	11.29am
<b>MEETING RESUMED</b>	11.39am	<b>MEETING CONCLUDED</b>	12.34pm
<b>MEETING RESUMED</b>	1.07pm	<b>MEETING CONCLUDED</b>	2.54pm

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Matters considered at the meeting
Presentation (external) - CORA Update – Daryl Pelchen Co-founder and Director CORA
Officer Debrief - CORA Update
Early Years and MCH - Service Review - Confidential
Municipal Public Health and Wellbeing Plan Update 2 of 2
Youth Strategy Update
Proposed Road Discontinuance and Sale - Cypress Lane Torquay
Aireys Inlet Affordable Housing Project - Community engagement findings and EOI objectives
State Election Update
Weather Impacts (Stormwater update)
Councillor Topics

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: Robyn Seymour</b>
To be completed on conclusion of session and provided to Governance Officer.		

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

## **5 Urgent Business**

Nil.

## **6 Closed Section**

Nil.

## **7 Close of Meeting**

The meeting closed at 8.29pm.